



Minutes

Council Meeting held at 12.30 PM on Monday 8 November 2021, online via Microsoft Teams.

Present

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

Ms Liana Thompson, Chief Executive Officer
Mr Vaughan Williams, Director Corporate and Community Services
Mr Trenton Fithall, Director Infrastructure and Amenity

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.

Confirmed at the meeting of Council on Monday 6 December 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 Lifestyle and Community | 6 |
| 9.1.1. Stawell and St Arnaud Recreation Advisory Groups Terms of Reference | 6 |
| 9.1.2. Quarterly Council Action Plan 2021-22 Report | 21 |
| 9.2. Boost Economic Growth | 30 |
| 9.2.1. Grants Funding Policy..... | 30 |
| 9.2.2. Wimmera Development Association - Memorandum of Understanding..... | 38 |
| 9.3. Providing Sustainable Infrastructure..... | 77 |
| 9.3.1. Domestic Animal Management Plan | 77 |
| 9.4. Improve Organisational Effectiveness..... | 113 |
| 9.4.1. Formal Road Naming - Gambetta Road..... | 113 |
| 9.4.2. Complaints Policy | 116 |
| 10. Notices of Motion or Rescission..... | 134 |
| 11. Reports from Councillors/Committees..... | 134 |
| 12. Urgent Business | 134 |
| 13. Public Question Time..... | 134 |
| 14. Closure of Meeting Pursuant to Section 66(2)(a) of the Local Government Act 2020..... | 136 |
| 14.1. CEO Performance and Remuneration | 136 |
| 15. Close | 137 |

1. Apologies

Nil

2. Confirmation of Minutes

Council Meeting held on Monday, 4 October 2021

Unscheduled Council Meeting on Monday, 25 October 2021

RESOLUTION

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

Moved: Cr Rob Haswell

Seconded: Cr Lauren Dempsey

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.

Cr Kevin Erwin declared a general interest in Item 9.2.2 due to his being Chair of the Wimmera Development Association.

The Chief Executive Officer, Mrs Liana Thompson, declared a material interest in Item 14.1 as the report is about her performance and remuneration.

**Northern Grampians Shire Council
20211108 Council Meeting**

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 | | |
|------------|--|---|----------------------------------|--------------------|----------------------|
| 25/10/2021 | Organisational Effectiveness Briefing | 7.1 Rating Strategy Detail Discussion 7.2 St Arnaud Flood Study 7.3 Stawell and St Arnaud Recreation Advisory Groups Terms of Reference 7.4 Waste Action Plan - Glass 7.5 Complaints Policy 7.6 Mayoral Election Agenda 8.1 Council Agenda Review | Councillor/Officer | Item Number | Left Meeting? |
| | | | Nil | Nil | Nil |
| 18/10/2021 | Sustainable Infrastructure Briefing | 8.1 Domestic Animal Management Plan 8.2 Municipal Public Health and Wellbeing Plan 2021-25 8.3 North East Pyrenees Pipeline Project 8.4 Financial Plan 2021-31 8.5 Kerb and Footpath Asset Management | Councillor/Officer | Item Number | Left Meeting? |
| | | | Nil | Nil | Nil |
| 11/10/2021 | Economic Growth Briefing | 8.1 Revenue and Rating Plan Discussion 8.2 Asset Plan - Roads and Bridges 8.3 Wimmera Development Association - Memorandum of Understanding 8.4 Green Waste Trial Outcomes 8.5 North Park Update | Councillor/Officer | Item Number | Left Meeting? |
| | | | Nil | Nil | Nil |
| 04/10/2021 | Lifestyles and Community Briefing | 7.1. 10am Presentation - nbn Local 7.2. Victorian Farmers Federation 7.3. St Arnaud Tennis Club Options 7.4. Keys to the City and Freedom of Entry Policy | Councillor/Officer | Item Number | Left Meeting? |
| | | | Nil | Nil | Nil |
| 27/09/2021 | Organisational Effectiveness Briefing | 8.1 Revenue and Rating Plan Detail Discussion 8.2 Rates Debtors and Financial Hardship 8.3 Financial Plan 8.4 St Arnaud Streetscape 8.5 Appointment of Walkers Lake Advisory Group 8.6 Audio-Visual Recording Policy 9.1 C9 2018/19 - Provision of Banking and Bill Payment Services 9.2 C3 2021/22 - Plant Replacement Program 9.3 C5 2021/22 - Great Western Oval Sports Lighting CEO Update | Councillor/Officer | Item Number | Left Meeting? |
| | | | Nil | Nil | Nil |
| 15/09/2021 | Advisory Committee St Arnaud Recreation Advisory Group Meeting | 1.1 Multipurpose Facility Design 1.2 Football and Hockey Lighting 1.3 User Fees 1.4 Fundraising | 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 Rob Haswell

Carried

8. Items Brought Forward

Nil

9. Consideration of Reports of Officers

9.1. Enhance Lifestyle and Community

9.1.1. Stawell and St Arnaud Recreation Advisory Groups Terms of Reference

Author/Position: Tony Dark, Senior Placemaker

Purpose

The purpose of this report is to inform Council of recommended changes to the Terms of reference for the Stawell and St Arnaud Recreation Advisory Groups.

Summary

Council's Recreation Advisory Groups in Stawell and St Arnaud, in their current form, have been in place since 2017 to provide Council with advice and recommendations on the implementation of relevant master/precinct plans and recreation strategic plans.

These objectives will continue and will be supported by the need to implement change that encompasses the activation of spaces and participation outcomes that align with the construction of new infrastructure, funding agreements and community needs.

The intent is to work with the community to address the need to increase the focus on participation and activation of spaces post COVID-19, to ensure the sporting clubs develop strategies that build their capacity to thrive into the future.

Recommendation

That Council approves the reviewed Terms of Reference.

RESOLUTION

That Council approves the reviewed Terms of Reference.

Moved: Cr Lauren Dempsey

Seconded: Cr Tony Driscoll

Carried

Background/Rationale

Council's Recreation Advisory Groups in Stawell and St Arnaud, in their current form, have been in place since 2017 to provide Council with advice and recommendations on the implementation of relevant master/precinct plans and recreation strategic plans. Membership consists of user group and community representatives

On 6 July 2020, Council endorsed the Activate 2020–30 Strategy. The strategy is a 10-year regional strategic plan enabling a coordinated and collaborative approach aimed at increasing participation in sport and active recreation for livability, health and wellbeing of the Central Highlands and Grampians Pyrenees regions.

Key strategic areas of Activate 2020-30 include:

1. Working Together
1. Activating Places and Spaces
2. Creating quality spaces and places
3. Community cohesion through sport and active recreation

The strategy will guide work delivered by Council in consultation with the advisory groups.

As community sport and recreation clubs navigate their way out of the Covid 19 environment, the Recreation Advisory Groups will be an integral part of reconnection and activation opportunities.

Open Space, Sport and Recreation Strategy – Shire Wide Strategy

The Open Space, Sport and Recreation Strategy identifies priority projects for Council to support for the period 2013 to 2022 and to respond to changing community needs and to increase participation in sport and recreation activities for all members of the community.

The strategy identifies four key areas of focus for future recreation provision within the shire being:

- Increased participation for all
- A diverse range of recreational choices
- Great places for people to recreate
- To inspire people to recreate

The following project objectives were established to guide the strategy's outcomes:

1. To provide a strategic framework for the management and development of recreation provision in the shire for the next 10 years.
2. To identify and prioritise future sport and recreation development proposals and provide estimates of short, medium and long term funding requirements to undertake these projects including an implementation strategy for council to effectively and efficiently support recreation development in the shire.
3. To provide council with a document to assist goals to increase participation in a broad range of recreational activities for the improved health and wellbeing of our community and visitors through identifying major gaps, challenges and synergies, responding to these and the development of an appropriate implementation strategy.
4. To provide council with a planning document that can assist it to support community sport and recreation to source funding.
5. To review existing Management/Development plans of council's Section 86 Committees of Management of sport and recreation facilities, determining the levels of completion and the relevance of recommendations in the context of current sport and recreation trends in the Northern Grampians Shire Council community.
6. To identify skills shortages of the volunteer base of sporting organisations and resourcing requirements for ongoing management in the longer term.
7. Provide a set of aspirational targets to measure the success of the strategy.

A key component of the strategy is Sports Facility Hierarchy. There are specific definitions for the three-level sport facility hierarchy to guide council in the future development and provision of sports facilities. Within the sports hierarchy definitions, Central Park, North Park and Lord Nelson Park are either regional or

municipal facilities that cater for a wider catchment of participation events requiring a higher standard of facilities.

The third level classification, Local, is the most appropriate level for our smaller communities such as Navarre and Great Western recreation reserves (where council is the committee of management) as well as Marnoo recreation reserve where their committee reports directly to the crown (DELWP).

To ensure our smaller communities receive equitable support, recognition, and investment, council has worked with the community committees in creating master/precinct plans in both Navarre and Great Western to support recreation opportunities. In Marnoo, this work will be guided by the Marnoo Community Plan. This planning, through an alternative to recreation committees in the larger communities, informs council of the specific recreation needs of the individual townships and subsequently feeds into council's annual budget, actions, and advocacy outcomes.

The Open Space, Sport and Recreation Strategy is an important strategic document that informs the shire wide needs, aspirations and recommendations for recreation opportunities. This strategy is due to be reviewed in 2022 and this review will inform the creation of a new 10-year plan.

Legislation, Council Plan, Strategy and Policy Implications

Council Plan 2021-25

Stawell Parks Precinct Plan

Northern Grampians Shire Council Open Space Sport and Recreation Strategy 2013-22

Municipal Public Health and Wellbeing Plan 2021-25

Lord Nelson Park Precinct Plan 2015-24

North Park Multipurpose Precinct Development Plan 2011

Options

Option 1

That Council adopts the reviewed Terms of Reference. **[recommended]**

Option 2

That Council does not adopt the reviewed Terms of Reference. **[not recommended]**

Implications

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

Procurement

Not applicable

Community Engagement

The Recreation Advisory Groups will be informed and involved in the process of delivering on the objectives of the scope and deliverables to ensure all aspects of the terms of reference can be achieved.

Officer's Declaration of Interest

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

Tony Dark, Senior Placemaker

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

Attachments

1. Stawell Recreation Advisory Group - Terms of Reference **[9.1.1.1 - 6 pages]**
2. St Arnaud Recreation Advisory Group - Terms of Reference **[9.1.1.2 - 6 pages]**

Terms of Reference



Stawell Recreation Advisory Group

| | |
|------------------------------|---|
| Responsible director: | CEO |
| Responsible officers: | Senior Placemaker Manager Active Communities |
| Adopted by Council: | 2 December 2019 |
| Review date: | 31 October 2021 |
| Expiry date: | 31 October 2025 |

Objective

- To engage with the community and other stakeholder on the implementations of the requirements for recreation in Stawell.
- To focus on Central Park and North Park and the relative precinct plan outcomes and recommendations for each of the reserves.
- To work with the community to address the need to increase the focus on participation and activation of spaces post COVID-19, to ensure the sporting clubs develop strategies that build their capacity to thrive into the future.

Background

Council appointed the Stawell Recreation Advisory Group (the Group) in 2017 to provide Council with advice and recommendations on the implementation of relevant master plans and recreation strategic plans giving consideration of other relevant Council Plans as required for active recreation reserves, namely Central Park and North Park in Stawell. The Group consists of representatives of the community and organisations relevant to a recreational focus.

On 6 July 2020 Council endorsed the Activate 2020–2030 Strategy. The Strategy is a 10-year regional strategic plan enabling a coordinated and collaborative approach aimed at increasing participation in sport and active recreation for livability, health and wellbeing of the Central Highlands and Grampians Pyrenees region.

Key strategic areas of the Activate 2020-2030 Strategy include:

1. Working Together
1. Activating Places and Spaces
2. Creating quality spaces and places
3. Community cohesion through sport and active recreation

The Strategy will guide work delivered by Council in consultation with the advisory group.

Purpose of the advisory group

- To represent the community and sporting groups in delivering their aspirations for a healthy environment through infrastructure and participation in activities that support the growth of an active community.
- To provide Council with advice and recommendations:
 - On the implementation of the Stawell Parks Precinct Plan, North Park Masterplan and sport and recreation strategies with consideration of other relevant Council plans as required.
 - That aligned with Council's long-term policy for facility usage and development and achieving strategic outcomes from the Activate 2020-2030 Strategy.
- To investigate and to co-opt expertise as needed.
- To review the Stawell Parks Precinct Plan and North Park Masterplan and work towards the delivery of the recommendations and strategies to achieve the best outcomes for the community by:
 - Undertaking a review of recent and past consultation, engagement and planning activities and documentation to form an understanding of current issues, gaps and opportunities relevant to the community, and in particular the users of Central Park and North Park.
 - Developing documentation and evidence to support the consultation that has already taken place to enable Central Park and North Park to be developed to reach their full potential for the current and future needs of the community.
 - Delivering the required documentation to support infrastructure investment to transform existing aged infrastructure into integrated and well-coordinated community precincts ensuring that Central Park and North Park community infrastructure:
 - Is suitably and strategically located
 - Meets existing and future community needs including increased access to participation and programming opportunities, innovative design, function, universal design, environmental sustainability, future-proofing and relationship to nearby facilities
 - Provides a plan for delivery in a well-coordinated and sequenced manner
 - Provides the best value for money and community outcomes for potential funding partners
 - Addresses the interface and connection between land use
 - Leverages required funding from appropriate public and private sources
 - Collaborate with council on achieving strategic outcomes from the Activate 2020-2030 plan.

Membership

The Group will be comprised of the following members:

- One Councilor
- Up to nine community members as delegated representatives (or proxies) from Central Park and North Park user groups or general community
- One Council staff member (who will be the minute taker and have no voting rights) - Council officers will be determined by the Chief Executive Officer.

Council:

- will aim for a gender balance of representation
- will aim for one or more members aged under 25 years, and
- must consider applications/nominations from all user groups.

Council will seek to appoint people with experience, knowledge and understanding of local issues with the capacity to provide recommendations to Council on the suitability of Central Park and North Park as a recreational facility. Accordingly, the following criteria will be used to evaluate appointments to the Group:

1. Possess sound knowledge of the local area and recent involvement in the local community.

2. An ability to represent issues impacting the local community in relation to the need for a recreational facility and to work in consultation with the Group to develop strategies to address this.
3. Demonstrate relevant experience in the management of recreational facilities.
4. Previous experience in working with committees or groups will be well regarded but is not essential.

The selection process will be as follows:

- Expressions of interest will be sought widely in the community including media.
- Should there be more applicants than required to fill vacancies, Council may seek further information from the applicants in determining their suitability for appointment to the Group.

Term

The term of the Group is expected to be 24 months.

Community members will apply for selection and user groups can nominate representatives who can be appointed to the Group for the 24-month term of the Group.

Authority/roles and responsibilities

The Group has no powers conferred to it by the Council. The committee is to operate in line with the purpose and terms of reference.

The Group will provide recommendations based on the following key areas and in terms of the precinct plan:

- Ongoing sustainability of Central Park and North Park as a recreation facility and how it will continue to meet the needs of the community.
- Infrastructure – Prioritised needs and costs associated with relevant development if recommended, to include ongoing operational costs and responsible parties
- Maintenance - Prioritised needs with relevant recommendations for precinct requirements
- Stakeholder or key organisational support - Provide relative evidence from user groups, peak sporting bodies and community groups that support recommended project activities. Support for grant and funding submission through respectful group discussion.
- Limitations of the site in sustaining use associated with recreational activities
- Accessibility considerations for people with disabilities, gender equality and diversity
- Risks – Assessment, review and management strategies
- Cultural heritage values to be considered.
- Participation and Activation outcomes to be considered in line with the Activate 2020 -2030 Strategy and aligned with organisations objectives for sustainability.

Scope and deliverables

The Stawell Parks Precinct Plan and North Park Masterplan's key objectives were to:

- Undertake a review of recent and past consultation, engagement and planning activities and documentation to form an understanding of current issues, gaps and opportunities relevant to the community, and in particular the users of Central Park and North Park.
- Having regard to recent past consultation, consult with the Stawell community including existing and future user groups to inform the development of the Stawell Parks Precinct Plan and North Park Masterplan.
- Develop documentation and evidence to support the consultation that has already taken place to enable Central Park and North Park to be developed to reach its full potential for the current and future needs of the community.

- Deliver the required documentation to support infrastructure investment to transform existing aged infrastructure into an integrated and well-coordinated community precinct ensuring that Central Park and North Park community infrastructure:
 - Is suitably and strategically located
 - Meets existing and future community needs including increased access to participation and programming opportunities, innovative design, function, universal design, environmental sustainability, futureproofing and relationship to nearby facilities
 - Provides a plan for delivery in a well-coordinated and sequenced manner
 - Provides the best value for money and community outcomes for potential funding partners.
 - Addresses the interface and connection between land use
 - Leverages required funding from appropriate public and private sources.

The Stawell Parks Precinct Plan and North Park Masterplan have been established under the *Northern Grampians Shire Council Open Space, Sport and Recreation Strategy 2013 - 2022* key principles and key strategy framework as follows.

- a. Principles:
 - Increased opportunities and participation for all
 - A diverse range of open space, sport and recreation choices
 - Great places for people to recreate
 - Building the health and wellbeing of the Northern Grampians Shire community
 - Responsive to identified open space, sport and recreation needs of the community
 - Inspiring and empowering people to recreate
 - Delivering economic outcomes for the NGSC community through sport and recreation.
- b. Strategy Framework:
 - Facilities: What we will do to provide safe, livable, sustainable and usable assets to improve the quality of life for residents, considering community opportunities and needs.
 - Programs: What we will do to provide safe, accessible and usable programs to improve the quality of life for residents.
 - Services: What we will do to provide safe, accessible and usable services to improve the quality of life for residents.

Resources and constraints

The Group will:

- work with Council to prioritise capital works projects to assist Council in applications for funding to support the capital development of the reserves, and
- work with Council on an annual basis to make recommendations to Council for maintenance works allocated through Council budget.

Meetings

A Councillor will chair the Group meetings to ensure that advice provided by the Group is presented directly to the level of authority in Council where decisions are made.

- The Councillor has voting rights.
- Council officers do not have voting rights.
- General community members and user group members elected to the Group will have voting rights.
- Invited members from Government and Non-Government agencies will not have voting rights.
- Conflict of Interest of any member of the Group must be declared.

- From time to time the Group may decide that it would be beneficial for Council officers from other programs to also attend to address specific areas of interest. These officers will not have voting rights.

Council will provide assistance and support to the Group with the resources available to it in order to enable the Group to effectively undertake its role. In order to assist members of the Group, Council undertakes to provide the following support:

- Secretariat services to the Group such as minute taking and agenda distribution, and
- meeting agenda and information papers for agenda items will be provided prior to the meeting.

Meetings will be held at least twice per year.

Quorum: to allow for vacancies that occur during the term of the group, a quorum will be half of the operational membership plus 1 (6).

Proxies:

1. A group member may appoint another person as his or her proxy to vote and speak on his or her behalf at a general meeting.
2. The appointment of a proxy must be in writing and signed by the group member making the appointment.
3. The group member appointing the proxy may give specific directions as to how the proxy is to vote on his or her behalf, otherwise, the proxy may vote on behalf of the member in any matter as he or she sees fit.

If required, the Group can agree to meetings out of the schedule to respond to a particular issue or task. A schedule of meeting dates and times for the forthcoming 12 months will be decided at the first meeting.

Reporting responsibilities and communication

Meeting minutes will be recorded and provided to members of the Group. Copies of the minutes will also be provided to Councillors for information purposes.

Any recommendations to Council will be submitted through Council meeting schedules and protocols.

Timeframes and review

An interim review of the Group operations and Terms of Reference will be done at 12 months if required.

Council Plan objective/strategy

The Terms of Reference are aligned with Council's Council Plan goals, objectives and strategies through Enhanced Lifestyle and Community, Wellness and Welfare and Creating an Enriching Place to Live.

Legislation and Standards

Council Plan 2021-25

Stawell Parks Precinct Plan

Northern Grampians Shire Council Open Space Sport and Recreation Strategy 2013-2022

Municipal Public Health and Wellbeing Plan 2017-2021

Stakeholders

Councillors, Council's Community Strengthening staff and members are directly affected by the Terms of Reference and must be consulted during development or revision of the Terms of Reference.

Definitions

Terms of Reference describe the purpose and structure of a project, committee, sub-committee, group, meeting, negotiation, or any similar collection of people who have agreed to work together to accomplish a shared goal; and

they provide a documented basis for making future decisions and for developing a common understanding of the scope among stakeholders.

The terms of reference are often referred to as the **charter**, eg committee charter.

Communication and implementation

The Terms of Reference will be communicated to stakeholders through reporting to the Stawell Recreation Advisory Group and inclusion in meeting minutes.

Review history

| Date | Review Details | Action |
|-----------------|----------------|---------------------------------|
| 4 December 2017 | Draft | Present to Council for approval |
| 2 December 2019 | Draft | Present to Council for adoption |
| 1 November 2021 | Draft | Present to Council for adoption |
| | | |

Terms of Reference



St Arnaud Recreation Advisory group

| | |
|------------------------------|---|
| Responsible director: | CEO |
| Responsible officer: | Senior Placemaker Manager Active Communities |
| Adopted by Council: | 2 December 2019 |
| Review date: | 31 October 2021 |
| Expiry date: | 31 October 2025 |

Objective

- To engage with the community and other stakeholder on the implementations of the requirements for recreation in St Arnaud.
- To focus on Lord Nelson Park and King Georges Park and the relative precinct plan outcomes and recommendations for each of the reserves.
- To work with the community to address the need to increase the focus on participation and activation of spaces post COVID-19, to ensure the sporting clubs develop strategies that build their capacity to thrive into the future.

Background

Council appointed the St Arnaud Recreation Advisory Group (the Group) in 2017 to provide Council with advice and recommendations on the implementation of the Lord Nelson Park Precinct Plan and with consideration of other relevant Council plans as required for active recreation reserves, namely King George's Park and Lord Nelson Park in St Arnaud. The Group consists of representatives of the community and organisations relevant to a recreational focus.

On 6 July 2020 the Council endorsed the Activate 2020–2030 Strategy. The Strategy is a 10-year regional strategic plan enabling a coordinated and collaborative approach aimed at increasing participation in sport and active recreation for livability, health and wellbeing of the Central Highlands and Grampians Pyrenees region.

Key strategic areas of the Activate 2020-2030 Strategy include:

1. Working Together
1. Activating Places and Spaces
2. Creating quality spaces and places
3. Community cohesion through sport and active recreation

The Strategy will guide work delivered by Council in consultation with the Group.

Purpose of the Group

- To represent the community and sporting groups in delivering their aspirations for a healthy environment through infrastructure and participation in activities that support the growth of an active community.
- To provide Council with advice and recommendations:
 - On the implementation of the Lord Nelson Park Precinct Plan and sport and recreation strategies with consideration of other relevant Council plans as required.
 - That aligned with Council's long-term policy for facility usage and development and achieving strategic outcomes from the Activate 2020-2030 Strategy.
- To investigate and to co-opt expertise as needed.
- To review the *Lord Nelson Park Precinct Plan 2015-2024* and work towards the delivery of the recommendations and strategies to achieve the best outcomes for the community by:
 - Undertaking a review of recent and past consultation, engagement and planning activities and documentation to form an understanding of current issues, gaps, and opportunities relevant to the community, and in particular the users of Lord Nelson Park and King George's Park.
 - Developing documentation and evidence to support the consultation that has already taken place to enable Lord Nelson Park and King George's Park to be developed to reach their full potential for the current and future needs of the community.
 - Delivering the required documentation to support infrastructure investment to transform existing aged infrastructure into integrated and well-coordinated community precincts ensuring that Lord Nelson Park and King George's Park community infrastructure:
 - Is suitably and strategically located
 - Meets existing and future community needs including increased access to participation and programming opportunities, innovative design, function, universal design, environmental sustainability, future-proofing and relationship to nearby facilities
 - Provides a plan for delivery in a well-coordinated and sequenced manner
 - Provides the best value for money and community outcomes for potential funding partners
 - Addresses the interface and connection between land use
 - Leverages required funding from appropriate public and private sources
 - Collaborate with Council on achieving strategic outcomes from the Activate 2020-2030 plan.

Membership

The Group will be comprised of the following members:

- One Councillor
- Up to nine community members as delegated representatives (or proxies) from Lord Nelson Park user groups or general community
- One Council staff member (who will be the minute taker and have no voting rights) - Council officers will be determined by the Chief Executive Officer.

Council:

- will aim for a gender balance of representation
- will aim for one or more members aged under 25 years, and
- must consider applications/nominations from all user groups.

Council will seek to appoint people with experience, knowledge and understanding of local issues with the capacity to provide recommendations to Council on the suitability of Lord Nelson Park as a recreational facility. Accordingly, the following criteria will be used to evaluate appointments to the Group:

1. Possess sound knowledge of the local area and recent involvement in the local community.

2. An ability to represent issues impacting the local community in relation to the need for a recreational facility and to work in consultation with the Group to develop strategies to address this.
3. Demonstrate relevant experience in the management of recreational facilities.
4. Previous experience in working with committees or groups will be well regarded but is not essential.

The selection process will be as follows:

- Expressions of interest will be sought widely in the community including media.
- Should there be more applicants than required to fill vacancies, Council may seek further information from the applicants in determining their suitability for appointment to the Group.

Term

The term of the Group is expected to be 24 months until 31 October 2023.

Community members will apply for selection and user groups can nominate representatives who can be appointed to the Group for the 24-month term

Authority/roles and responsibilities

The Group has no powers conferred to it by the Council and will operate in line with the purpose and Terms of Reference.

The Group will provide recommendations based on the following key areas and in terms of the precinct plan:

- Ongoing sustainability of Lord Nelson Park as a recreation facility and how it will continue to meet the needs of the community.
- Infrastructure – Prioritised needs and costs associated with relevant development if recommended, to include ongoing operational costs and responsible parties.
- Maintenance - Prioritised needs with relevant recommendations for precinct requirements.
- Stakeholder or key organisational support - Provide relative evidence from user groups, peak sporting bodies and community groups that support recommended project activities. Support for grant and funding submission through respectful group discussion.
- Limitations of the site in sustaining use associated with recreational activities.
- Accessibility considerations for people with disabilities, gender equality and diversity.
- Risks – Assessment, review, and management strategies.
- Cultural heritage values to be considered.
- Participation and Activation outcomes to be considered in line with the Activate 2020-2030 Strategy and aligned with organisations objectives for sustainability.

Scope and deliverables

The *Lord Nelson Park Precinct Plan 2015-2024* project key objectives as outlined in the project brief were to:

- Undertake a review of recent and past consultation, engagement and planning activities and documentation to form an understanding of current issues, gaps, and opportunities relevant to the community, and in particular the users of Lord Nelson Park.
- Having regard to recent past consultation, consult with the St Arnaud community including existing and future user groups to inform the development of the Lord Nelson Park Precinct Plan.
- Develop documentation and evidence to support the consultation that has already taken place to enable Lord Nelson Park to be developed to reach its full potential for the current and future needs of the community.
- Deliver the required documentation to support infrastructure investment to transform existing aged infrastructure into an integrated and well-coordinated community precinct ensuring that Lord Nelson Park community infrastructure:

- Is suitably and strategically located
- Meets existing and future community needs including increased access to participation and programming opportunities, innovative design, function, universal design, environmental sustainability, futureproofing and relationship to nearby facilities
- Provides a plan for delivery in a well-coordinated and sequenced manner
- Provides the best value for money and community outcomes for potential funding partners.
- Addresses the interface and connection between land use
- Leverages required funding from appropriate public and private sources.

The Lord Nelson Park Future Precinct vision is:

Lord Nelson Park is a sensational, modern, well used and safe sport, recreation and community hub in the region.

The Lord Nelson Park Precinct Plan has been established under the *Northern Grampians Shire Council Open Space, Sport and Recreation Strategy 2013-2022* key principles and key strategy framework as follows.

a. Principles:

- Increased opportunities and participation for all
- A diverse range of open space, sport and recreation choices
- Great places for people to recreate
- Building the health and wellbeing of the Northern Grampians Shire community
- Responsive to identified open space, sport and recreation needs of the community
- Inspiring and empowering people to recreate
- Delivering economic outcomes for the Northern Grampians Shire community through sport and recreation.

b. Strategy Framework:

- Facilities: What we will do to provide safe, livable, sustainable and usable assets to improve the quality of life for residents, considering community opportunities and needs.
- Programs: What we will do to provide safe, accessible and usable programs to improve the quality of life for residents.
- Services: What we will do to provide safe, accessible and usable services to improve the quality of life for residents.

Resources and constraints

The Group will:

- work with Council to prioritise capital works projects to assist Council in applications for funding to support the capital development of the reserves, and
- work with Council on an annual basis to make recommendations to Council for maintenance works allocated through Council budget.

Meetings

A Councillor will chair the Group meetings to ensure that advice provided by the Group is presented directly to the level of authority in Council where decisions are made.

- The Councillor has voting rights.
- Council officers do not have voting rights.
- General community members and user group members elected to the Group will have voting rights.
- Invited members from Government and Non-Government agencies will not have voting rights.

- Conflict of Interest of any member of the Group must be declared.
- From time to time the Group may decide that it would be beneficial for Council officers from other programs to also attend to address specific areas of interest. These officers will not have voting rights.

Council will provide assistance and support to the Group with the resources available to it in order to enable the Group to effectively undertake its role. In order to assist members of the Group, Council undertakes to provide the following support:

- Secretariat services to the Group such as minute taking and agenda distribution, and
- meeting agenda and information papers for agenda items will be provided prior to meetings.

Meetings will be held at least twice per year.

Quorum: to allow for vacancies that occur during the term of the Group, a quorum will be half of the operational membership plus 1 (6).

Proxies:

1. A Group member may appoint another person as his or her proxy to vote and speak on his or her behalf at a general meeting.
2. The appointment of a proxy must be in writing and signed by the group member making the appointment.
3. The Group member appointing the proxy may give specific directions as to how the proxy is to vote on his or her behalf, otherwise, the proxy may vote on behalf of the member in any matter as he or she sees fit.

If required, the Group can agree to meetings out of the schedule to respond to a particular issue or task. A schedule of meeting dates and times for the forthcoming 12 months will be decided at the first meeting.

Reporting responsibilities and communication

Meeting minutes will be recorded and provided to members of the Group. Copies of the minutes will also be provided to Councillors for information purposes.

Any recommendations to Council will be submitted through Council meeting schedules and protocols.

Review

An interim review of the Group operations and Terms of Reference will be done at 12 months if required.

Council Plan objective/strategy

The Terms of Reference are aligned with Council's Council Plan goals, objectives and strategies through Enhanced Lifestyle and Community, Wellness and Welfare and Creating an Enriching Place to Live.

Legislation and Standards

Council Plan 2021-25

Lord Nelson Park Precinct Plan 2015-2024

Northern Grampians Shire Council Open Space Sport and Recreation Strategy 2013-2022

Municipal Public Health and Wellbeing Plan 2017-2021

Stakeholders

Councillors, Council staff and advisory group members are directly affected by the Terms of Reference and must be consulted during development or revision of the Terms of Reference.

Definitions

Terms of Reference *describe the purpose and structure of a project, committee, sub-committee, group, meeting, negotiation, or any similar collection of people who have agreed to work together to accomplish a shared goal; and*

provide a documented basis for making future decisions and for developing a common understanding of the scope among stakeholders.

*The terms of reference are often referred to as the **charter**, eg committee charter.*

Communication and implementation

The Terms of Reference will be communicated to stakeholders through reporting to the St Arnaud Recreation Advisory Group and inclusion in meeting minutes.

Review history

| Date | Review Details | Action |
|-----------------|-----------------------|---------------------------------|
| 4 December 2017 | Draft | Present to Council for approval |
| 2 December 2019 | Draft | Present to Council for adoption |
| 1 November 2021 | Draft | Present to Council for adoption |
| | | |

9.1.2. Quarterly Council Action Plan 2021-22 Report

Author/Position: Liana Thompson, Chief Executive Officer

Purpose

To report the progress for the first quarter of the Council Action Plan 2021-22.

Summary

In order to achieve the goals set out in the Council Plan 2021-25, a Council Action Plan 2021-22 was adopted by Council at its 6 September 2021 Council Meeting. The action plan outlines the major initiatives that are to be carried out in the first year of the Council Plan.

The attached report provides an update on the progress towards achieving the objectives set out in the Council Action Plan 2021-22 for the period ending 30 September 2021.

Recommendation

That Council notes the quarterly Council Action Plan 2021-22 report and approves the forecast plan.

RESOLUTION

That Council notes the quarterly Council Action Plan 2021-22 report and approves the forecast plan.

Moved: Cr Tony Driscoll

Seconded: Cr Kevin Erwin

Carried

Background/Rationale

Council is required under the *Local Government Act 2020* to prepare a Council Plan containing the strategic objectives of Council, strategies for achieving those objectives and indicators to monitor the achievement of those objectives.

The Council Action Plan 2021-22 supports the Council Plan by providing key actions that Northern Grampians Shire Council is to deliver within the first year to accomplish the strategic objectives outlined in the Council Plan. Quarterly progress updates are provided to Council and the community to give a clear indication as to whether Council's goals and objectives are on track to meet delivery targets.

Legislation, Council Plan, Strategy and Policy Implications

Council Plan 2021-25

Options

Option 1

That Council notes the quarterly progress of the Council Action Plan 2021-22 report and approves the forecast plan. **[recommended]**

Option 2

That Council notes the Council Action Plan 2021-22 report with amendments. **[not recommended]**

Implications

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

Procurement

The Council Action Plan includes the expenditure agreed in the Council's adopted budget.

Community Engagement

This report is to provide Council and the community with an update of Council's current projects and initiatives and if they are on track for completion.

Innovation and Continuous Improvement

The Council Action Plan Report aims to improve transparency and provide clear information to the community.

Collaboration

Any opportunities for collaboration with other councils or public bodies will be considered with each initiative.

Officer's Declaration of Interest

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

Liana Thompson, Chief Executive Officer

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

Attachments

1. Council Action Plan 2021-22 Report [9.1.2.1 - 7 pages]

Council Action Plan 2021-22



Adopted Plan

| | |
|--|-----------|
| | Off track |
| | Monitor |
| | On track |

Forecast Plan

| | |
|--|-----------|
| | Off track |
| | Monitor |
| | On track |

| Enhance Lifestyles and Community | | | | | |
|---|-------|-------|-------|-------|--|
| Action | Qtr 1 | Qtr 2 | Qtr 3 | Qtr 4 | Comments |
| Wellness and Welfare | | | | | |
| Adopt the Navarre Recreation Reserve Precinct Master Plan | | | | | To be reviewed October and presented to ELT/Council Briefings November, Council meeting December. |
| Develop the Reconciliation Action Plan | | | | | Not commenced. |
| Redevelop Stawell Library | | | | | Contract expected to go to Council in February with the build starting in Q4 of 2021-22 due to finish by November 2022. |
| Undertake a customer service review and develop an action plan for the Stawell Sports and Aquatic Centre (SSAC) | | | | | |
| Undertake a program and service review for the Stawell Sports and Aquatic Centre (SSAC) | | | | | |
| Design the Great Western PPP Clubrooms and Lighting | | | | | Completed. |
| Install a new entrance sign in Queen Mary Gardens | | | | | |
| Fit out the St Arnaud Town Hall with Audio-visual Equipment | | | | | |
| Finalise the Stawell Sports and Aquatic Centre (SSAC) Feasibility Study and Master Plan | | | | | |
| Renew the St Arnaud Tennis Clubrooms | | | | | Initial procurement unsuccessful due to quotes being above budget. Further options analysis complete, secondary procurement underway. Delivery expected by April 2022. |
| Implement regional library alternatives for Marnoo | | | | | Completed. |
| Develop a new Stuart Mill Community Plan | | | | | Commencement delayed starting Q4. |

| | | | | | |
|--|--------|--------|-----------|--------|---|
| Form a community working group to deliver actions in the Marnoo Community Plan | Green | | | | Completed. |
| Upgrade the St Arnaud pool and shade cover | | | Green | Green | Recently funded under the Building Better Regions Fund. |
| Supply and install a Community Notice Board in Marnoo | | Green | | | Commencement delayed starting Q4. |
| Form a community working group to deliver the Navarre Community Plan | | Green | Green | | In progress. |
| Supply and install a Community Notice Board in Navarre | | | Green | | Commencement delayed starting Q4. |
| Deliver Lord Nelson Park multi-purpose sporting facility | Green | Green | Green | | In progress. |
| Deliver North Park Precinct Netball Court upgrade | Green | Green | Green | | |
| Investigate additional Big Hill precinct lookout (including arboretum) upgrades | Red | Red | Red | Red | Not commenced. |
| Review and retender 'Meals on Wheels' contract | Red | Red | Light Red | | Current contract will conclude May 2022. A new contract will be awarded by May. |
| Develop the Municipal Public Health and Wellbeing Plan 2021-25 | Green | Green | | | On track. |
| Renew heritage trail signage | | | | Green | |
| Protect key heritage buildings and precincts | | Green | Green | Green | In progress. |
| Partner with community to seek funding for a shade sail at playground/picnic area in Navarre | Green | Green | Green | Green | Completed. |
| Design Central Park Netball Courts and Changerooms | | | Green | Green | Completed. |
| Deliver a St Arnaud Market Square Performance Space | | | | Green | |
| Design and deliver the Lord Nelson Park Sports Oval Lighting Upgrade | | Green | Green | Green | In progress. |
| Develop a St Arnaud Market Square Senior Play Space Detailed Design | | Green | | | Design due 2023/24. |
| Deliver the Age-Friendly Communities Project | Yellow | Yellow | Yellow | Yellow | This project has been on hold since Covid as it requires physical meetings with our aged community. Will be finalised by the end of the financial year. |
| Undertake Positive Ageing Services Service Level Review | | Yellow | | | Review pending Federal Government's response to Royal Commission into Aged Care Services. |
| Undertake a Drainage Improvement Works Program | Yellow | Yellow | Yellow | Yellow | Clashing priorities and deadlines, requires program to be closely monitored. |

| | | | | | |
|--|--|--|--|--|---|
| Undertake a Kerb and Channel Improvement Program | | | | | Clashing priorities and deadlines, requires program to be closely monitored. |
| Partner with the Great Western Future Committee in delivering and advocating for funding as per the Great Western annual action plan | | | | | Funding obtained through the Building Better Regions Fund 2021 for the delivery of the Great Western Trial Stage 1. |
| Advocate for Central Park Netball Courts and Changerooms | | | | | Started - Advised to Member for Western Victoria, Regional Development Victoria and Member for Mallee. |
| Advocate for the Lord Nelson Park Sports Oval Lighting Upgrade | | | | | Completed. Funded by LRCI Phase 3. |
| Advocate for funding of the Navarre Recreation Reserve Facility Upgrades | | | | | Started - Advised to Member for Western Victoria, Regional Development Victoria and Member for Mallee. |
| Advocate for funding of the North Park Precinct Skate Park detailed design | | | | | Completed. Funded by Council, construction funded by LRCI Phase 3. |
| Advocate for the North Park Precinct Soccer Lighting | | | | | Completed. Funded through State Budget, agreement to be finalised. |
| Create and publish a new Historical Assets register | | | | | Due to commence Q4. |
| Improving Connectivity | | | | | |
| Review the Domestic Animal Management Plan | | | | | Due for adoption in November. |
| Undertake a St Arnaud Flood Study | | | | | On track. |
| Implement Great Western Trail Stage 2 signage | | | | | Completed. |
| Develop a safe path for workers on Abattoir Road | | | | | Completed. |
| Investigate the Ararat-Halls Gap Road bike path extension | | | | | Experience delays with Contractor, due for completion in December. |
| Undertake a General Local Law Review | | | | | |
| Undertake a flood study in Stawell | | | | | Unconfirmed funding. |
| Advocate for the potential signalisation of Seaby Street (Stawell) Intersection | | | | | Not commenced. Funded, Roads of Strategic Importance funding (Regional Roads Victoria). |

| | | | | | |
|---|--|--|--|--|--|
| Undertake a Footpath Improvement Program | | | | | Clashing priorities and deadlines, requires program to be closely monitored. |
| Undertake a Major Rural Roads Improvement Program | | | | | Clashing priorities and deadlines, requires program to be closely monitored. |
| Undertake a Rural Residential Road Improvement Program | | | | | Clashing priorities and deadlines, requires program to be closely monitored. |
| Undertake a Town Road Sealing Improvement Program | | | | | Clashing priorities and deadlines, requires program to be closely monitored. |
| Undertake an Urban Residential Road Improvement Program | | | | | Clashing priorities and deadlines, requires program to be closely monitored. |
| Complete the St Arnaud wayfinding signage program | | | | | In progress 80% complete. |
| Deliver the Arts and Culture web hub | | | | | Completed. |
| Develop a new Arts & Culture Action Plan 2022 | | | | | Due to commence Q4. |
| Advocate for funding and delivery of Great Western PPP Football Lighting | | | | | Funded, Sport and Recreation Victoria, Local Sports Infrastructure Fund 2021. |
| Advocate for funding and delivery of Great Western PPP Football and Netball Clubrooms | | | | | Started – Advised to Member for Lowan, Member for Western Victoria, Regional Development Victoria and Member for Mallee. |
| Advocate for new and existing spaces for arts and culture activities | | | | | Started but only in the context of advocating for WAMA. Advised to Regional Development Victoria and Member for Mallee. |
| Protecting the Natural Environment | | | | | |
| Investigate opportunity for a resale/reuse area at the St Arnaud Transfer Station | | | | | |
| Investigate and prepare for a separate glass recycling collection | | | | | Service models being reviewed. |

| | | | | | |
|---|--------------|--------------|--------------|--------------|---|
| Investigate and prepare for a separate Food Organic and Garden Organic (FOGO) waste collection | | | | | Obtained a Green Waste Feasibility Study grant from Sustainability Victoria, Recycling Victoria Council's Fund. Grant allows council to work with 7 surrounding councils on determining local waste processing potential. |
| Develop an implementation plan for the introduction of public place recycling in high use areas | | | | | |
| Implement the Walkers Lake Management Plan - Access, Tracks and Signage | | | | | |
| Research new technology and innovations to support Waste Management | | | | | Obtained a Green Waste Feasibility Study grant from Sustainability Victoria, Recycling Victoria Council's Fund. Grant allows council to work with 7 surrounding councils on determining local waste processing potential. |
| Boost Economic Growth | | | | | |
| Action | Qtr 1 | Qtr 2 | Qtr 3 | Qtr 4 | Comments |
| Boosting Tourism | | | | | |
| Deliver a 'Visitor Servicing and Halls Gap Hub Management' Review | | | | | The VIS review was finalised at the 28 July Council Meeting. Preparation to transition to a Council delivered service will commence in Q3. |
| Develop a Stawell Tourism Action Plan | | | | | Deferred due to Staff vacancy. Re-scheduled to commence in Year 2. |
| Develop St Arnaud Tourism Action Plan | | | | | Progress on track. |
| Develop and implement a comprehensive Events Strategy to grow the visitor offering | | | | | In progress. Events Policy endorsed in August 2020. |
| Support Victoria's Goldfields to be given UNESCO World Heritage status | | | | | In progress. |
| Upgrade the St Arnaud Caravan Park | | | | | On track. |
| Upgrade the Stawell Caravan Park | | | | | On track. |

| Building more Housing | | | | | |
|--|--|--|--|--|--|
| Develop a St Arnaud Structure Plan | | | | | On hold, pending resourcing. |
| Handover the Sloane Street Residential Housing Development | | | | | Completed. |
| Participate in the Wimmera Southern Mallee Housing Taskforce | | | | | |
| Investigate "Urban Growth Area" opportunities and constraints to accommodate long term housing supply in Stawell | | | | | Due to commence Q4. |
| Growing Local Businesses | | | | | |
| Review and determine additional funding of the Grampians New Resident and Workforce Attraction Strategy and Action Plan 2020 | | | | | On track. Live the Grampians Way Funding finishes at the end of December 2021. |
| Deliver the Opportunities Pyrenees, Ararat and Northern Grampians (OPAN) project | | | | | In progress. |
| Identify emerging opportunities to address housing and workforce challenges | | | | | In progress. |
| Oversight the Stawell Underground Physics Laboratory (SUPL) | | | | | On track to be operational in 2022. |
| Investigate retail options in Marnoo | | | | | Due to commence Q4. |
| Develop a Priority Investment Prospectus | | | | | In progress. |
| Advocate for funding the Halls Gap Heath Street Bridge | | | | | Started – Advised to Member for Lowan, Member for Western Victoria, Regional Development Victoria and Member for Mallee. |
| Advocate for an outer township gateway at the proposed London Road intersection, Stawell | | | | | Not started. |
| Upgrade B-Double routes | | | | | On track. |
| Undertake a Bridges and Major Culvert renewal program | | | | | On track. |
| Support the establishment of renewable community energy hubs | | | | | In progress. |
| Establish land use precincts along the Western Highway, Stawell | | | | | Due to commence Q4. |
| Develop a Halls Gap Structure Plan | | | | | Deferred to Year 2. |
| Develop and implement mechanisms to support growth focused entrepreneurs to embrace innovation, best practice, grow exports and jobs | | | | | In progress. |
| Stawell Airport Redevelopment | | | | | Fencing work nearing completion, planning underway for remaining elements of the project. |

| | | | | | |
|---|--------------|--------------|--------------|--------------|--|
| Advocate to State and Commonwealth Governments for the implementation of key recommendations in the Wimmera Southern Mallee Regional Digital Plan | | | | | Started – Advised to Member for Lowan, Member for Western Victoria, Regional Development Victoria and Member for Mallee. |
| Provide Sustainable Infrastructure | | | | | |
| Action | Qtr 1 | Qtr 2 | Qtr 3 | Qtr 4 | Comments |
| Being a better Council | | | | | |
| Undertake works to update Stawell Pound | | | | | Preparations underway. |
| Assess the condition of road & drainage assets | | | | | On track. |
| Review the Building & Facilities Asset Management Plan | | | | | |
| Review the Stormwater Drainage Asset Management Plan | | | | | |
| Review the Footpath Asset Management Plan | | | | | On track. |
| Review the Kerb & Channel Asset Management Plan | | | | | On track. |
| Review the Public Open Spaces Asset Management Plan | | | | | |
| Develop an Asset Plan | | | | | |
| Undertake a Stawell Cemetery Improvement Program | | | | | |
| Undertake a Road Resealing Program | | | | | On track. |
| Undertake a Road Resheeting Program | | | | | Clashing priorities and deadlines, requires program to be closely monitored. |
| Improve Organisational Effectiveness | | | | | |
| Action | Qtr 1 | Qtr 2 | Qtr 3 | Qtr 4 | Comments |
| Being a better Council | | | | | |
| Implement a new telephony system | | | | | Completed. |
| Investigate electronic payment options and digital monitoring of deposits at Transfer Stations | | | | | |
| Develop a Stawell Aerodrome Manual of Standards | | | | | Preparation underway, minor delays expected. |
| Develop a Media and Communications Policy and Strategy | | | | | |
| Develop a Workforce Plan | | | | | On track. |
| Implement VPDSF Protective Data Security Plan | | | | | |
| Implement a new records management system | | | | | |
| Review and update Enterprise Resource Planning (ERP) software | | | | | |
| Develop a new BT Strategy | | | | | |
| Undertake Community Safety Service Review | | | | | |
| Implement elementTIME | | | | | |
| Undertake 'Reduce Red Tape Projects' - Building, Planning, Environment review | | | | | Preparations underway. |

9.2. Boost Economic Growth

9.2.1. Grants Funding Policy

Author/Position: Justine Kingan, Manager Economic and Community Futures

Purpose

To decide on the adoption of the proposed Grants Funding Policy.

Summary

In October 2021, council undertook a review of the Funding Policy to align it with the recently adopted Northern Grampians Economic Development Strategy and Action Plan 2021-31, Northern Grampians Shire Council Plan 2021-25 and Municipal Public Health and Wellbeing Plan 2021-25.

Recommendation

That Council adopts the Grants Funding Policy 2021.

RESOLUTION

That Council adopts the Grants Funding Policy 2021.

Moved: Cr Lauren Dempsey

Seconded: Cr Kevin Erwin

Carried

Background/Rationale

Grant programs provide council with an avenue to support communities, businesses, and local groups to deliver projects and initiatives that uplift our community's economic wellbeing and quality of life.

In October 2021, council undertook a review of the Grants Funding Policy to align it with the recently adopted Northern Grampians Economic Development Strategy and Action Plan 2021-31, Northern Grampians Shire Council Plan 2021-25 and Municipal Public Health and Wellbeing Plan 2021-25.

The review resulted in several proposed minor amendments to the policy including:

- Updating the responsible director and officer to align with the organisational structure.
- Aligning the policy purpose, aims and programs with recently adopted plans and strategies.
- Updating the list of Council Plans and Strategies that have informed the policy.

The proposed amendments will enable council's grant program to align with councils existing strategic direction.

Legislation, Council Plan, Strategy and Policy Implications

Northern Grampians Economic Development Strategy and Action Plan 2021-31

Council Plan 2021-25

Municipal Public Health and Wellbeing Plan 2021-25

Open Space, Sport & Recreation Strategy 2013-22

Community Plans

Arts and Culture Policy and Strategy

Waste Management Strategy

Local Government Act 2020

Victorian Commission for Gambling and Liquor Regulation Act 2011

Food Act 1984

Code of Practice for running safer music festivals and events (2013)

Building Act 1993

Building Amendment (Places of Public Entertainment) Regulations 2013

Victorian Occupational Health and Safety Act 2004

Information Privacy & Data Protection Act 2014

Records Management Policy

Conflict of Interest Procedure

Planning and Environment Act 1986

Options

Option 1

That Council adopts the Grants Funding Policy 2021. **[recommended]**

Option 2

That Council does not adopt the Grants Funding Policy 2021. **[not recommended]**

Implications

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

Procurement

Nil

Community Engagement

Community engagement was undertaken as part of the preparation of all referenced Council Plans and Strategies.

Innovation and Continuous Improvement

The review and policy presented in the report enable opportunities for innovation and improvements in councils support for projects and initiatives that uplift our community's economic wellbeing and quality of life.

Collaboration

A review of relevant federal and state government grant programs helped inform the Grant Policy.

Officer's Declaration of Interest

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

Justine Kingan, Manager Economic and Community Futures.

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

Attachments

1. NGSC Funding Policy October 2021 [9.2.1.1 - 5 pages]

Grants Funding Policy

Council Policy



October 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
📷 @northerngrampiansshire
#ngshire #liveworkinvestvisit #wandervictoria

Grants Funding Policy



Council Policy

| | |
|---------------------------------|--|
| Responsible director: | Chief Executive Officer |
| Responsible officer: | Manager Economic and Community Futures |
| Functional area: | Economic Development and Community Futures |
| Date adopted by Council: | TBC |
| Review date: | TBC |

Purpose

This policy outlines the Northern Grampians Shire Council's commitments and responsibilities in providing grants to the community and businesses.

The policy is supported by guidelines for the consistent management of Council's grants programs based on the following objectives:

- Responsiveness - meeting identified community needs in a relevant and timely manner
- Equity - ensuring opportunities and resources are distributed in a fair and equitable manner
- Inclusiveness - providing opportunities for the community to meaningfully participate in planning and decision making
- Capacity building - supporting and strengthening the community to identify needs and develop local solutions
- Collaboration - establishing partnerships to work together to achieve positive outcomes and partner with the Council to deliver strategic outcomes

Background

Grant programs provide Council with an avenue to support communities, businesses and local groups to deliver projects and initiatives that uplift our community's economic wellbeing and quality of life.

The policy provides a framework for the Council to allocate funds as per Councils grants program guidelines that are within the financial means of the Council. To ensure the responsible management of public funds, and effectively support the community, the Council will apply appropriate, transparent and ethical management of all grants programs.

Policy

Council will allocate funds through the annual budget process to grants programs that aim to support Northern Grampians to:

- Grow the economic capacity and engagement of our own people
- Become a magnet for innovation and investment
- Develop strong economic development governance, leadership, collaboration and advocacy
- Attract investment in enabling infrastructure
- Create iconic destinations
- Improve the health and wellbeing of the community
- Increase healthy eating and active living
- Foster communities that are inclusive, welcoming and supportive of diversity

Grants programs are developed in line with Council Plans and Strategies.

Council will not award funding for requests that are the responsibility of other funding sources, government agencies or available from other programs - for example Department of Education, Department of Health and Human Services, Small Business Victoria, Agriculture Victoria, Sustainability Victoria.

Any requests to Council for financial support will be directed to an appropriate grant program and must meet requirements as detailed in the relevant guidelines to be considered for grant funding.

Grant programs

Council makes funding available through the following programs:

- Community Grants
- Business Growth
- Community Events
- Tourism Events
- Minor Grants
- Sponsorships and Contributions

Grants programs are administered in line with individual program funding guidelines to ensure opportunities and resources are distributed in an equitable manner.

Guidelines specific to each program include:

- Objectives of the program

- Eligibility and assessment criteria
- Application process
- Evaluation and award process
- Acquittal and reporting process
- Timelines
- Funding conditions

Council's grants programs will be administered online to ensure a consistent, efficient and positive customer experience. Applicants will be supported in the use of online technology with officer assistance, grants information toolkit and grant information sessions.

Communication

To ensure local capacity to apply for grants, the Northern Grampians Shire Council will promote the availability of grants and the process for application through Council publications, website and media. In addition, two information sessions will be offered on Council grants per year (one each in St Arnaud and Stawell). This may also be promoted using online and interactive technology to inform the public of the Council's grants programs.

Reference Council Plans and Strategies

Northern Grampians Economic Development Strategy and Action Plan 2021-31

Council Plan 2021-2025

Municipal Health & Wellbeing Plan, 2021-25

Open Space, Sport & Recreation Strategy 2013-22

Community Plans

Arts and Culture Policy and Strategy

Waste Management Strategy

Legislation & Standards

Local Government Act 2020

Victorian Commission for Gambling and Liquor Regulation Act 2011

Food Act 1984

Code of Practice for running safer music festivals and events (2013)

Building Act 1993

Building Amendment (Places of Public Entertainment) Regulations 2013

Victorian Occupational Health and Safety Act 2004

Information Privacy & Data Protection Act 2014

Records Management Policy

Conflict of Interest Procedure

Planning and Environment Act 1986

Responsibilities

- The Manager Economic and Community Futures is responsible for overseeing the *Grants Funding Policy*, guidelines and assessment processes.
- The functional areas of Community Development and Economic Development are responsible for the operational delivery of the grants programs.

Stakeholders

This policy will give stakeholders such as community organisations, groups, businesses and local partnerships the necessary information when considering application to Council's grants programs.

This policy will provide the operational framework for the functional areas of Community Development and Economic Development in the delivery of the grants programs.

Review

Following the adoption of the annual Council budget, grant program guidelines, supporting documents and procedures are updated to ensure best practice in grants management and continual improvement. This policy will be reviewed every two years.

Communication and implementation

This policy will be communicated via Council's media and communication channels. The policy will be available on the EDRMS for all staff to view. Process associated with the policy will be available on ProMapp.

Privacy and Data Protection compliance

All Council policies must consider the *Privacy and Data Protection Act 2014* and the *Victorian Protective Data Security (VPDSS) Framework* which adopts a risk-based approach to protective data security. Personal information security is an identified risk and will be subject to internal governance privacy and information security arrangements.

Gender Equality Act 2020

Councils must consider where relevant gender equality principles, workplace gender equality of rights, opportunities, responsibilities and outcomes and the promotion of gender equality in the policies, programs and services it delivers.

Charter of Human Rights compliance

It is considered that this policy does not impact on any human rights identified in the *Charter of Human Rights & Responsibilities Act 2006*.

Definitions

Contact Officer - Council officer contact for grant applicants.

'Grantee' - the recipient of Council grant funding.

Review history

| Date | Review details | Action |
|------------------|---|---|
| 28 August 2020 | Reviewed all existing Council funding policies and agreed to redesign the policy program. | All Council funding programs are redesigned under a universal Grant Funding policy. |
| 7 September 2020 | | Adopted by Council |
| 11 October 2021 | Reviewed policy to align with new Economic Development Strategy, and Action Plan 2021-31, Council Plan 2021-25 and Municipal Health and Wellbeing Plan 2021-25. | |
| | | |

9.2.2. Wimmera Development Association - Memorandum of Understanding

Author/Position: Liana Thompson, Chief Executive Officer

Purpose

To endorse the Memorandum of Understanding (MoU) for the transformation of Wimmera Development Association to a new entity.

Summary

The MoU outlines the arrangements and expectations between the Wimmera Development Association and its Member Councils, comprising of Horsham Rural City, Hindmarsh, Yarriambiack, West Wimmera and Northern Grampians Shire Council. The MoU requires Council to approve the new Wimmera Development Association entity which will be governed by a skills-based board and constitution.

Recommendation

That Council

- a) endorses the Memorandum of Understanding between Wimmera Development Association and its Member Municipalities comprising of Horsham Rural City Council, Hindmarsh Shire Council, West Wimmera Shire Council, Yarriambiack Shire Council and Northern Grampians Shire Council, from 1 December 2021 until 30 June 2026.
- b) notes the timeline and process to transition the Wimmera Development Association to the new structure.
- c) notes the Draft Constitution for the Wimmera Development Association.

Cr Erwin having earlier declared that he is the current Chair of the Wimmera Development Association left the meeting at 12.44pm.

RESOLUTION

That Council

- a) endorses the Memorandum of Understanding between Wimmera Development Association and its Member Municipalities comprising of Horsham Rural City Council, Hindmarsh Shire Council, West Wimmera Shire Council, Yarriambiack Shire Council and Northern Grampians Shire Council, from 1 December 2021 until 30 June 2026.
- b) notes the timeline and process to transition the Wimmera Development Association to the new structure.
- c) notes the Draft Constitution for the Wimmera Development Association.

Moved: Cr Eddy Ostarcevic

Seconded: Cr Tony Driscoll

Carried

Cr Erwin returned to the meeting at 12.49pm.

Background/Rationale

Over the past four years, the Wimmera Southern Mallee Regional Partnership (Partnership) has been discussing factors that limit business, social and economic opportunities across the region. In 2020, the Partnership undertook the 'Regional Innovation Project', an inclusive engagement process to review current cross-sector regional planning practices and establish preferred governance and operational model going forward. Following extensive collaboration with other leaders throughout the region, it was recognised that a more contemporary, flexible and strategic way of working was required for the region to maintain and grow its competitive position, increase livability and proactively seek new opportunities.

In late 2020, the Wimmera Southern Mallee Regional Partnership considered the Regional Innovation Project Business case and agreed that:

- The business case be provided to the WDA as the preferred delivery agent.
- The Wimmera Southern Mallee Regional Partnership work with the WDA to secure a co-investment amounting to \$500,000 (spread over two years) from the State Government to support the transition phase of the new entity.

At its meeting in February 2021, the WDA Board considered the Regional Innovation Project Business Case and resolved:

- That the WDA board endorse the Regional Innovation Project Report and the Governance Structure included in section 6.1.1 of the report.
- That WDA present a roadmap of next steps at the March WDA Board meeting with the aim of transitioning the current WDA governance structure to the structure outlined in section 6.1.1 of the Regional Innovation Project Report by 1 July 2021.
- That WDA work with WDA executive group and LGA CEOs to identify a consultant to help drive the change process.

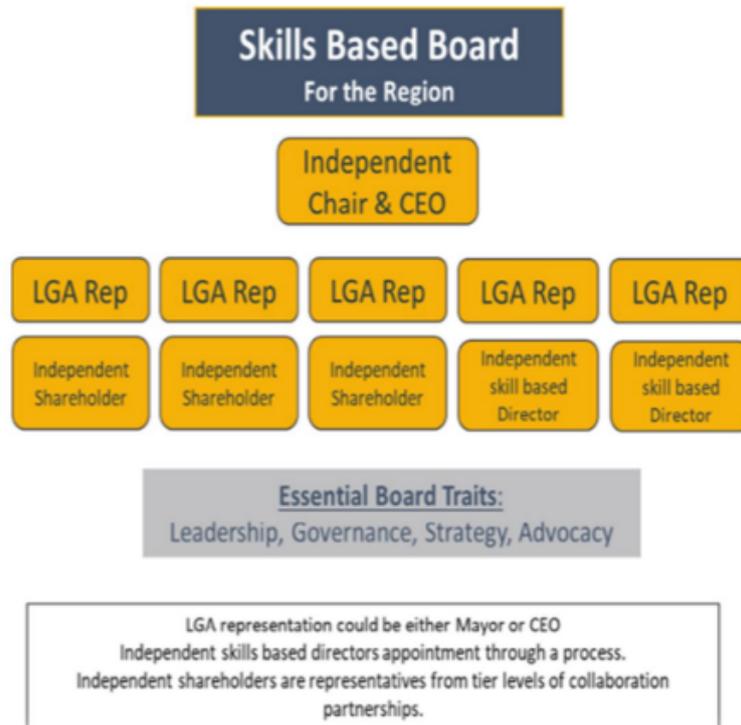
The recommended solution comprises a 'new entity' representing the Wimmera Southern Mallee as a region with aligned strategies, priorities and outcomes that delivers desired, sustainable and transformational change.

The new entity structure will be highly functional and represent government, industry and community and provide strong governance with qualified, capable and diverse members who assume ownership and accountability for outcomes.

The new entity will be functional and skills-based and will adhere to strong governance principles, accountabilities with clear outcomes and performance metrics. The new entity will include:

- Skills Based Board – established as an independent governing body that represents the region and defines the strategic direction for the region.
- Strategic Pillars – will become the agreed strategic focus areas that form the basis of collaboration and to develop key partnerships.
- Innovation Teams – are multidisciplinary teams (cross-organisation and cross-sector) to identify levers for, or impediments to, grow activities that are aligned to the Strategic Pillars.
- Underpinned by its founding charter to create a new, focused regional service delivery model, the new entity will be owned by the region, build local potential and confidence and deliver on community driven aspirations.

The Partnership Regional Innovation Project Control Group endorsed the option to establish a "transitional" governance structure in the form of a "skills-based board" to represent the Wimmera Southern Mallee as a region (shown in the image below). This will require all board members to align on the strategies, priorities, and outcomes required to deliver desired, sustainable, transformational change.



To enable the transition of the Wimmera Development Association to a new governance structure, a new MoU has been developed and will replace the existing MOU effective 1 December 2021. As the funding contributions by the Member Councils for 2020-21 financial year have already been paid, contributions under the new MoU will become effective from the start of 2022-23 financial year.

Legislation, Council Plan, Strategy and Policy Implications

Council Plan 2021-25 – Boost Economic Growth

Options

Option 1

That Council endorses the Memorandum of Understanding 2021-26.

Option 2

That Council does not endorse the Memorandum of Understanding 2021-26.

Implications

Under the existing MoU, Council's contribution to the Wimmera Development Association for 2021-22 is \$95,632. Each contribution is based on the percentage of the regional population which will remain in place for the four year period of the agreement. It is proposed that the contribution will remain at the same level for 2022-23, with an annual adjustment of 1.5% for the following years.

Procurement

The MoU includes the annual financial contribution required from each member council to support the core operations of the Wimmera Development Association.

Community Engagement

Not applicable.

Innovation and Continuous Improvement

It is anticipated that the COVID pandemic will have a significant negative impact on the region and for that reason there is need of regional revitalisation and collective action.

Collaboration

The proposed MoU is a result of collaboration between Wimmera Development Association and its Member Municipalities.

Officer's Declaration of Interest

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

Liana Thompson, Chief Executive Officer

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

Attachments

1. WDA Memorandum of Understanding [9.2.2.1 - 8 pages]
2. WDA Timeline and Transition Process [9.2.2.2 - 1 page]
3. Wimmera Development Association Ltd - Draft Constitution [9.2.2.3 - 26 pages]



MEMORANDUM OF UNDERSTANDING

1 December 2021 – 30 June 2026



MEMORANDUM OF UNDERSTANDING

between

WIMMERA DEVELOPMENT ASSOCIATION

**of 62 Darlot Street
Horsham**

and

MEMBER MUNICIPALITIES

Comprising:

HORSHAM RURAL CITY COUNCIL

18 Roberts Ave, Horsham

HINDMARSH SHIRE COUNCIL

92 Nelson Street, Nhill

WEST WIMMERA SHIRE COUNCIL

49 Elizabeth Street, Edenhope

YARRIAMBIACK SHIRE COUNCIL

34 Lyle Street, Warracknabeal

NORTHERN GRAMPIANS SHIRE COUNCIL

59-69 Main Street, Stawell

1. RECITALS

- 1.1 The objective of this Memorandum of Understanding (MoU) is to articulate the arrangements and expectations between Wimmera Development Association (WDA) and Member Councils as funding partners for the core operation of the WDA.
- 1.2 WDA is a Company Ltd formed with the purpose of fostering and undertaking actions that support sustainable growth and development of the Region within the municipal districts of Member Councils (the Region).
- 1.3 The core role of WDA is to build on the existing social, economic and environmental capacity of the Region with regard being given to the WDA Objects and Powers (refer to WDA Constitution).
- 1.4 WDA provides the forum and mechanisms for regional issues or opportunities to be identified and solutions or projects implemented.
- 1.5 The MOU is for the period from 1 December 2021 to 30 June 2026.
- 1.6 WDA will not expand the number of Member Councils unless agreement is obtained from all current Member Councils.
- 1.7 The success of WDA pivots on the participation and good will of people and organisations across the Region.

2. GENERALLY APPLIED CRITERIA FOR WDA ACTIVITY

- 2.1 WDA applies a policy of: "subsidiarity where functions which subordinate or local organisations perform effectively belong more properly to them than to a central organisation such as WDA."
- 2.2 The generally applied criteria for issues or projects to be considered by WDA include assessment as to whether the impact, involvement and benefits are:
 - Regional
 - Multi-agency
 - Triple Bottom Line with overall long term and community benefitAnd generally demonstrate:
 - Support by a Leader, Lead Agency or Project Champion
 - A general need for a cooperative effort to be successful
 - Likelihood of happening

The parties as signatories to this document understand and record the following:

3. RESOURCING

- 3.1 The Member Councils are committed to support WDA via an annual subscription.
- 3.2 Councils are encouraged to participate in activities that further the objectives of WDA.
- 3.3 WDA will work closely with Member Councils' committees, advisory boards, task groups and relevant Council officers to further WDA objectives.
- 3.4 Financial contributions to support the core operation of WDA shall be based on the regional population formula included in Table 1. This formula will remain in place for the four year period of the agreement.
- 3.5 Any proposed variation to the four year contributions listed on Table 1 will be raised by the WDA Board with Member Councils at the Annual Review.
- 3.6 Funding received from Member Councils will be used for the core operation of WDA which includes the staff, on-costs, overheads and out goings required to achieve WDA objectives.
- 3.7 Additional and supplementary funding for the core operation of WDA may be obtained from Federal and State Government sources and will be advised through regular reporting to Councils and Members.
- 3.8 It is recognised that the development and updating of the regional strategic plan will occur through a planning process conducted at a frequency to be determined by the Board. Additional resources will be required to support planning, research, consultation and participation processes.
- 3.9 Additional financial contributions for specific WDA projects (i.e. non-core) may be sought from Member Councils from time to time and will be subject to separate business cases and funding submissions through normal Council approval processes.
- 3.10 It is recognised that the majority of WDA projects require partnerships and funding by a range of stakeholders from various levels of government, business and community agencies and other statutory authorities.

TABLE 1- FINANCIAL CONTRIBUTION FROM MEMBER COUNCILS

| Contributor | %Region | 2022/23 | 2023/24 | 2024/25 | 2025/26 |
|--------------|-------------|-----------|-----------|-----------|-----------|
| HRCC | 48 | \$228,231 | \$231,654 | \$235,129 | \$238,656 |
| WWSC | 8 | \$36,789 | \$37,341 | \$37,901 | \$38,469 |
| NGSC | 20 | \$95,632 | \$97,066 | \$98,522 | \$100,000 |
| HSC | 10 | \$49,030 | \$49,765 | \$50,512 | \$51,270 |
| YSC | 14 | \$64,395 | \$65,361 | \$66,341 | \$67,336 |
| TOTAL | 100% | | | | |

4. ACCOUNTABILITY AND COMMUNICATION

- 4.1 WDA is accountable for operating under a Company Constitution.
- 4.2 WDA will make available regional statistics, performance and forecast information of strategic use and interest. Conversely, Council's assistance in making available the same information to WDA will add value to all strategic direction processes.
- 4.3 By 31 July each year, WDA will prepare and adopt a Business Plan that details operational initiatives and targets established to evaluate performance.
- 4.4 WDA will present progress reports twice per annum to Member Councils that include performance outcomes against targets in the WDA Business Plan.
- 4.5 The WDA CEO will consult with Member Council CEOs prior to establishing annual contributions to allow for budget considerations. This will occur by 31 March annually or as agreed with individual Councils.
- 4.6 Councils recognise the independent role, structure, purpose and expertise of WDA and understand the function also includes being an independent voice and advocate for regional direction in local and national media.
- 4.7 On request, WDA will be available to any Council meeting or meeting within the municipality to discuss issues, progress or any items pertinent to WDA as raised by the Council.
- 4.8 In addition to Board meetings, WDA will communicate with Councils and members on a regular basis using a range of media.

5. SPECIFIC ARRANGEMENTS

5.1. Director Nomination:

5.1.1 Each Member Council shall nominate one Director, which will be either the Mayor or Councillor, to the WDA Board as described in the WDA Constitution.

5.2 Innovative Staffing Options:

5.2.1 Councils are encouraged to directly support WDA through initiatives such as officer placements or secondments. These arrangements may be made directly between the WDA CEO and Council CEO.

5.3 Demonstrate Regional Benefits:

5.3.1 WDA related activities must demonstrate regional benefits.

5.4 Integration of Strategic Direction Processes:

5.4.1 The parties acknowledge that WDA success rests largely with Councils recognising WDA as an independent but integral part of their own strategic direction and community building processes.

5.4.2 Every effort will be made by all parties to annually integrate strategic direction processes and timetables to maximise value adding and minimise potential duplication. Examples include the conduct of community and specific consultation, research, performance indicators, demographics or information gathering processes.

5.4.3 Projects will be identified from time to time that involves some or all Councils. Council officers and the WDA CEO are responsible for working cooperatively to ensure funding submissions meet the requirements of individual Councils.

5.5 Communication is a Joint Responsibility:

5.5.1 A two-way communication and feedback loop is essential for an initiative of the type and size of WDA. All parties accept their responsibilities in seeking out and supporting communication and feedback processes.

5.5.2 WDA shall coordinate opportunities as they arise for joint communications and marketing across the region.

6. GENERAL

- 6.1 WDA is accountable for operating to the Company Constitution, Board Charter, Business Plan and arrangements contained in this MoU.
- 6.2 Should a Member Council have concerns with the performance or lack of performance of WDA then discussion should be initiated to address the concerns.
- 6.3 Should a Council wish to withdraw its membership of WDA then written notice must be given twelve months in advance of ceasing membership. Such notice will allow appropriate modifications to the Business Plan and budget process.
- 6.4 If any dispute or difference arises between the parties in carrying out the principles of this Memorandum of Understanding that cannot be resolved, then the parties will seek an agreed independent mediator to resolve the difference.
- 6.5 The terms of this Memorandum of Understanding can only be modified by the agreement of all parties.

DATED this ____ day of _____ 2021

SIGNED on behalf of the
Wimmera Development Association

.....

SIGNED on behalf of the
Horsham Rural City Council

.....

SIGNED on behalf of the
West Wimmera Shire Council

.....

SIGNED on behalf of the
Hindmarsh Shire Council

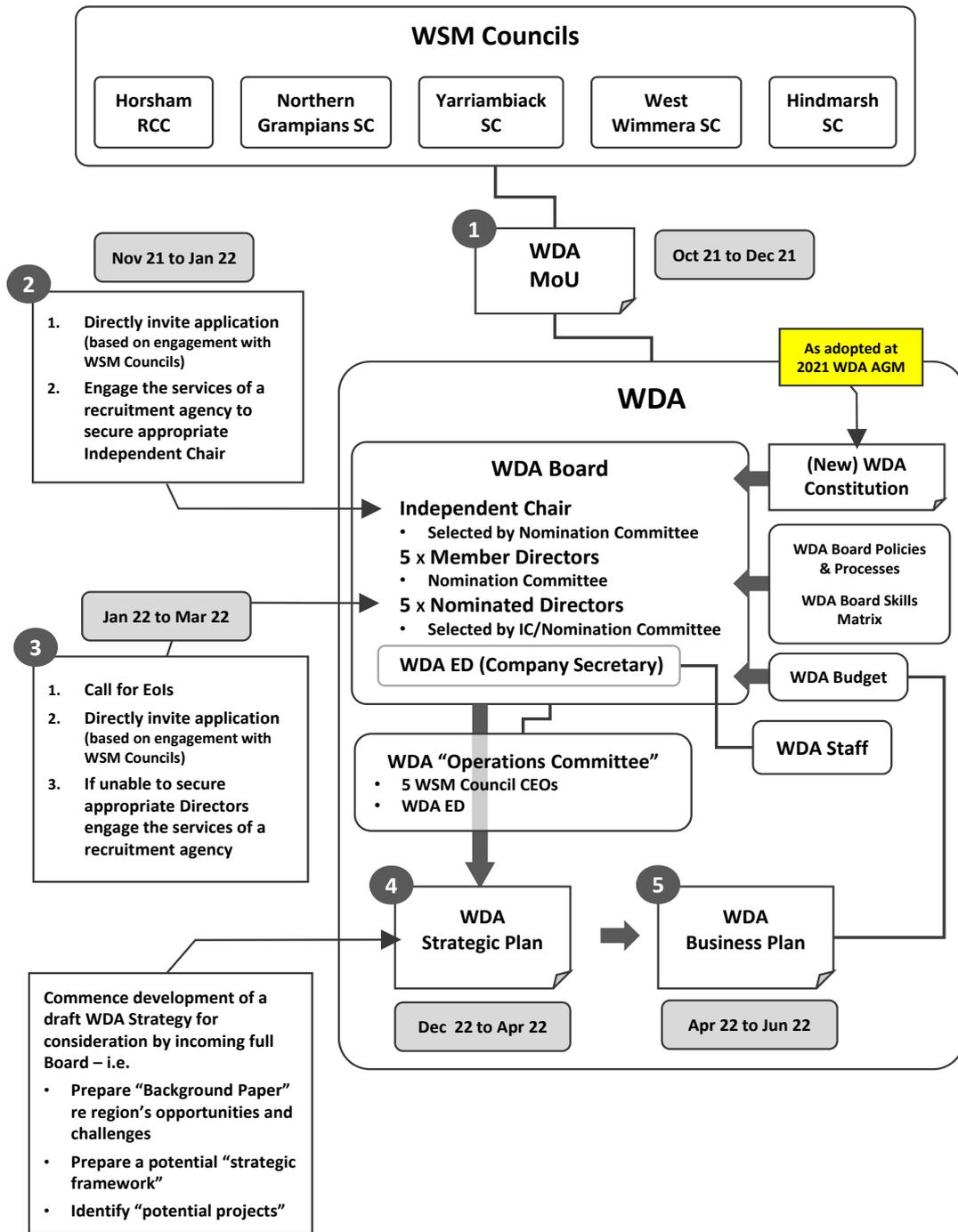
.....

SIGNED on behalf of the
Yarriambiack Shire Council

.....

SIGNED on behalf of the
Northern Grampians Shire Council

.....



Constitution

A public company limited by guarantee and not having a share capital

Wimmera Development Association Limited
A.C.N. [INSERT ACN]

Effective from: ____th day of _____ 2021

Table of Contents

| | | |
|------|--|----|
| 1. | Interpretation | 5 |
| 1.1 | This Constitution..... | 5 |
| 1.2 | Definitions | 5 |
| 1.3 | Interpretation | 6 |
| 1.4 | Application of Legislation | 6 |
| 1.5 | Transfer of Registration | 7 |
| 2. | Nature of the Company | 7 |
| 2.1 | Public Company limited by Guarantee | 7 |
| 2.2 | Limitation of Company | 7 |
| 2.3 | Guarantee of Members | 7 |
| 2.4 | Objects of the Company | 7 |
| 2.5 | Powers of the Company | 8 |
| 2.6 | Amending this Constitution..... | 9 |
| 3. | Directors | 9 |
| 3.1 | Number and eligibility of Directors | 9 |
| 3.2 | Appointed Directors | 9 |
| 3.3 | Member Directors | 10 |
| 3.4 | Chairperson | 10 |
| 3.5 | Period of appointment of Directors | 10 |
| 3.6 | Casual vacancies | 10 |
| 3.7 | Non-eligibility of Auditor | 10 |
| 3.8 | Alternate Directors | 11 |
| 3.9 | Other offices held by Directors..... | 11 |
| 3.10 | No Remuneration of Member Directors..... | 11 |
| 3.11 | Remuneration of Appointed Directors and Chair..... | 11 |
| 3.12 | Remuneration of Directors for extra services | 11 |
| 3.13 | Removal of Directors | 11 |
| 3.14 | Vacation of office of Director | 11 |
| 4. | Management of business by Directors | 12 |
| 4.1 | Material personal interest - Director's duty to disclose..... | 12 |
| 4.2 | Director may give standing notice about an interest | 12 |
| 4.3 | Voting and completion of transactions in which a Director has a material personal interest | 12 |
| 4.4 | Financial benefits to related parties..... | 13 |
| 4.5 | Powers of Directors | 13 |
| 4.6 | Negotiable instruments | 13 |
| 4.7 | Delegation and Committees..... | 13 |
| 4.8 | Appointment of attorney for Company..... | 14 |
| 4.9 | Accounting for profit | 14 |
| 4.10 | Director's Duties | 14 |
| 5. | Directors' meetings..... | 14 |
| 5.1 | Circulating resolutions | 14 |

| | | |
|------|---|----|
| 5.2 | Calling Directors' meetings | 15 |
| 5.3 | Use of technology | 15 |
| 5.4 | Chairing Directors' meetings | 15 |
| 5.5 | Quorum at Directors' meetings | 15 |
| 5.6 | Passing of Directors' resolutions | 15 |
| 6. | Secretary | 15 |
| 6.1 | Appointment | 15 |
| 6.2 | Terms and conditions of office | 15 |
| 7. | Members | 15 |
| 7.1 | Number of Members | 15 |
| 7.2 | Admission to membership | 16 |
| 7.3 | Classes of Members | 16 |
| 7.4 | Address and contact details of Member | 16 |
| 7.5 | Register of Members | 17 |
| 7.6 | Member Representative | 17 |
| 7.7 | Cessation of Membership | 17 |
| 7.8 | Effect of cessation | 17 |
| 7.9 | Power of Directors in respect of a Member's conduct | 17 |
| 8. | Meetings of Members | 18 |
| 8.1 | Calling of meetings of Members by a Director | 18 |
| 8.2 | Calling of meetings by Members | 18 |
| 8.3 | Amount of notice of meetings | 18 |
| 8.4 | Notice of meetings of Members | 18 |
| 8.5 | Auditor entitled to notice and other communication | 18 |
| 8.6 | Contents of notice of meeting | 19 |
| 8.7 | Notice of adjourned meetings | 19 |
| 8.8 | Members' resolutions | 19 |
| 8.9 | Time and place for meetings of Members | 19 |
| 8.10 | Technology | 19 |
| 8.11 | Quorum | 19 |
| 8.12 | Chairing meetings of Members | 20 |
| 8.13 | Auditor's right to be heard at meetings of Members | 21 |
| 8.14 | Proxies and body corporate representatives | 21 |
| 8.15 | Voting | 21 |
| 8.16 | Objections to right to vote | 21 |
| 8.17 | How voting is carried out | 22 |
| 8.18 | Matters on which a poll may be demanded | 22 |
| 8.19 | When and how polls must be taken | 22 |
| 8.20 | Holding of AGM | 22 |
| 8.21 | Extension of time for AGM | 22 |
| 8.22 | Consideration of reports at AGM | 22 |
| 8.23 | Business of the AGM | 22 |
| 8.24 | Questions by Members of the Company | 23 |

| | | |
|------|--|----|
| 8.25 | Questions by Members to Auditors | 23 |
| 8.26 | Resolution in writing..... | 23 |
| 9. | Directors' and Members' minutes | 23 |
| 9.1 | Minutes..... | 23 |
| 9.2 | Members' access to minutes | 23 |
| 10. | Accounts and audit | 23 |
| 10.1 | Accounting records..... | 23 |
| 10.2 | Accounts | 24 |
| 10.3 | Auditor | 25 |
| 11. | Winding up..... | 25 |
| 11.1 | Rights of Members on winding up | 25 |
| 11.2 | Distribution of assets..... | 25 |
| 12. | Indemnity..... | 25 |
| 12.1 | Indemnity..... | 25 |
| 12.2 | Payment of Costs | 26 |
| 12.3 | Limit of indemnity..... | 26 |
| 13. | Insurance | 26 |

Constitution of Wimmera Development Association Limited A.C.N. [INSERT ACN]

This Constitution was adopted on _____ day of _____ 2021

1. Interpretation**1.1 This Constitution**

- (a) This Constitution contains clauses setting out the manner in which the Members of the Company have agreed to conduct the internal administration of the Company.
- (b) This Constitution takes the place of the Replaceable Rules contained in the Corporations Act.

1.2 Definitions

In this Constitution, unless the context otherwise requires:

Accounting Standards means:

- (a) the accounting standards required under the Corporations Act including the Approved Accounting Standards issued by the Australian Accounting Standards Board;
- (b) other mandatory professional reporting requirements issued by the joint accounting bodies including the Australian Accounting Standards issued either jointly by CPA Australia and the Institute of Chartered Accountants in Australia or by the Australian Accounting Research Foundation on behalf of CPA Australia and the Institute of Chartered Accountants in Australia; and
- (c) if no accounting standard applies under the Corporations Act or other mandatory professional reporting requirements, the principles set out in the Australian Statement of Accounting Concepts;

AGM means an annual general meeting of the Company held in accordance with section 250N of the Corporations Act;

Appointed Director means a Director appointed in accordance with clause 3.2;

ASIC means the Australian Securities and Investments Commission;

Auditor means the auditor for the time being of the Company;

Board means the board of Directors of the Company comprised of Municipality Appointed Directors, the Chairperson and Appointed Directors;

Chairperson means the independent person appointed as a Director to be the chairperson of meetings of Directors in accordance with clause 3.4;

Committee means any committee formed by the Board to assist with the governance of the Company or other group specifically formed to assist the Board in implementation of strategic initiatives of the Company.

Company means Wimmera Development Association Limited ACN [INSERT ACN];

Constitution means this Constitution and any supplementary, substituted or amended Constitution in force from time to time;

Corporations Act means the *Corporations Act 2001* (Cth);

Director means any person formally and lawfully appointed as a director of the Company and includes both Appointed Directors and Municipality Appointed Directors and unless the context

otherwise requires, includes the Chairperson;

Guarantee means the maximum amount each Member agrees to pay to the Company in accordance with clause 2.3;

Member means a Municipality admitted as a Member under clause 7.2;

Member Representative means the representative nominated by the Member to exercise the powers of the Member in accordance with clause 7.6;

Municipality means a municipality in the Region;

Member Director means a Director nominated by Member in accordance with clause 3.3;

Objects means the object of the Company set out in clause 2.4;

Officer means an officer of the Company within the meaning of the Corporations Act;

Region means the Wimmera Southern Mallee region of Victoria;

Register of Members means the Register of Members to be kept pursuant to section 169 of the Corporations Act; and

Secretary means any person formally and lawfully appointed as a secretary of the Company including any assistant or acting Secretary or any substitute for the time being for the Secretary and in the absence of a determination by the Board shall be the person employed by the Company in the position of Executive Officer.

1.3 Interpretation

In this Constitution, unless the context otherwise requires:

- (a) a reference to **legislation** or a **legislative provision** includes any statutory modification, or substitution of that legislation or legislative provision and any subordinate legislation issued under that legislation or legislative provision;
- (b) a reference to a **body** or **authority** which ceases to exist is a reference to a body or authority having substantially the same objects as the named body or authority;
- (c) a reference to a **clause** is a reference to a clause of this Constitution;
- (d) **clause headings** and the **table of contents** are inserted for convenience only and do not form part of this Constitution;
- (e) a reference to a **person** includes a natural person, corporation, statutory corporation, partnership, the Crown or any other organisation or legal entity;
- (f) **related** or **subsidiary** in respect of a corporation has the same meaning given to that term in the Corporations Act;
- (g) **including** and **includes** are not words of limitation;
- (h) the words **at any time** mean at any time and from time to time;
- (i) a word that is derived from a defined word has a corresponding meaning;
- (j) **monetary amounts** are expressed in Australian dollars;
- (k) the singular includes the plural and vice-versa; and
- (l) words importing one gender include all other genders.

1.4 Application of Legislation

- (a) Unless the context otherwise requires, an expression used in this Constitution that has a particular meaning in the Corporations Act has the same meaning as in the Constitution.
- (b) Subject to the Corporations Act, the Replaceable Rules contained in the Corporations Act do not apply to the Company.
- (c) This Constitution is subject to the Corporations Act and where there is any inconsistency between a clause of this Constitution and the Corporations Act, the Corporations Act prevails to the extent of the inconsistency.

1.5 Transfer of Registration

The Company is formed upon the transfer of registration of Wimmera Development Association Inc.

2. Nature of the Company

2.1 Public Company limited by Guarantee

The Company is a public company limited by guarantee.

2.2 Limitation of Company

- (a) The Company must not be carried on for the purpose of the profit or gain of any Member.
- (b) The Company does not have the power to:
 - (i) issue shares of any kind; or
 - (ii) apply, pay or transfer, whether directly or indirectly, any portion of the income and property of the Company for the benefit of, or to, a Member, other than as provided in clauses 3.10 and 3.11.

2.3 Guarantee of Members

If the Company is wound up:

- (a) while a Member is a Member; or
- (b) within one year after the Member ceases to be a Member, each such Member must contribute a maximum of \$50 to the Company for payment of:
 - (i) the debts and liabilities of the Company;
 - (ii) the costs, charges and expenses of any winding up; and
 - (iii) the adjustment of the rights of Members among themselves.

2.4 Objects of the Company

- (a) The Company is established with the following objectives:
 - (i) lead, support and encourage the sustainable development of the Region in partnership with government, business and the community;
 - (ii) promote, encourage and facilitate the ongoing economic and social development of the Region;
 - (iii) determine the natural and built resources of the region, which might act as focal points for economic development and opportunity;
 - (iv) establish a development strategy which meets the needs of the community and enables it to achieve its potential, while recognising the role other regional organisations and groups play in pursuing similar objectives;

- (v) advocate for the Region by engaging with politicians, relevant government agencies and senior bureaucrats;
- (vi) advocate for the Region through stakeholder engagement and consultations;
- (vii) liaise with other groups and organisations that have an interest in economic and social development, including for the avoidance of doubt groups and organisations outside the Region;
- (viii) increase the levels of communication and co-operation between Municipalities, communities, organisations, industry and individuals interested in developing the Region;
- (ix) increase public awareness of regional development strategies and directions, and to develop an on-going process of public consultation;
- (x) increase the level of understanding and awareness of all relevant Federal and State programs and services, and assist the Region and its communities obtain maximum benefit from such programs;
- (xi) develop a referral centre and comprehensive information database on matters of economic and social concern, to be available to all levels of the community; and
- (xii) ensure that any development strategy will not only preserve the community's quality of life but will seek to improve it through increased opportunities for investment, employment, education, and research and development.

2.5 Powers of the Company

Solely for the purposes of carrying out the Company's Objects, and without limiting the powers granted to it by section 124 of the Corporations Act, the Company may:

- (a) raise money and otherwise secure sufficient funds to further the Objects;
- (b) receive any funds from any government or authority, municipal, local or otherwise and distribute these funds in a manner that best attains the Objects;
- (c) manage moneys of the Company including funding received from any government or authority, municipal, local or otherwise in a manner consistent with the Objects and with any conditions or contractual obligations attached to that funding;
- (d) support, fund, promote and aid academic research relating to the Objects;
- (e) enter into any arrangements with any government or authority, municipal, local or otherwise that may seem conducive to the Objects;
- (f) employ such staff as is necessary to achieve the Objects or enter into arrangement with a Member for it to employ staff and second that staff to the Company in which event the Member will acknowledge that such staff will report and be accountable to the Board in the performance of their duties;
- (g) invest the moneys of the Company not immediately required in accordance with the investment policy approved by the Board;
- (h) borrow moneys required to facilitate the Company meeting its Objects upon such security as may be determined and to make, accept and endorse any promissory note, bill of exchange and other negotiable instrument; and
- (i) do all such things as are incidental, convenient or conducive to the attainment of all or any

of the Objects.

2.6 Amending this Constitution

This Constitution may only be amended by a unanimous resolution of the Members.

3. Directors

3.1 Number and eligibility of Directors

- (a) The Company must have not more than 11 Directors unless otherwise determined in accordance with this Constitution.
- (b) The Board will be comprised of:
 - (i) up to five Appointed Directors appointed by the Members acting through the Nominations Committee;
 - (ii) an independent Chairperson appointed by the Members acting through the Nominations Committee; and
 - (iii) the Member Directors appointed by each of the Members.

3.2 Appointed Directors

- (a) The Members acting through the Nominations Committee may appoint up to five persons as Appointed Directors.
- (b) No person who is a councilor, chief executive officer or other council officer of a Member shall be eligible to be an Appointed Director.
- (c) Subject to clause 3.2(d), the Board acting through the Nominations Committee will establish procedures relating to the nomination and admission of Appointed Directors.
- (d) The Board will maintain a Board Skills Matrix identifying the skills, knowledge, experience and capabilities desired of the Board to enable it to meet both the current and future objectives of the Company. In exercising its powers the Nominations Committee:
 - (i) may engage an independent expert consultant to facilitate the making of any decisions or selections by the Nominations Committee;
 - (ii) shall have regard to the Board Skills Matrix; and
 - (iii) shall ensure that all vacancies are widely advertised to potential candidates with the relevant skills and experience identified in the Board Skills Matrix.
- (e) Save as otherwise provided in this Constitution, all Appointed Directors will hold office for a maximum term of three years with the term of office being set by the Nominations Committee at the time of their appointment. Subject to any specific provision to the contrary in this Constitution or as may otherwise be provided by the Corporations Act all Appointed Directors shall be eligible for reappointment. The Nominations Committee shall be responsible for evaluating the appropriateness of reappointing the individual Director by reviewing the then current Board Skills Matrix and the individual Director's performance. For the avoidance of doubt, all Appointed Director appointments, including re-elections, must be made pursuant to and in accordance with the procedures relating to the nomination and admission of Appointed Directors implemented by the Nominations Committee.
- (f) No Appointed Director shall hold office for more than three consecutive three year terms. When an Appointed Director has concluded a third consecutive three year term in office, they must vacate the office of Appointed Director for a minimum of one year following

which he or she is eligible for re-election.

3.3 Member Directors

- (a) Each Municipality Member shall nominate one person as a Member Director.
- (b) A Member Director must be the Mayor or a councillor of the Municipality.
- (c) Where a vacancy occurs in the office of a Member Director the relevant Municipality Member shall notify the Board of a replacement nominee whose appointment shall take place automatically upon receipt of such notification.
- (d) A Member may at any time remove its Member Director and replace this person with another nominee of its choosing by notifying the Company, and the appointment of such replacement nominee in his or her capacity shall be automatic.

3.4 Chairperson

- (a) The Nominations Committee excluding the Chair must in consultation with an independent expert consultant and in accordance with the Board Skills Matrix appoint an independent person as a Director to fulfill the role of Chairperson. No person who is a councillor, chief executive officer or other council officer of a Member shall be eligible to be Chairperson.
- (b) The Chairperson shall hold office for a three year term or until such time he or she is removed as Chairperson in accordance with clause 3.4(c) or ceases office as a Director pursuant to clause 3.14. At the end of his or her term as Chairperson, he or she may nominate for re-election as Chairperson.
- (c) The Nominations Committee excluding the Chairperson may at any time revoke the appointment of the Chairperson and elect another person to that office. Upon the appointment of a Chairperson being revoked the Chairperson shall automatically cease to be a Director.
- (d) All members of the Nominations Committee must receive five (5) working days' notice of any resolution proposed to revoke the appointment of the Chairperson.

3.5 Period of appointment of Directors

Each Director may hold office until they:

- (a) die;
 - (b) vacate the office in accordance with clause 3.14; or
 - (c) are removed in accordance with clause 3.3(d), 3.4(c) or 3.13,
- or until the term for which they are appointed or elected expires.

3.6 Casual vacancies

- (a) The Nominations Committee shall whenever there is a vacancy in the number of the Appointed Directors attempt to fill such vacancy.
- (b) A person may be appointed as an Appointed Director in order to make up a quorum for a Directors' meeting even if the total number of Directors otherwise present is not enough to make up that quorum.

3.7 Non-eligibility of Auditor

The Auditor is ineligible to be elected or appointed as a Director.

3.8 Alternate Directors

No Director may appoint an alternate Director to act in his or her place.

3.9 Other offices held by Directors

A Director may hold any other office or position of profit in the Company together with the Directorship on such conditions including additional remuneration as may be agreed by the Directors in accordance with clause 3.10, 3.11 or 3.12.

3.10 No Remuneration of Member Directors

Save as may otherwise be resolved by a unanimous decision of the Nominations Committee, no remuneration or other benefit may be paid or given by the Company to any Member Director except:

- (a) for the reimbursement of out-of-pocket expenses incurred on reasonable commercial terms in carrying out the duties of a Director where the amount does not exceed an amount previously approved by a resolution of the Directors;
- (b) for any service rendered to the Company in a professional or technical capacity, other than in a capacity as Director, where the terms of service are on reasonable commercial terms and have been previously approved by a resolution of the Directors; or
- (c) as an employee of the Company, where the terms of employment are on reasonable commercial terms and have been previously approved by a resolution of the Directors.

3.11 Remuneration of Appointed Directors and Chair

Appointed Directors and the Chair shall be entitled to such remuneration as is determined by a unanimous decision of the Nominations Committee in addition to any other benefit or payment given by the Company to an Appointed Director or the Chair:

- (a) for the reimbursement of out-of-pocket expenses incurred on reasonable commercial terms in carrying out the duties of a Director where the amount does not exceed an amount previously approved by a resolution of the Directors;
- (b) for any service rendered to the Company in a professional or technical capacity, other than in a capacity as Director, where the terms of service are on reasonable commercial terms and have been previously approved by a resolution of the Directors; or
- (c) as an employee of the Company, where the terms of employment are on reasonable commercial terms and have been previously approved by a resolution of the Directors.

3.12 Remuneration of Directors for extra services

- (a) If the Company requests a Director to perform services in addition to those required by the Corporations Act, the Company may remunerate the Director in any manner the Company thinks fit.
- (b) Any remuneration paid as contemplated by clause 3.12(a) is in addition to remuneration paid under clause 3.10 or clause 3.11.

3.13 Removal of Directors

The Nominations Committee may:

- (a) remove an Appointed Director from office; and
- (b) appoint another person as a replacement of the Appointed Director removed.

3.14 Vacation of office of Director

- (a) A Director ceases to be a Director if the Director:
- (i) becomes prohibited from being a Director by virtue of any provision of the Corporations Act;
 - (ii) becomes of unsound mind or a person whose property is liable to be dealt with under a law relating to mental health;
 - (iii) is declared bankrupt;
 - (iv) resigns their office by written notice to the Company;
 - (v) is absent from meetings of the Directors for more than 3 months without obtaining permission for such absence from the other Directors;
 - (vi) is directly or indirectly interested in any contract or proposed contract with the Company (other than as a Member) and fails to disclose details of that interest as required by 4.1;
 - (vii) is removed from the office of Appointed Director by the Nominations Committee in accordance with clause 3.13;
 - (viii) is removed from the office of Chairperson by the Nominations Committee in accordance with clause 3.4;
 - (ix) is a Member Director of a Member which ceases to be a Member; or
 - (x) is a Member Director and is removed from office by the Municipality appointing that Director.

4. Management of business by Directors

4.1 Material personal interest - Director's duty to disclose

- (a) Unless an exception under section 191 of the Corporations Act applies, if a Director has a material personal interest in a matter that relates to the affairs of the Company, the Director must give the other Directors notice of the interest.
- (b) The notice required by clause 4.1(a) must:
- (i) include details of:
 - (A) the nature and extent of the interest; and
 - (B) the relation of the interest to the affairs of the Company; and
 - (ii) be given at a Directors' meeting as soon as practicable after the Director becomes aware of their interest in the matter.

4.2 Director may give standing notice about an interest

A Director with a material personal interest in a matter that relates to the affairs of the Company may give standing notice of this ongoing interest in accordance with clause 4.1 and section 192 of the Corporations Act.

4.3 Voting and completion of transactions in which a Director has a material personal interest

A Director who has a material personal interest in a matter that is being considered at a Director's meeting must not:

- (a) be present while the matter is being considered at the meeting; or

- (b) vote on the matter, unless:
- (c) the interest does not need to be disclosed under section 191 of the Corporations Act; or
- (d) the Directors who do not have a material personal interest in the matter pass a resolution that:
 - (i) identifies the Director, the nature of their interest in the matter and its relation to the affairs of the Company; and
 - (ii) states that the Directors are satisfied that the interest should not disqualify the Director from voting or being present.

4.4 Financial benefits to related parties

The Company must not give a financial benefit to a related party of the Company unless it is authorised in accordance with and complies with the Corporations Act and any laws and regulations applicable to the Company.

4.5 Powers of Directors

- (a) Subject to the Corporations Act and to any provision of this Constitution, the business of the Company is to be managed by or under the direction of the Directors.
- (b) The Directors may exercise all of the powers of the Company except any powers that the Corporations Act or this Constitution requires the Company to exercise in general meeting.

4.6 Negotiable instruments

- (a) Any two Directors may sign, draw, accept, endorse or otherwise execute a negotiable instrument.
- (b) The Directors may determine that a negotiable instrument may be signed, drawn, accepted, endorsed or otherwise executed in a different way.

4.7 Delegation and Committees

- (a) The Board:
 - (i) must establish a Nominations Committee which shall consist of such Municipality Appointed Directors as the Municipality Appointed Directors determine and the Chair;
 - (ii) must establish an Operations Committee which shall consist of the Executive Officer acting as the manager of the Company and the Chief Executive Officer of each Member or such other suitable person who is employed by or holds a position of office at a Member; and
 - (iii) may establish such other Committees as it considers appropriate.
- (b) The Board may specify in writing from time to time the terms of reference and functions of any Committee formed pursuant to this clause 4.7 and shall have the power to appoint and remove any persons appointed to a Committee.
- (c) The Directors may delegate any of their powers to a Committee, a Director, an employee of the Company or any other person.
- (d) A delegate or Committee must exercise the powers delegated to it in accordance with any directions of the Directors.
- (e) The effect of the Committee, Director or employee so exercising a power is the same as if the Directors exercised it.

4.8 Appointment of attorney for Company

The Directors may by power of attorney appoint any company, firm, person or body of persons to be the attorney of the Company for:

- (a) any period; and
- (b) for the purposes and with the powers, authorities and discretions vested in or exercisable by the Directors under this Constitution.

4.9 Accounting for profit

Where a Director's interest is approved by a resolution of Directors in accordance with clause 4.3(d), no Director will be liable to account that interest to the Company for any profit arising from any office or place of profit or realised from any contract or arrangement by reason only of the Director holding that office or of the fiduciary relations so established.

4.10 Director's Duties

- (a) Duty to act in the best interest of the Company

A Director must act in the best interest of the Company. A Director's first loyalty is to the Company, not to individual members or groups of Members or to other organisations or other parties.

- (b) Duty of care and diligence

In the exercise of his or her powers or the exercise of his or her duties, a Director must exercise the degree of care and diligence that a reasonable person in a like position in an organisation would exercise in the Company's circumstances.

- (c) No improper use of inside information

A Director or former Director must not, in relevant circumstances, make improper use of information acquired by virtue of his or her position to gain, directly or indirectly, an advantage for him or herself as or for any other person or to cause detriment to the Company.

- (d) No gain by improper use of the position

A Director must not, in relevant circumstances, make improper use of his or her position to gain, directly or indirectly, an advantage for him or herself as or for any other person or to cause detriment to the Company.

- (e) Not to trade while insolvent

A Director must not permit the Company to trade while insolvent.

- (f) Duty to avoid a conflict of interest

A Director is bound to avoid any conflict between their personal interests and those of the Company.

5. Directors' meetings

5.1 Circulating resolutions

- (a) The Directors may pass a resolution without a Directors' meeting being held if all of the Directors entitled to vote on the resolution sign a document containing a statement that they are in favour of the resolution set out in the document.
- (b) Separate copies of a document may be used for signing by Directors if the wording of the

resolution and statement is identical in each copy.

- (c) The resolution is passed when the last Director signs.

5.2 Calling Directors' meetings

A Directors may at any time, and the Secretary must convene a Directors' meeting on the requisition of not less than three Directors, at least one of whom must be a Member Director. Reasonable notice of a Directors' meeting must be given individually to every Director.

5.3 Use of technology

- (a) A Directors' meeting may be called or held using any technology consented to by the Directors.
- (b) Any consent may be a standing consent.
- (c) A Director may only withdraw their consent within a reasonable period before the meeting.

5.4 Chairing Directors' meetings

- (a) The Chairperson shall chair the Directors' meetings.
- (b) If a Chairperson has not been elected or is not available or declines to act as chair for the meeting or part of it, the Directors must elect a Director present to chair a meeting, or part of it as the case maybe.

5.5 Quorum at Directors' meetings

Unless the Directors determine otherwise, the quorum for a Directors' meeting is a majority in number of the Directors and the quorum must be present at all times during the meeting.

5.6 Passing of Directors' resolutions

- (a) All questions at a Directors' meeting shall be determined by a show of hands and a resolution of the Directors shall be passed by a majority of the votes cast by Directors entitled to vote on the resolution.
- (b) Each Director present in person has one vote on a matter arising and the Chairperson has no casting vote in addition to any vote they have in their capacity as a Director unless this Constitution expressly states otherwise.

6. Secretary

6.1 Appointment

The Directors must appoint a Secretary in accordance with the Corporations Act.

6.2 Terms and conditions of office

A Secretary holds office on the terms and conditions (including as to remuneration) that the Directors think fit.

7. Members

7.1 Number of Members

- (a) There must be at least one Member.
- (b) The Members may set a limit on the maximum number of Members.

7.2 Admission to membership

- (a) Any Municipality in the Region is eligible to be admitted as a Municipality Member.
- (b) The Members may resolve to impose an annual membership fee or application fee.
- (c) The application of a Municipality to become a Member must be:
 - (i) lodged with the Secretary;
 - (ii) made in writing and be in such form that the Board determines; and
 - (iii) accompanied by any applicable application or membership fees.
- (d) As soon as is practicable after the receipt of an application, the Secretary shall refer the application to the Board.
- (e) The Members must determine in its absolute discretion whether to approve or reject the application.
- (f) If the Members approves an application to become a Member, the Board must as soon as practicable notify the applicant in writing that the application has been approved.
- (g) If the Members approve an application, the Secretary must within 28 days enter the applicant's name in the register or Members.
- (h) An applicant becomes a Member and is entitled to exercise the rights of a Member when its name is entered in the Register.
- (i) If the Members rejects an application, the Board must, as soon as practicable, notify the applicant in writing that the application has been rejected. The Board does not have to give any reasons for rejecting an application.
- (j) A right, privilege or obligation of a Member by reason of being a Member is not capable of being transferred or transmitted to another Municipality or person.
- (k) Each Member admitted must sign an undertaking to be bound by this Constitution.

7.3 Classes of Members

- (a) The Members may by Special Resolution:
 - (i) establish additional different classes of Members;
 - (ii) prescribe the qualifications, rights and privileges of Members of a class; and
 - (iii) vary the qualifications, rights and privileges or terminate any class of Members established pursuant to this clause 7.3(a).

7.4 Address and contact details of Member

- (a) Each Member must provide the Secretary with:
 - (i) an address in Australia where the Company can send notices to that Member and the telephone number, facsimile number and email address (as applicable) of the Member; and
 - (ii) such other information as the Board may require.
- (b) Each Member must notify the Secretary in writing of any change in that person's name, address, telephone or facsimile number or email address within one month after the change.

- (c) If a Member fails to provide information in accordance with clause 7.4(a) the address of the Member is deemed to be the registered office of the Company.

7.5 Register of Members

- (a) The Secretary must keep and maintain a Register of Members containing:
 - (i) the name and address of each Member; and
 - (ii) the date on which each Member's name was entered in the Register and, where relevant, the date any Member ceased to be a Member.

7.6 Member Representative

- 7.7 The rights of a Member shall be exercised by a Member Representative nominated in writing by the Member who will exercise the powers of the Member subject to any restrictions placed on such powers by the Member in nominating the Member Representative. Where for the purposes of this Constitution a Member is required to do any act or thing, or where it is required to give meaning or efficacy to this Constitution a reference to a Member shall be or include a reference to a Member Representative and vice versa. In the absence of a written nomination by the Member the Member Representative shall be the Member Director appointed by that Municipality Cessation of Membership**

A Member ceases to be a Member if:

- (a) the Member resigns by notice in writing to the Secretary, in which case the resignation shall take effect from the date the notice is received or such later date as is specified in the notice;
- (b) the Members determine to expel the Member where the Member has failed to pay any applicable membership fees within 3 months of such fees falling due; or
- (c) the Member has a receiver or a receiver and manager appointed to its assets or some of them, or passes a resolution or takes or has taken against it any action with the effect of its winding up.

7.8 Effect of cessation

A Member who ceases to be a Member continues to be liable for:

- (a) any moneys due by them to the Company; and
- (b) the Guarantee.

7.9 Power of Directors in respect of a Member's conduct

- (a) If any Member:
 - (i) wilfully refuses or neglects to comply with the provisions of the Constitution; or
 - (ii) engages in any conduct which, in the opinion of the Members, is unbecoming of a Member or prejudicial to the interests of the Company,the Members have the power to censure, fine, suspend or expel the Member.
- (b) At least one week before the meeting of the Directors at which a resolution under clause 7.9(a) is passed, the Company must provide the Member with:
 - (i) notice of the meeting;
 - (ii) the allegations against them;

- (iii) the intended resolution; and
- (iv) advice that the Member will have an opportunity, at the meeting and before the passing of the resolution, to give, orally or in writing, any explanation or defence they may think fit.

8. Meetings of Members

8.1 Calling of meetings of Members by a Director

A minimum of three Directors, at least one of whom must be a Member Director may call a general meeting of Members. The Board must call and arrange to hold a general meeting if required to do so under the Corporations Act.

8.2 Calling of meetings by Members

A Member may call and arrange to hold a general meeting in accordance with section 249F of the Corporations Act.

8.3 Amount of notice of meetings

- (a) Subject to the Corporations Act, at least 21 days' notice must be given of a general meeting of Members.
- (b) Subject to clause 8.3(c), the Company may call on shorter notice:
 - (i) an AGM, if all of the Members entitled to attend and vote at the AGM agree beforehand; and
 - (ii) any other general meeting, if Members with at least 95% of the votes that may be cast at the meeting agree beforehand.
- (c) At least 21 days' notice must be given of a meeting of Members at which a resolution will be moved to remove an Auditor.

8.4 Notice of meetings of Members

- (a) Written notice of the meeting of Members must be given individually to each Member entitled to vote at the meeting and to each Director.
- (b) Notice to joint Members must be given to the joint Member first named in the register of Members.
- (c) The Company may give the notice of meeting to a Member:
 - (i) personally;
 - (ii) by sending it by post to the address of the Member in the Register of Members or the alternative address (if any) nominated by the Member;
 - (iii) by sending it to the electronic address (if any) nominated by the Member; or
 - (iv) by any other means authorised by the Corporations Act.
- (d) A notice of meeting sent by post is taken to be given three days after it is posted. A notice of meeting sent by electronic means is taken to be given on the business day after it is sent.
- (e) A Member's attendance at a meeting of Members waives any objection which that Member may have had to a failure to give notice, or the giving of a defective notice, of the meeting, unless the Member at the beginning of the meeting objects to the holding of the meeting.

8.5 Auditor entitled to notice and other communication

The Company must give its Auditor:

- (a) notice of a general meeting of Members in the same way that a Member is entitled to receive notice; and
- (b) any other communication relating to the general meeting of Members that a Member is entitled to receive.

8.6 Contents of notice of meeting

- (a) The notice of meeting must specify the place, the day and the hour of meeting and if the meeting is to be held in two or more places, the technology that will be used to facilitate the meeting, the general nature of the business to be transacted and any other matters as are required by the Corporations Act.
- (b) The accidental omission to give notice of any general meeting to, or the non-receipt of a notice by, a person entitled to receive notice does not invalidate a resolution passed at a general meeting of Members.

8.7 Notice of adjourned meetings

When a meeting is adjourned, new notice of the resumed meeting must be given if the meeting is adjourned for one month or more.

8.8 Members' resolutions

The Members may propose a resolution to be moved at a general meeting only in accordance with the provisions of Division 4 of Part 2G.2 of the Corporations Act.

8.9 Time and place for meetings of Members

A meeting of Members must be held at a reasonable time and place.

8.10 Technology

The Company may hold a meeting of its Members at two or more venues using any technology that gives the Members as a whole a reasonable opportunity to participate.

8.11 Quorum

- (a) The quorum for a meeting of Members is three Member Representatives present in person. The quorum must be present at all times during the meeting.
- (b) In determining whether a quorum is present:
 - (i) individuals attending as proxies are to be counted;
 - (ii) if a Member has appointed more than one proxy, only one of them is to be counted; and
 - (iii) if a Member has appointed another Member present at a meeting as proxy then the Member present at the meeting shall be counted as being present themselves and as being present for each Member they are appointed as proxy for.
- (c) A meeting that does not have a quorum present within 30 minutes after the time for the meeting set out in the notice of meeting is to be adjourned to a date, time and place as the Directors specify.
- (d) If the Directors do not specify one or more of those requirements, the meeting is adjourned to :
 - (i) if the date is not specified, the same day of the week in the following week;

- (ii) if the time is not specified, the same time; or
 - (iii) if the place is not specified, the same place.
- (e) If no quorum is present at the resumed meeting within 30 minutes after the time for the meeting, the meeting is dissolved.

8.12 Chairing meetings of Members

- (a) The Chairperson shall chair all meetings of Members.
- (b) The Members present at a meeting of the Members must elect a Member present to act as the Chairperson of the meeting (or part of it) if:
 - (i) a Chairperson has not been elected by the Directors; or
 - (ii) the Chairperson is not available or declines to act as chair for the meeting (or part of the meeting).
- (c) The chair of the meeting may determine the procedures to be adopted for proper and orderly discussion or debate at the meeting, and the casting or recording of votes at the meeting.
- (d) The chair of the meeting may make rulings without putting the question (or any question) to the vote if that action is required to ensure orderly conduct of the meeting.
- (e) The chair of the meeting may, subject to the Corporations Act, at any time terminate discussion or debate on any matter being considered at the meeting and require that matter to be put to a vote.
- (f) The chair of the meeting may refuse to allow debate or discussion on any matter which is not business referred to in the notice of that meeting or is not business of the meeting permitted pursuant to the Corporations Act without being referred to in the notice of meeting.
- (g) Subject to the terms of this Constitution regarding adjournment of meetings, the chair of the meeting's ruling on all matters relating to the order of business, procedure and conduct of the general meeting is final and no motion of dissent from a ruling of the chair of the meeting may be accepted.
- (h) The chair of the meeting may, in his or her absolute discretion, refuse any person admission to a general meeting, or expel the person from the general meeting and not permit them to return, if the chair of the meeting reasonably considers that the person's conduct is inappropriate. Inappropriate conduct in a general meeting includes:
 - (i) the use of offensive or abusive language which is directed to any person, object or thing;
 - (ii) attendance at the meeting while under the influence of any kind of drug, or using or consuming any drug at the meeting, including any alcoholic substance; or
 - (iii) possession of any article, including a recording device or other electronic device or a sign or banner, which the chair of the meeting considers is dangerous, offensive or disruptive or likely to become so.
- (i) The chair of the meeting may delegate any power conferred on them to any person.
- (j) Nothing contained in this clause 8.12 limits the powers conferred by law on the chair of the meeting.
- (k) The chair of a meeting of Members must adjourn the meeting if Members present and

holding a majority of votes at the meeting agree or direct that the chair of the meeting must do so.

8.13 Auditor's right to be heard at meetings of Members

- (a) The Auditor is entitled to attend and be heard at meetings of Members.
- (b) The Auditor is entitled to be heard at the meeting on any part of the business of the meeting that concerns the Auditor in their capacity as Auditor.
- (c) The Auditor is entitled to be heard even if:
 - (i) the Auditor retires at the meeting; or
 - (ii) the meeting passes a resolution to remove the Auditor from office.
- (d) The Auditor may authorise a person in writing as their representative for the purpose of attending and speaking at any general meeting.

8.14 Proxies and body corporate representatives

- (a) Each Member Representative is entitled to attend and cast a vote at meetings of Members and Members may also appoint a proxy to attend and cast a vote at that meeting.
- (b) Any proxy or Member Representative appointed by a Member must be appointed in accordance with and has the rights set out in Division 6 of Part 2G.2 of the Corporations Act.
- (c) A proxy need not be a Member, however:
 - (i) a document appointing a proxy must be in writing, in any form permitted by the Corporations Act or in any form (including electronic) which the Board may determine or accept, and signed on behalf of the Member making the appointment; and
 - (ii) a document appointing a proxy may specify the manner in which the proxy is to vote in respect of a particular resolution and, where the document so provides, the proxy is not entitled to vote on the resolution except as specified in the document.
- (d) Before the time for holding the meeting or adjourned meeting at which a proxy proposes to vote, the document appointing the proxy must be deposited with the Company.
- (e) That document must either be:
 - (i) received at the Company's office or at another place or electronic address specified for that purpose in the notice convening the meeting not less than 24 hours before the time for holding the meeting; or
 - (ii) produced to the chair of the meeting before the proxy votes.
- (f) If a general meeting has been adjourned, an appointment and any authority received by the Company at least 24 hours before the resumption of the meeting are effective for the resumed part of the meeting.

8.15 Voting

- (a) Subject to any rights or restrictions attached to any class of Member, at a meeting of Members each Member has one vote on a show of hands and on a poll.
- (b) The Chairperson does not have a casting vote.

8.16 Objections to right to vote

A challenge to a right to vote at a meeting of Members:

- (a) may only be made at the meeting; and
- (b) must be determined by the Chairperson whose decision is final.

8.17 How voting is carried out

- (a) A resolution put to the vote at a meeting of Members must be decided on a show of hands unless a poll is demanded.
- (b) On a show of hands, a declaration by the Chairperson is conclusive evidence of the result.
- (c) Neither the Chairperson nor the minutes need to state the number or proportion of the votes recorded in favour or against a resolution.

8.18 Matters on which a poll may be demanded

- (a) A poll may be demanded on any resolution other than resolutions concerning:
 - (i) the election of the chair of the meeting; or
 - (ii) the adjournment of the meeting.
- (b) A poll may be demanded in accordance with section 250L of the Corporations Act.

8.19 When and how polls must be taken

- (a) A poll demanded on a matter other than the election of a chair or the question of an adjournment must be taken when and in the manner the chair of the meeting directs.
- (b) A poll on the election of the chair of a meeting or on the question of an adjournment must be taken immediately.

8.20 Holding of AGM

- (a) The Company must hold an AGM within 18 months after its registration.
- (b) The Company must hold an AGM at least once in each calendar year and within five months after the end of its financial year.
- (c) An AGM must be held in addition to any other meetings held by the Company in a year.
- (d) If the Company only has one Member, it is not required to hold an AGM.

8.21 Extension of time for AGM

The Company may lodge an application with ASIC to extend the period within which it is required to hold the AGM in accordance with section 250P of the Corporations Act.

8.22 Consideration of reports at AGM

The Directors must make the following available at an AGM:

- (a) the financial report;
- (b) the Directors' report; and
- (c) the Auditor's report,

for the last financial year that ended before the AGM completed in accordance with the requirements of Part 2M.3 of Chapter 2M of the Corporations Act.

8.23 Business of the AGM

The business of the AGM may include any of the following, even if not referred to in the notice of meeting:

- (a) the consideration of the annual financial report, Director's report and Auditor's report;
- (b) the appointment of the Auditor; and
- (c) the fixing of the Auditor's remuneration.

8.24 Questions by Members of the Company

The chair of the AGM must allow a reasonable opportunity for the Members as a whole at the meeting to ask questions about or make comments on the management of the Company.

8.25 Questions by Members to Auditors

If the Auditor or their representative is at the meeting, the chair of an AGM must allow a reasonable opportunity for the Members as a whole at the meeting to ask the Auditor or their representative questions relevant to the conduct of the audit and the preparation and content of the Auditor's report.

8.26 Resolution in writing

- (a) A resolution in writing signed by all Members entitled to vote on the resolution is to be treated as a determination of the Members passed at a meeting of the Members duly convened and held.
- (b) A resolution in writing may consist of several documents in like form, each signed on behalf of one or more Members, and if so signed it takes effect on the latest date on which a Member signs one of the documents.

9. Directors' and Members' minutes

9.1 Minutes

- (a) The Company must keep minute books in which it records within one month:
 - (i) proceedings and resolutions of Members' meetings;
 - (ii) proceedings and resolutions of Directors' meetings, including committee meetings;
 - (iii) resolutions passed by Members without a meeting; and
 - (iv) resolutions passed by Directors without a meeting.
- (b) The Company must ensure that the minutes of a meeting are signed by the Chairperson of the meeting or the Chairperson of the next meeting within a reasonable time after the meeting.
- (c) The Company must ensure that the minutes of the passing of a resolution without a meeting are signed by a Director within a reasonable time after the resolution is passed.

9.2 Members' access to minutes

Members are entitled to gain access to the minute book of meetings of Members in accordance with the Corporations Act.

10. Accounts and audit

10.1 Accounting records

- (a) The Directors must ensure that accounting and other records are kept to correctly record and explain the transactions and financial position of the Company, to enable true and fair

profit and loss accounts and balance sheets to be prepared and to permit preparation of any other documents required by the Corporations Act or this Constitution.

- (b) The records must be kept:
 - (i) in a manner that enables them to be conveniently and properly audited;
 - (ii) for seven years after the completion of the transactions or operations to which they relate; and
 - (iii) at the Company's registered office or at such other place as the Directors think fit.
- (c) The records must at all times be open to inspection by the Directors.

10.2 Accounts

- (a) Each financial year, the Company must prepare a financial report and a Directors' report in accordance with the Corporations Act.
- (b) The financial report for each financial year must consist of:
 - (i) the financial statements for the year;
 - (ii) the notes to the financial statements; and
 - (iii) the Directors' declaration about the statement and the notes.
- (c) The financial statements for the year will consist of:
 - (i) a profit and loss statement for the previous financial year;
 - (ii) a balance sheet at the date to which the profit and loss statement is made up;
 - (iii) a statement of cashflows for the year; and
 - (iv) if required by the Accounting Standards, a consolidated profit and loss statement, balance sheet and statement of cash flows.
- (d) The notes to the financial statements must consist of:
 - (i) disclosures required by the Corporations Regulations;
 - (ii) the notes required by the Accounting Standards (if any); and
 - (iii) if required, any other information necessary to give a true and fair view of the financial position and performance of the Company.
- (e) The Directors' declaration made pursuant to clause 10.2(b)(iii) is a declaration by the Directors:
 - (i) that the financial statement, and the notes required by the Accounting Standards comply with the Accounting Standards;
 - (ii) that the financial statements and the attached notes give a true and fair view of the financial position and performance of the Company;
 - (iii) whether, in the Directors' opinion, there are reasonable grounds to believe that the Company will be able to pay its debts as and when they become due and payable; and
 - (iv) whether, in the Directors' opinion, the financial statement and attached notes are in accordance with the Corporations Act.

10.3 Auditor

The Company must appoint a registered company auditor to audit the Company's financial statements in accordance with the Corporations Act. The remuneration of the Auditor must be fixed and the Auditor's duties regulated in accordance with the Corporations Act.

11. Winding up

11.1 Rights of Members on winding up

If the Company is wound up or dissolved, the Members have no right to participate in any distribution or payment of the assets or property of the Company.

11.2 Distribution of assets

- (a) If the Company is wound up or dissolved, the assets and property available for distribution after satisfaction of all debts and liabilities must be given or transferred to some other institution or institutions:
 - (i) whose objects are similar to the objects of the Company;
 - (ii) whose constitution prohibits the distribution of its income and property to an extent at least as great as that imposed by clause 2.2(b); and
 - (iii) which is approved by the Commissioner of Taxation as an institution exempt from income tax.
- (b) The Directors must determine the identity of the institution or institutions for the purpose of clause 11.2(a) at the time of dissolution.
- (c) If the Directors fail to determine the identity of the institution or institutions under clause 11.2(b), the Supreme Court of Victoria may make that determination.

12. Indemnity

12.1 Indemnity

- (a) Subject to Part 2D.2 of the Corporations Act, a person who is an Officer or Auditor of the Company is indemnified by the Company against any liability to another person (other than the Company or a related body corporate of the Company as defined in the Corporations Act) incurred in that person's capacity as an Officer unless the liability:
 - (i) arises out of conduct involving a lack of good faith; or
 - (ii) is for a pecuniary penalty order or composition order under Part 9.4B of the Corporations Act.
- (b) The Company will indemnify any other employee of the Company at the Directors' discretion.
- (c) The Company will indemnify an Officer against a liability for costs and expenses (including, legal expenses on a full indemnity basis) incurred by the Officer:
 - (i) in defending proceedings, whether civil or criminal, in which:
 - (A) judgment is given in favour of the Officer; or
 - (B) the Officer is acquitted; or
 - (ii) in connection with an application, in relation to proceedings under clause 12.1(c)(i), in which a court grants relief to the Officer under the Corporations Act,

subject only to an obligation on the Officer to repay to the Company the expenses advanced by the Company if:

- (iii) judgment is not given in the Officer's favour;
 - (iv) the Officer is not acquitted;
 - (v) a court subsequently determines that the indemnification is not permitted; or
 - (vi) the indemnification is not permitted by the Corporations Act.
- (d) For the purposes of this clause, the Company will have the burden of proving that the Officer to be indemnified is not entitled to the requested indemnification.
- (e) The indemnification rights in this clause constitute a contract between the relevant parties seeking indemnification and the Company and will continue to have effect following the rescission or restrictive modification of the clause with respect to events occurring prior to the rescission or modification of the clause.

12.2 Payment of Costs

The Directors may, out of the funds of the Company, pay all costs, losses and expenses which any Officer may incur or become liable to pay by reason of any contract entered into or act or thing done by them in their capacity as an Officer or in any way in discharge of their duties.

12.3 Limit of indemnity

Subject to the provisions of the Corporations Act, an Officer of the Company will not be liable for:

- (a) the acts, receipts, neglect or defaults of any other Officer;
- (b) joining in any receipt or other act of conformity or for any loss or expense happening to the Company through:
 - (i) the insufficiency or deficiency of title to any property acquired by order of the Officers for or on behalf of the Company; or
 - (ii) the insufficiency or deficiency of any security in or upon which any of the moneys of the Company is invested at any time;
- (c) any loss or damage arising from the bankruptcy, insolvency or tortious act of any person with whom any moneys, securities or effects are deposited at any time;
- (d) any loss occasioned by any error of judgment or oversight on the Officer's part; or
- (e) any other loss, damage or misfortune which occurs in the execution of the duties of the Officer's office,

unless the loss, damage or misfortune occurred through the Officer's own dishonesty.

13. Insurance

Except to the extent precluded by the Corporations Act, the Company may pay a premium for a contract insuring a person who is or has been an Officer, against:

- (a) any liability incurred by the Officer which does not arise out of conduct involving a wilful breach of duty in relation to the Company or a contravention of sections 182 or 183 of the Corporations Act; or
- (b) any liability for costs and expenses incurred by that person in defending proceedings relating to that person's position with the Company, whether civil or criminal and whatever their outcome.

9.3. Providing Sustainable Infrastructure

9.3.1. Domestic Animal Management Plan

Author/Position: Kate Sage, Coordinator Environment and Community Safety

Purpose

To adopt the Northern Grampians Shire Council Domestic Animal Management Plan 2021-25.

Summary

Domestic Animal Management Plans are a legislative requirement of local government under the *Domestic Animals Act 1994*.

The Domestic Animal Management Plan 2021-25 outlines all domestic animal management strategies and services that council will provide during the period of the plan.

In accordance with the *Domestic Animals Act 1994* and council's Community Engagement Policy, the plan has been out for community consultation and provided to all relevant stakeholders for a period of a month. No feedback has been received during this time.

Recommendation

That Council

1. **adopts the Northern Grampians Shire Domestic Animal Management Plan 2021-25 to serve as a road map to all animal management services for the next four years; and**
2. **provides a copy of the Northern Grampians Shire Domestic Animal Management Plan 2021-25 to the Secretary of the Department of Primary Industries in accordance with the *Domestic Animals Act 1994*.**

RESOLUTION

That Council

1. **adopts the Northern Grampians Shire Domestic Animal Management Plan 2021-25 to serve as a road map to all animal management services for the next four years; and**
2. **provides a copy of the Northern Grampians Shire Domestic Animal Management Plan 2021-25 to the Secretary of the Department of Primary Industries in accordance with the *Domestic Animals Act 1994*.**

Moved: Cr Kevin Erwin

Seconded: Cr Lauren Dempsey

Carried

Background/Rationale

A four year Domestic Animal Management Plan (DAMP) is a statutory requirement for all Victorian councils, prescribed by *the Domestic Animals Act 1994*. It is a plan that details the activities that the Northern Grampians Shire Council (NGSC) will undertake over the coming four years, in relation to the management plan for dogs, cats and domestic animal businesses. Council's existing DAMP was adopted in 2017 and expires November 2021.

The DAMP describes how council will meet its responsibilities under the *Domestic Animals Act 1994* and aims to support improvements in responsible pet ownership and animal welfare by focusing on seven key focus areas:

- Officer Training
- Registration and identification of domestic animals
- Nuisance animals
- Dog attacks
- Dangerous, menacing and restricted breed dogs
- Over population and high euthansia
- Domestic Animal Businesses

Under each key area, a clear action plan outlines how objectives will be achieved against each key area.

The DAMP will be reviewed annually and an evaluation of the implementation of the plan will be published in Council's Annual Report.

Legislation, Council Plan, Strategy and Policy Implications

Domestic Animals Act 1994

Northern Grampians Shire Council Plan 2021-25

Options

Option 1

That Council adopts the Northern Grampians Shire Council Domestic Animal Management Plan 2021-25. **[recommended]**

Option 2

That Council does not adopt the Northern Grampians Shire Council Domestic Animal Management Plan 2021-25. **[not recommended]**

Implications

There are no implications to discuss

Procurement

N/A

Community Engagement

The DAMP has been out for public and stakeholder feedback in accordance with council's Community Engagement Policy for a period greater than one month, with no feedback received at this date.

Innovation and Continuous Improvement

The Domestic Animal Management Plan, through several sections provides opportunity for future introduction of new innovation that becomes available, and areas highlighted for continuous improvement.

Collaboration

Feedback was also sought from multiple government agencies in relation to the content of the DRAFT Domestic Animal Management Plan. No feedback was provided.

Officer's Declaration of Interest

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

Kate Sage, Coordinator Environment and Community Safety

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

Attachments

1. Domestic- Animal- Management- Plan [9.3.1.1 - 33 pages]

Domestic Animal Management Plan



2021 – 2025 DRAFT ONLY

Version 1.0

Domestic Animal Management Plan



Responsible director

Responsible officer

Functional area

Review date

Trenton Fithall

David George

Community Safety & Amenity

CONTEXT STATEMENT

This version of the Northern Grampians Shire Council Domestic Animal Management Plan has been endorsed as a plan to enable and inform organisational and agency planning. It is recognised that strategies and deliverables outlined in this plan will develop further over the life of the plan with incremental versions of the plan to be produced and endorsed on an as required basis.

All comments should be forwarded to:

Northern Grampians Shire Council
PO Box 580
STAWELL VIC 3380

TABLE OF CONTENTS

| Contents | Page |
|--|-------------|
| Context statement | 1 |
| Version control table | 1 |
| PART ONE - INTRODUCTION | 4 |
| 1.1 Legislation | 4 |
| 1.2 Purpose | 5 |
| 1.3 Demographic profile | 5 |
| 1.4 Municipal map | 6 |
| 1.5 Domestic animal statistics | 7 |
| 1.6 Animal management operational structure | 7 |
| 1.7 Organisational chart | 7 |
| 1.8 Services provided | 8 |
| PART TWO - LEGISLATIVE REQUIREMENTS | 8 |
| 2.1 Training of authorised officers | 8 |
| 2.1.1 Context | 8 |
| 2.1.2 Current and planned training | 9 |
| 2.1.3 Our plans | 10 |
| 2.2 Registration and identification | 10 |
| 2.2.1 Current situation | 10 |
| 2.2.2 Our plans | 12 |
| 2.3 Nuisance | 12 |
| 2.3.1 Current situation | 12 |
| 2.3.2 Our plans | 14 |
| 2.4 Dog attacks | 14 |
| 2.4.1 Current situation | 14 |
| 2.4.2 Our plans | 16 |
| 2.5 Dangerous, menacing, and restricted breed dogs | 16 |

| | |
|--|----|
| 2.5.1 Current situation | 16 |
| 2.5.2 Our plans | 17 |
| 2.6 Overpopulation and high euthanasia | 18 |
| 2.6.1 Current situation | 18 |
| 2.6.2 Our plans | 19 |
| 2.7 Domestic animal businesses | 21 |
| 2.7.1 Current situation | 21 |
| 2.7.2 Our plans | 22 |
| 2.8 Other Council initiatives | 23 |
| 2.8.1 Industry leaders | 23 |
| 2.8.2 Animals in emergencies | 23 |
| 2.8.3 Northern Grampians Shire Council <i>General Local Law 2012</i> | 24 |
| 2.9 Annual review of plan and annual reporting | 25 |
| 2.9.1 Current situation | 25 |
| 2.9.2 Our plans | 26 |

PART ONE - INTRODUCTION

1.1 PURPOSE

Domestic animals play an integral role in the day to day lives of many in the Northern Grampians Shire community. Council recognises the significance of ensuring that pets, their owners, and non-pet owners can coexist in the community.

A Domestic Animal Management Plan (DAMP) is a statutory requirement for all Victorian councils, prescribed by the *Domestic Animals Act 1994*. It is intended to provide the Northern Grampians Shire Council (NGSC) with a management plan for dogs, cats, and domestic animal businesses.

The purpose of the Domestic Animal Management Plan is to provide the Northern Grampians Shire Council with a strategic framework that delivers policy direction and action plans for animal management of the next 4 years. It aims to:

- Document current processes under NGSC animal management responsibilities.
- Increase pet owners 'knowledge of the principles of responsible pet ownership and enhance community safety and awareness.
- Strengthen relationships with animal rescue groups, vets, and other relevant services to respond to crisis situations and assist in rehoming animals.
- Reduce the number of dog attacks
- Balance the needs of those who own pets and those who do not.
- Decrease the numbers of dogs and cats being euthanized
- Maximise the numbers of dogs and cats that are registered in the NGSC municipality.
- Minimise the harmful effect of domestic pets on the population of native birds, mammals, and reptiles.
- Take community views on animal management matters into account.
- Comply with the relevant provisions of the *Domestic Animals Act 1994*.

1.2 COUNCIL PLAN

The DAMP links with the Northern Grampians Shire Council Plan 2021-25 which aims to provide the organisation with a solid framework to ensure the services we provide and the infrastructure we deliver are done with a strategic purpose and offer the best possible value to the community.

Our Council Plan outlines eight pillars that sets the direction of the organisation over the next 4 years, including:

- Building More Housing
- Growing Local Businesses
- Boosting Tourism
- Wellness and Welfare
- Improving Connectivity
- Advancing Education
- Protecting the Natural Environment
- Being a Better Council

Council has previously identified four goals that incorporate into the Council Plan, including:

- Enhancing Lifestyle and Community
- Boost Economic Growth
- Provide Sustainable Infrastructure
- Improve Organisational Effectiveness

The DAMP aligns with the broader strategic direction of Council as outlined in the table below

| Council Goals | Strategic Directions | Business Objective |
|---|--|--|
| Enhance Lifestyle and Community | Foster A Safe Community | Reduce the impact of emergencies through the integration of community partnerships, science, and technology Set reasonable and manageable public health, safety and amenity requirements and monitor compliance Be proactive, inform, educate, support, and encourage community to understand and address noncompliance Take an escalating approach, holding people to account when they are deliberately resistant, evasive, or failing to account for risk to public health and wellbeing, in accordance with the law |
| | Protect And Enhance Our Natural and Cultural Environment | Prevent the further decline of our natural landscapes and cultural environment |
| Improve Organisational Effectiveness | Improve Our Organisational Effectiveness | Optimise the flow of services and products to customer by eliminating waste, creating robust, quality systems and committing to continuous improvement. |
| | | Plan and review business requirements, staying current and evolving to the needs of the Organisation and the Community |

1.3 COUNCIL PROFILE

The Northern Grampians Shire has a population of 11,403 (Australian Bureau of Statistics [ABS] 2020) with much of the population situated in the following town centres (see figure 1 for map of shire):

| Town | Location | Population |
|-----------------------------------|--|--|
| Stawell | Western Highway 233 km or 3 hours' drive from Melbourne | 6,017 (ABS 2020) |
| St Arnaud | Sunraysia Highway 132 kms from Ballarat | 2,154 (ABS 2020) |
| Halls Gap | 29 km southwest of Stawell | 734 (ABS 2020) (8,000-10,000 in peak periods) |
| Great Western & Stawell surrounds | 14 km Southeast of Stawell, including the townships of: Navarre, Marnoo, and Glenorchy | 1015 (ABS 2020) |

Several smaller communities are scattered throughout the shire, and the remaining population reside on farming properties and lifestyle blocks. The shire has a diverse and growing economic base, and contains a range of industries, activities, and interests including agriculture, Landcare, tourism, and wine production. Commercial centres of Stawell and St Arnaud and tourism hub Halls Gap are vitally important to the region. The Grampians National Park is a major domestic and international tourist destination.

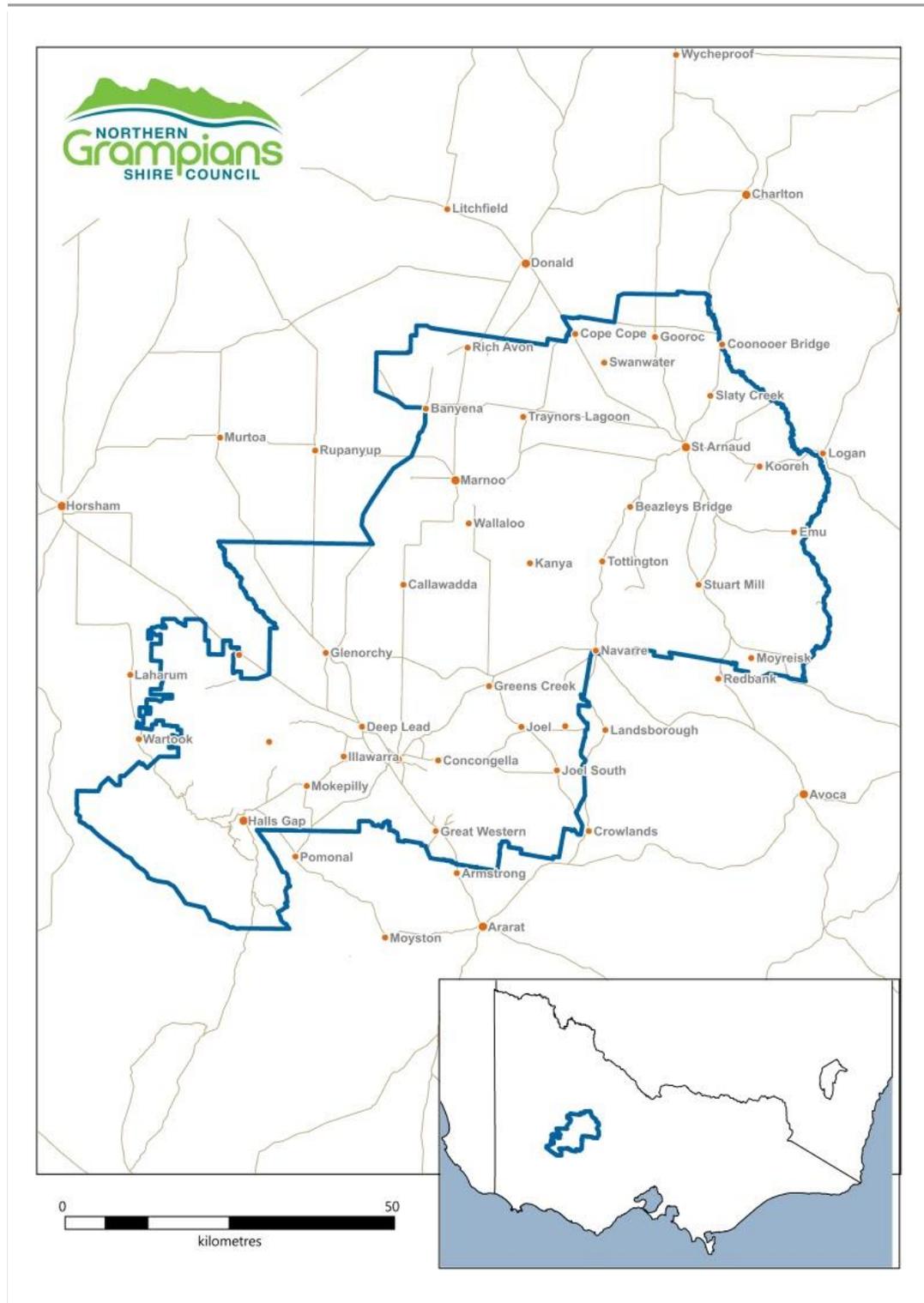


Figure 1 Map of Northern Grampians Shire.

PART TWO – LEGISLATIVE REQUIREMENTS

2.1 LEGAL FRAMEWORK

Under Section 68A of the *Domestic Animals Act 1994*, every Council must prepare a domestic animal management plan, as follows:

68A Councils to prepare domestic animal management plans

- (1) Every Council must, in consultation with the Secretary (*of the Department of Primary Industries*), prepare at 4-year intervals a domestic animal management plan.
- (2) A domestic animal management plan prepared by a Council must —
 - (a) set out a method for evaluating whether the animal control services provided by the Council in its municipal district are adequate to give effect to the requirements of this Act and the regulations; and
 - (b) outline programs for the training of authorised officers to ensure that they can properly administer and enforce the requirements of this Act in the Council's municipal district; and
 - (c) outline programs, services, and strategies which the Council intends to pursue in its municipal district—
 - (i) to promote and encourage the responsible ownership of dogs and cats.
 - (ii) to ensure that people comply with this Act, the regulations, and any related legislation.
 - (iii) to minimise the risk of attacks by dogs on people and animals.
 - (iv) to address overpopulation and high euthanasia rates for dogs and cats.
 - (v) to encourage the registration and identification of dogs and cats.
 - (vi) to minimise the potential for dogs and cats to create a nuisance.
 - (vii) to effectively identify all dangerous dogs, menacing dogs, and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with this Act and the regulations.
 - (d) provide for the review of existing orders made under this Act and local laws that relate to the Council's municipal district with a view to determining whether further orders or local laws dealing with the management of dogs and cats in the municipal district are desirable; and
 - (e) provide for the review of any other matters related to the management of dogs and cats in the Council's municipal district that it thinks necessary; and
 - (f) provide for the periodic evaluation of any program, service, strategy, or review outlined under the plan.
- (3) Every Council must —
 - (a) review its domestic animal management plan annually and, if appropriate, amend the plan; and
 - (b) provide the Secretary with a copy of the plan and any amendments to the plan; and
 - (c) publish an evaluation of its implementation of the plan in its annual report.

2.2 TRAINING OF AUTHORISED OFFICERS

Section 68(A)(2)(b) of the Domestic Animals Act 1994 requires Council to outline programs for the training of authorised officers to ensure that they can properly administer and enforce the requirements of this Act in the Council's municipal district.

Council's Community Safety unit manages all domestic animal matters. The unit consists of a Team Leader, 1 x Fulltime Officer, 1 x part time officer and 2 part time Pound Attendants. The unit is situated in the infrastructure directorate and reports to the Coordinator Environment and Community Safety.

It is important to note that in addition to animal management, the Community Safety unit is responsible for other activities including parking enforcement, litter control, and local law administration. Whilst this is the case, each officer undertakes animal management work as a portion of their overall workload.

The NGSC is committed to ensuring all staff involved in animal management are suitably trained and equipped with the knowledge and skills required to meet the demands of the role.

Authorised Officers are required to be suitably qualified with a sound understanding and knowledge of a range of legislation including the Domestic Animals Act 1994. Apart from being able to administer and enforce the legislation, officers need to be able to communicate with all members of the community, diffuse difficult situations and safely handle animals.

All Community Safety Officers receive ongoing training in animal management and a range of other fields that will continue to ensure they are equipped to manage the demands of the role. Training in health and safety, customer service and workplace behaviours is included in the team's training to ensure officers act professionally when dealing with the community.

Annual performance reviews are conducted to ensure that officers have opportunity to review their current performance and skill set to assist in identifying any training needs. Officers are encouraged to attend industry related information sessions and seminars for networking opportunities and to keep up with the latest trends, innovations, and legislation. With most training being held in Melbourne or other parts of the state, a substantial commitment to training is made in the annual budget.

The NGSC's minimum requirements for training of Community Safety Officers include the following skills:

- Contribute to the health and safety of self and others
- Manage conflict situations
- Comply with animal control and regulation requirements
- Apply regulatory powers
- Assess, investigate, and act on non-compliance
- Prepare a brief of evidence
- Assess and impound animals
- First Aid

2.2.1 OUR PLANS

Objective 1: To ensure all Community Safety Officers have adequate training.

| Activity | When | Evaluation |
|---|---------|--|
| Identify minimum and additional training requirements | Ongoing | Minimum training requirements identified and embedded into the recruitment process |
| Ensure authorised officers have completed minimum training requirements | Ongoing | Training gaps identified through annual training register reviews |
| Ensure authorised officers undertake additional training opportunities | Ongoing | Each officer to undertake additional training annually |
| Ensure casual staff employed meet minimum training requirements | Ongoing | Through recruitment process |

Objective 2: Develop and maintain a training register for Local Laws Officers.

| Activity | When | Evaluation |
|--|---------------------|---|
| Update register as training is completed | Annually 30 June | Training register is reviewed annually by 30 June |

2.3 REGISTRATION AND IDENTIFICATION

Section 68A(2)(c)(v) of the Domestic Animals Act 1994 requires Council to outline programs, services, and strategies to encourage the registration and identification of dogs and cats

- also addresses 68A(2)(a), (c)(i), (c)(ii), (d), (f)

2.3.1 CURRENT SITUATION

Our current data

Registration and identification of domestic animals is critical to the functions of Council's animal management. The registration and identification assist Council in identifying animal owners and being able to investigate serious animal related reports. Animal registration fees ensure Council can provide an effective service and other education programs run by the State Government.

Domestic animals have a greater chance of being returned home if found wandering and reduces the stress on the owners and the animal if it is registered and identified.

Council data shows that registration trends vary from year to year. The reasons for this are unknown but could mean that animals have passed away, moved to other shires, or remain unregistered.

| REGISTRATIONS | 2017/18 | 2018/19 | 2019/20 | 2020/21 |
|----------------|---------|---------|---------|---------|
| Number of dogs | 2183 | 2006 | 1820 | 1961 |
| Number of cats | 731 | 620 | 553 | 636 |

Our current Local Laws, policies, and procedures

Council currently has in place a Registration of Restricted Breed and Declared Dangerous Dogs Policy which supports the refusal to register dogs declared dangerous (other than guard dogs), including those deemed to be restricted breed dogs whose importation into Australia is prohibited.

Council procedures relevant to domestic animal registration and identification include:

- Notice to comply
- Impound of animal
- Restricted breed dog declaration
- Returned/deceased/departed animal registration
- Infringement entry

Council's existing and relevant Local Laws under Council's General Local Law 2012 include:

- Excess animals in residential areas
- Excess animals in rural areas
- Cats in Halls Gap area

Our current education/promotion activities

NGSC sends shire residents animal registration renewal notices annually, and in their regular contact with the community, Officers take opportunities to discuss registration requirements with pet owners. Council's website contains a section dedicated to "Cat & Dog Registration", which explains registration requirements, fees, and restrictions in the Northern Grampians Shire.

Our current compliance activities

Officers issue Notices to Comply for lapsed or non-existent domestic animal registrations. Through Council's Local Laws after hours service, unregistered animals are often impounded. After hours animal service. Upon impoundment, animals are required to be registered on release.

In the southern part of the shire, Halls Gap has been designated as a cat free zone due to its proximity to native wildlife in the Grampians National Park. Halls Gap became a cat free zone on 21 October 1993. No occupier of property in the Halls Gap area may keep a cat in their possession, unless the cat was living before this date. Council enforces this by issuing Notices to Comply and infringements as required to residents of Halls Gap caught housing cat/s in the cat free zone.

Summary

A high number of unregistered impounded animals indicates a high rate of unregistered animals within the shire. This highlights the requirement for ongoing community education and compliance for registrations.

2.3.2 OUR PLANS

Objective 1: Increase domestic animal registration rates in the Shire.

| Activity | When | Evaluation |
|---|----------|--|
| Ensure all impounded animals are registered prior to release | Ongoing | Review impoundment records on a regular basis |
| Issue Notices to Comply for non-registration | Annually | Increased compliance with animal registration |
| Provide responsible pet ownership literature | Ongoing | Compare total number of animals registered in NGS with previous year's registration data |
| Review fees and investigate options to make registration of animals an incentive, including pro rata arrangements | Annually | Fees reviewed |
| Monitor registration trends, including that of impounded animals | Ongoing | Number of animals registered |
| Identify and follow up on unpaid animal registrations | Annually | Number of Notice to Comply' issues |
| Ensure that animal complaints are checked for registration compliance as part of the process. | Ongoing | Number of Notice to Comply issued |

2.4 NUISANCE

Section 68A(2)(c)(vi) of the Domestic Animals Act 1994 requires Council to outline programs, services, and strategies to minimise the potential for dogs and cats to create a nuisance

- also addresses 68A(2)(a), (c)(i), (c)(ii), (d), (f)

2.4.1 CURRENT SITUATION

Our current data

Nuisance animals cause unnecessary stress on the community and Council is committed to investigating and resolving any reports as soon as possible.

The number of reports received for domestic animals wandering uncontrolled remains high with approximately 3 reports received per week. Owners have a responsibility to ensure that this nuisance is abated, and Council works closely with owners to ensure compliance.

Feral and stray cats continue to be a problem for the community, just like the rest of Australia. Council continues to make available cat traps to the community and works with industry to manage the problem.

The table below gives a snapshot of the nuisance reports received over the past 4 years.

| NUMBER OF COMPLAINTS | 2017/18 | 2018/19 | 2019/20 | 2020/21 |
|----------------------------------|---------|---------|---------|---------|
| Barking dogs | 41 | 60 | 33 | 45 |
| Wandering at large (dogs & cats) | 116 | 60 | 158 | 149 |
| Cat trap requests | 46 | 53 | 62 | 75 |

Our current Local Laws, Council policies and procedures

Council has in place a Registration of Restricted Breed and Declared Dangerous Dogs Policy which supports the refusal to register dogs declared dangerous (other than guard dogs) including those deemed to be restricted breed dogs whose importation into Australia is prohibited.

Council procedures relevant to domestic animal nuisance include:

- Notice to comply
- Impound of animal
- Barking dog complaint
- Infringement entry

Council's existing and relevant Local Laws under Council's General Local Law 2012 include:

- Excess animals in residential areas
- Excess animals in rural areas
- Cats in Halls Gap area
- Dogs on leash in all municipal places
- Clean up animal excrement

Additionally, Council has an internal Customer Request Management system which ensures that incoming enquiries and complaints are documented and managed. Council targets the shire's feral cat population through Officers setting cat traps in known problematic areas, as well as lending traps to shire residents for use on their own properties.

Our current education/promotion activities

Council seeks to educate the public on nuisance animal issues and processes via the website, which contains a copy of Council's General Local Law 2012, information on cat traps, barking dogs' advice and complaints process, and requirements and restrictions for excess/prohibited animal ownership. Council has also obtained state government brochures "Are you a cat owner?" and "Are you a dog owner?" with the plan to deliver further responsible pet ownership information to the community (figure 2).



Figure 2 Responsible pet ownership brochures.

Our current compliance activities

Council's current compliance activities relating to domestic animal nuisance include:

- Cat ban in Halls Gap area (as per Council's General Local Law 2012)
- Issuing of Notices to Comply and infringements where necessary
- Investigation of all nuisance complaints, including barking dogs and animals wandering at large
- Provision of cat traps on request
- Use of cat traps by Local Laws Officers to trap feral cats in known problem areas

Summary

To reduce nuisance complaints within the shire, Community Safety Officers will continue to deliver education and compliance programs, improve existing processes and, investigate new initiatives

2.4.2 OUR PLANS

Objective 1: Reduce nuisance complaints.

| Activity | When | Evaluation |
|--|---------|--|
| Promote responsible pet ownership in multiple mediums i.e., social media, print etc. | Ongoing | Reduced impoundments including repeat offenders, identified through annual review of data by 30 June |
| Cat traps used by Council and available to the public for capturing feral cats | Ongoing | Reduced number of wild/feral cats captured via trapping program, identified through annual review of data by 30 June |
| Monitor locations of complaints about wandering dogs | Ongoing | Reduced number of reports and impounded dogs |

Objective 2: Improve efficiency of response to 'Wandering at Large' complaints.

| Activity | When | Evaluation |
|---|-----------|--|
| Map process to identify inefficiencies and make improvements | June 2022 | Evaluate resolution timeframes in Council's internal customer request program, identified in Council's Annual Report |
| Undertake proactive patrols in known problem areas where possible | Ongoing | Reduced number of reports |

Objective 4: Review of policies and strategies relating to animals

| Activity | When | Evaluation |
|---|------|--------------------|
| Review General Local Law to ensure it is consistent with the community expectations and environment | 2022 | Local Law Reviewed |

2.5 DOG ATTACKS

Section 68A(2)(c)(iii) of the Domestic Animals Act 1994 requires Council to outline programs, services, and strategies to minimise the risk of attacks by dogs on people and animals

- also addresses 68A(2)(a), (c)(i), (c)(ii), (d), (f)

2.5.1 CURRENT SITUATION

Our current data

Dog attacks are the greatest risk to the community, including our farming community. Livestock attacks continue to occur, and the increased number of wandering dogs as noted previously plays a big part. Many dog attacks go under reported as a result of the Shire being a small community. Unfortunately, dog attacks are often reported to Council after the 2nd or 3rd attack.

Council actively works with affected dog owners and farmers to reduce the chances of further incidents occurring.

The below table notes the reported dog attacks received by Council over the past 4 years.

| Number of dog attack (type) | 2017/18 | 2018/19 | 2019/20 | 2020/21 |
|-----------------------------|-----------|-----------|-----------|-----------|
| Livestock | 7 | 3 | 4 | 7 |
| Dogs / cats | 2 | 3 | 4 | 3 |
| Human | 1* | 4* | 8* | 4* |
| Other | 0 | 0 | 3 | 2 |
| TOTAL | 10 | 10 | 19 | 16 |

NOTE: ATTACKS ON HUMANS DOES NOT INCLUDE RUSHING, CHASING ETC.

Our current Local Laws, Council policies and procedures

Council has in place the following policies related to the management of dog attacks within Northern Grampians Shire.

- Dog attack policy
- Registration of restricted breed and declared dangerous dogs' policy

Council procedures relevant to dog attacks include:

- Dog attack response
- Impound of animal
- Infringement entry
- Evidence gathering - points of proof

Council's existing and relevant Local Laws under Council's *General Local Law 2012* include:

- Dogs on leash

Our current education/promotion activities

Council's stance on dangerous and restricted breed dogs within Northern Grampians Shire is detailed on the website. Council promotes responsible pet ownership through regular Local Laws Officer contact with pet owners residing in the shire. Council also delivers responsible pet ownership information through the brochure "*Are you a dog owner?*" (Figure 3), which includes advice on property confinement, training and socialisation, and dog attacks.

Our current compliance activities

Council's current compliance activities relating to dog attacks include:

- Issuing of Notices to Comply and infringements where necessary
- Investigation of all dog attacks reported to Council
- Animal impoundment
- Procedure to declare Menacing and/or Dangerous Dogs

Summary

Dog attacks are taken seriously by Council and reducing the number of attacks remains a priority for the team. Local Laws Officers will continue to deliver compliance activities and improve existing processes to further reduce the occurrence of dog attacks within the Northern Grampians Shire.

2.5.2 OUR PLANS**Objective 1: Reduce the number of dog attacks.**

| Activity | When | Evaluation |
|--|---------|--|
| Promote responsible pet ownership in multiple mediums (i.e. social media, print etc.) | Ongoing | Reduced number of dog attacks reported annually, identified through annual review of data by 30 June |
| Provide solutions to owners of ways to contain wandering dogs | Ongoing | Reduced number of dog attacks reported |
| Actively patrol areas of nuisance wandering dogs | Ongoing | Reduced number of reports |
| Review data in relation to dog attacks to identify trends or useful information to assist in improving awareness | Ongoing | Data reviewed and annual programs set |
| Review the General Local Law to ensure it is consistent with community expectations | 2022 | Local Law Reviewed |

2.6 DANGEROUS, MENACING AND RESTRICTED BREED DOGS

Section 68A(2)(c)(vii) of the *Domestic Animals Act 1994* requires Council to outline programs, services and strategies to effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with this Act and the regulations - also addresses 68A(2)(a), (c)(i),(c)(ii),(d),(f)

2.6.1 CURRENT SITUATION

Our current data

Menacing and dangerous dog declarations are an effective method to reduce the risk of further incidents. Once declared, the powers of Council and the penalty to the dog owner increase which reduces the number of repeated offences.

Council has declared 4 dogs dangerous in the past 12 months as a result of dog attack investigations and will continue to use this measure in order to inform the community how serious we will treat dog attack reports.

| DOGS | 2018/19 | 2020/21 |
|----------------------------------|---------|---------|
| Number of menacing declarations | 1 | 1 |
| Number of dangerous declarations | 0 | 4 |

Our current Local Laws, Council policies and procedures

Council's existing and relevant Local Laws under Council's *General Local Law 2012* include:

- Dogs on leash
- Excess animals in residential area
- Excess animals in rural area

Council has in place a 'Registration of Restricted Breed and Declared Dangerous Dogs Policy', which provides for the safety and wellbeing of residents and visitors through the right of refusal to register restricted breed dogs and dangerous dogs. in the Northern Grampians Shire.

The policy is a discretionary directive available to Council under the *Domestic Animal Act 1994*, enabling Council to instruct Council Officers not to register or renew the registration of restricted breed dogs or declared dangerous dogs in this municipality. This will have the effect of banning these dogs within this municipality, as all dogs must be registered with Council (*Domestic Animal Act 1994*).

Pursuant to Section 3 (1) of the *Domestic Animals Act 1994* a restricted breed dog is defined as any one of the following breeds:

- Japanese Tosa
- Fila Brasileiro
- Dogo Argentino
- Perro De Presa Canario (or Presa Canario)
- American Pit Bull Terrier (or Pit Bull Terrier)

Dogs may be declared dangerous by Council if the dog;

- Causes a serious injury to or kills a person or another animal
- Is a declared menacing dog and its owner has received at least two infringement notices for offences of being outside the owner's premises not muzzled or controlled on a lead
- Declared dangerous in another state or territory

Council procedures relevant to the management of dangerous, menacing, and restricted breed dogs include:

- Impound of animal
- Infringement entry
- Evidence gathering - points of proof
- Restricted breed dog declaration
- Menacing/dangerous dog declaration

Our current education/promotion activities

Information can be found on Council's website regarding the registration of dangerous and restricted breed dogs within Northern Grampians Shire.

Our current compliance activities

To increase compliance relating to dangerous, menacing, and restricted breed dogs, Council Officers undertake the following actions.

- Provide an after-hours server to assist with managing dog attacks and aggressive dogs.
- Thoroughly investigate dog attacks
- Issue Menacing/Dangerous Dog Declarations
- Hold dogs that have been involved in attacks during the course of the investigation

Summary

In July 2005 Council supported the move for Council Officers to decline to register dogs declared dangerous (other than guard dogs) including those deemed to be a restricted breed dog.

Declared dangerous dogs and restricted breed dogs (including Pit Bull Terriers) may not be approved to be registered with NGSC. This policy ensures the safety of our community by removing dangerous dogs from our municipality.

Council has taken a stronger stance in recent years as a result of dog attacks which has resulted in more animals being declared. These measures are put in place to protect the community.

2.6.2 OUR PLANS

Objective 1: Ensure declared dogs are compliant with relevant legislation and regulations.

| Activity | When | Evaluation |
|---|---------|--|
| Conduct random property inspections of declared dogs to ensure compliance | Ongoing | Supporting documentation No repeat incidents with declared dogs |
| Repeat menacing dog offenders are escalated to declared dangerous dogs in line with legislation | Ongoing | Supporting documentation |
| Complete review of menacing dog compliance | Annual | Review property inspection data and impound register |
| Investigate complaints about menacing, dangerous or restricted breed dogs | Ongoing | Investigations completed |
| Ensure all declared dogs are accurately registered on the Victorian Dangerous Dog Registry | Ongoing | All declared dogs registered |

Objective 2: Identify and register all Declared Dogs in the municipality.

| Activity | When | Evaluation |
|---|----------------|--------------------|
| Officers to undertake Restricted Breed dog training to ensure easy identification | When available | Training completed |
| Review Council's Restricted Breed Dog Registration Policy | 2023 | Policy Reviewed |

2.7 OVERPOPULATION AND HIGH EUTHANASIA

Section 68A(2)(c)(iv) of the Domestic Animals Act 1994 requires Council to outline programs, services, and strategies to address any over-population and high euthanasia rates for dogs and cats

- also addresses 68A(2)(a),(c)(i),(c)(ii),(d),(f)

2.7.1 CURRENT SITUATION

Our current data

An ongoing feral cat problem at local industrial sites, low reclaim rates and low numbers of cats microchipped in the Northern Grampians Shire continues to contribute to a high rate of euthanasia in cats impounded by Council.

It is important to note that over the past 4 years, the number of animals reclaimed (51% in 2020/21) has steadily increased and the percentage of animals euthanised (17% in 2020/21) has decreased. Council will endeavour to return all animals to their owners where possible and work with animal rescue groups to reduce the number of animals euthanised.

| ANIMALS IMPOUNDED | DOMESTIC ANIMALS | | | |
|-------------------|------------------|------------|------------|------------|
| | 2017/18 | 2018/19 | 2019/20 | 2020/21 |
| Adopted | 83 | 30 | 116 | 78 |
| Reclaimed | 86 | 82 | 113 | 138 |
| Euthanasia | 47 | 32 | 36 | 45 |
| Deceased | 0 | 0 | 0 | 6 |
| TOTAL | 216 | 144 | 265 | 267 |

Our current Local Laws, Council policies and procedures

Council's existing and relevant Local Laws under Council's *General Local Law 2012* include:

- Excess Animals in residential area
- Excess Animals in rural area
- Cats in Halls Gap area
- 84Y Agreements

Council procedures relevant to overpopulation and high euthanasia include:

- Impound of animal
- Animal attendant procedure
- Health Management Plan for pounds
- Animal impound information sheet

As part of a strong commitment to rehoming animals, Council has 84Y agreements in place with 21 animal rescue groups. This extensive network of rescue groups enables Council to rehome many of its impounded animals.

Our current education/promotion activities

Council Officers facilitate adoption directly from the Council Pound and support 84Y Agreement participants to assist with rehoming animals. Officers promote animals available for adoption through Council’s website and social media channels. Council initiatives including animal rehoming are also promoted in all staff’s outgoing emails as a footer advertisement (see example in figure 3 below).



Figure 3 NGSC staff email footer promoting adoption of impounded animals.

Our current compliance activities

Current Council activities delivered by Local Laws Officers to reduce overpopulation and euthanasia include:

- Excess animal application assessments and enforcement
- Investigating reports of illegal and unregistered puppy farms
- Issuing of Notices to Comply for animal registrations
- Desexing all domestic animals prior to release from the pound*
- Cat traps available for the public
- Vehicle patrols and response to nuisance complaints

*Not including animals released under 84Y Agreements.

Summary

Council’s pound and euthanasia policies are guided by the *Domestic Animal Act 1994*. Council operates under its own pound and policies and procedures in accordance with the *Domestic Animal Act 1994* and the *Code of Practice for the Operation of Shelters and Pounds*.

The number of animals reclaimed is increasing and Council will continue to work with the community and animal rescue groups in order to reduce the overpopulation and euthanasia rates in the Shire.

2.7.2 OUR PLANS

Objective 1: Identify reasons for euthanasia

| Activity | When | Evaluation |
|--|---------|---|
| Develop and improve Council’s internal database to identify reasons for euthanasia | Ongoing | Compare euthanasia statistics annually, identified through annual review of data by 30 June |

Objective 2: Reduce number of feral cats within the Shire

| Activity | When | Evaluation |
|---|---------|--|
| Work with animal rescue groups to identify and address problem areas | Ongoing | Reduction in complaints relating to feral cats Reduction in requests for cat traps Identified through annual review of data by 30 June |
| Work with animal rescue groups to rehome friendly and healthy cats with suitable people | Ongoing | Reduction in the number of cats euthanised |
| Continue cat trapping program as needed, providing traps to the public as well as Officers trapping in identified problem areas | Ongoing | Reduced number of wild/feral cats captured via trapping program, identified through annual review of data by 30 June |
| Encourage desexing by providing a reduced registration fee for desexed animals | Ongoing | Increase in desexed animals within the Shire, identified through annual review of data by 30 June |
| Increased community education on the issue of feral cats | Ongoing | Reduction in complaints relating to feral cats Reduction in requests for cat traps Identified through annual review of data by 30 June |

Objective 3: Identify all illegal breeding establishments* within Shire.

| Activity | When | Evaluation |
|--|---------|---|
| Investigate known breeding establishments | Ongoing | Increased number of registered breeding establishments, identified through annual review of data by 30 June |
| Monitor social media | Ongoing | Increased number of registered breeding establishments, identified through annual review of data by 30 June |
| Encourage the public to provide information to Council regarding known breeding establishments and investigate | Ongoing | Increased number of registered breeding establishments, identified through annual review of data by 30 June |

Objective 4: Review current local laws and policies relating to animals.

| Activity | When | Evaluation |
|---|------|--------------------|
| Review General Local Law to ensure measures are in place to reduce overpopulation | 2022 | Local Law reviewed |

***Registration requirements for breeding/rearing businesses**

As specified in the *Code of Practice for the Operation of Breeding and Rearing Businesses*:

- Any dog or cat breeding business with 3 or more fertile female dogs, or 3 or more fertile female cats, must register as a Domestic Animal Business with the local council in the municipality that it resides.
- Where the breeder is a member of an Applicable Organisation**, the proprietor must only register as a Domestic Animal Business with their local council when they have more than 9 fertile female dogs or cats, or more than 2 are NOT registered with the Applicable Organisation.
- Applicable Organisation members with 10 or more fertile females or 3-9 fertile females where 2 or more are NOT registered with the applicable organisation, must register as a Domestic Animal Business with their local council.
- A rearer is an enterprise that is run for profit and carries out the rearing of dogs and cats and must register as a Domestic Animal Business with their local council.

**Information on Applicable Organisations can be found at the Agriculture Victoria website www.agriculture.vic.gov.au.

2.8 DOMESTIC ANIMAL BUSINESS

Section 68A(2)(c)(ii) requires Council to outline programs, services and strategies which the Council intends to pursue in its municipal district to ensure that people comply with this Act, the regulations and any related legislation - also addresses 68A(2)(a),(c)(i),(d),(f) (c)(i),(c)(ii),(d),(f)

2.8.1 CURRENT SITUATION

Our current data

Council has a small number of domestic animal businesses within the municipality. Each business is audited annually to ensure they comply with the legislation. Where a business fails to comply, Council will actively work with them to ensure that they can reach a satisfactory level of compliance.

There are no domestic animal breeding businesses within the municipality and Council works with the RSPCA to investigate all reported illegal breeding businesses.

The Community Safety team also work alongside Council's Planning Department in managing any enquiries relating to any proposed domestic animal businesses.

Domestic Animal Businesses are defined by the *Domestic Animals Act 1994* as:

- a) An animal Shelter, Council pound or pet shop, or
- b) An enterprise which carries out the breeding of dogs or cats to seek, where
 - i. In the case of an enterprise whose proprietor is a member of an applicable organisation, the enterprise has 10 or more fertile female dogs or 10 or more fertile female cats, or
 - ii. In the case of an enterprise whose proprietor is not a member of an applicable organisation, the enterprise has 3 or more fertile female dogs or 3 or more fertile female cats, or
- c) An enterprise that is run for profit which carries out the rearing, training, or boarding of dogs or cats

| DOMESTIC ANIMAL BUSINESS | 2017/19 | 2019/21 |
|--------------------------|---------|---------|
| Shelter/Pounds | 2 | 2 |
| Boarding Facilities | 1 | 0 |
| Pet Shops | 1 | 2 |

Our current Local Laws, Council policies and procedures

Domestic Animal Business registration is controlled by the *Domestic Animal Act 1994*. Council will continue to investigate all reports on Domestic Animal Breeding Businesses and seek compliance for any non-registered Domestic Animal Business by conducting property inspections.

Our current education/promotion activities

Council provides information and guidance to Domestic Animal Businesses on the necessity of registration, and the procedure and requirements to be fulfilled under the *Domestic Animal Act 1994*.

Our current compliance activities

Council currently undertakes the following activities to ensure compliance with businesses registered and the identification of unregistered businesses:

- Annual audits of registered businesses
- Follow up on properties identified through complaints regarding suspected Domestic Animal Businesses

Summary

There are a low number of Domestic Animal Businesses located within the Northern Grampians Shire. Council is obliged to ensure that each establishment complies with the relevant mandatory codes of practice for the operation of breeding and rearing establishments, boarding establishments, shelters and pounds, such as the *Code of Practice for the Operation of Shelters and Pounds*.

Council will continue to investigate all reported illegal domestic animal businesses to ensure full compliance within the municipality.

2.8.2 Our plans

Objective 1: Increase Domestic Animal Business Registration within the shire

| Activity | When | Evaluation |
|---|----------|--|
| Identify through social and print media all Domestic Animal Businesses and determine whether registration is required | Annually | Increase in Domestic Animal Business registration, identified through annual review of data by 30 June |
| Community education on definition of Domestic Animal Business | Annually | Increase in Domestic Animal Business registration, identified through annual review of data by 30 June |

Objective 2: Ensure all registered Domestic Animal Businesses are compliant with legislation

| Activity | When | Evaluation |
|---|----------|--|
| Annually inspect and audit all registered domestic animal businesses | Annually | All registered Domestic Animal Businesses are audited by 31 August |
| Investigate all complaints relating to domestic animal businesses to ensure compliance | Ongoing | Investigations complete |
| Investigate animal registration data to ensure properties with excess animals are not a breeding business | Annually | Investigations complete |

2.9 OTHER COUNCIL INITIATIVES

Section 68A(2)(e) requires Council to provide for the review of any other matters related to the management of dogs and cats in the Council's municipal district that it thinks necessary

2.9.1 INDUSTRY LEADERS

NGSC is committed to facilitating continuous improvement with all departments, by identifying long term goals and working towards being industry leaders of our individual fields.

The industry leader goal identified for Council's Local Laws unit is to improve accessibility to the pound and process to adopt animals, and covers the following tasks:

- Identify the internal process to list animals for adoption
- Update animal shelter page on Council's website
- Advertise good news stories
- Identify pound site requirements including safe access
- Create site plan for the pound and identify improvements

Objective 12: Improve accessibility to pound and process to adopt animals

| Activity | When | Evaluation |
|--|-----------|---|
| Create a customer friendly and accessible electronic medium | Ongoing | Increase in animal adoptions and reduced time spent at pound, identified through annual review of data by 30 June |
| Identify and implement improvements to pound site | June 2021 | Completion of identified improvements by June 2022 |
| Investigate options to impound animals after hours | 2022 | Investigation complete |
| Investigate options for a temporary holding facility for lost animals in St Arnaud | 2022 | Investigation complete |

2.9.2 ANIMALS IN EMERGENCY

Council prioritise urgent animal welfare needs in emergencies and have identified the following animal welfare service recovery activities in the Northern Grampians Shire Municipal Emergency Management Plan.

- Assist/destroy injured stock/wildlife
- Coordinate disposal of dead stock
- Coordinate emergency feed/fodder supplies
- Identify holding areas for stock/pets
- Provide cages/leads etc. for animals and relief/recovery centres
- Round up escaped stock

Objective 13: Ensure DAMP links with relevant Council emergency plans

| Activity | When | Evaluation |
|---|----------------|---|
| Ensure the Domestic Animal Management Plan (DAMP) links to relevant Council emergency plans including the Municipal Emergency Management Plan (MEMP) and the Emergency Animal Welfare Plan (EAWP) | September 2022 | Update DAMP, MEMP and EAWP to reflect relevant animal management considerations in emergencies by 30 September 2022 |

2.9.3 NORTHERN GRAMPIANS SHIRE COUNCIL GENERAL LOCAL LAW 2012

Clauses impacting on domestic animals

38. EXCESS ANIMALS IN RESIDENTIAL AREA

1. Without a Permit, an owner or occupier of premises in a residential area must not keep, or allow to be kept, any animals in excess of the number specified below:
 - a. 2 cats;
 - b. 2 dogs;
2. Without a Permit, an owner or occupier of premises in a residential area must not keep, or allow to be kept, more than four different types of animals at the premises.
3. Progeny of animals kept will not be considered for the purposes subclause (1) or subclause (2) until they are 12 weeks of age.

40. EXCESS ANIMALS IN RURAL AREA

1. Without a Permit, an occupier of rural land must not keep, or allow to be kept, more than:
 - a. 4 cats; and
 - b. 4 dogs

41. CATS IN HALLS GAP AREA

1. A person in the Halls Gap area (Maps 35, 36 and 37 of the Northern Grampians Planning Scheme as identified in Schedule 3) must not keep a cat which was not in their possession and being kept in the Halls Gap area before 21 October 1993.

Penalty: 2 penalty units

2. The owner of a cat which is exempt under section 41(1) must ensure:
 - a. that the cat is confined totally indoors or in an escape proof enclosure on the owner's premises; and
 - b. when outside the owner's premises the cat must be confined to an enclosed vehicle.

43. DOGS ON LEASH

1. The owner or person in charge of a dog in a municipal place must at all times keep the dog under control by a leash, chain or cord connecting the dog to the owner or person in charge of it.
Penalty: 2 penalty units
2. The owner of the dog must ensure that the person in control of the dog in a municipal place has the physical capabilities of controlling the dog in all circumstances.
Penalty: 2 penalty units
3. Sub clause (1) does not apply to a person in charge of a dog that is under their effective control while working with livestock.
4. For the purposes of Sub clause (1) and (2) if the owner of the dog is under 17 years of age, the parent or guardian of that person is deemed to be the owner.
5. Subclause (1) does not apply in a municipal place which is designated by Council signs to be an area where dogs are permitted off-leash

44. ANIMAL EXCREMENT

1. A person in charge of an animal in a municipal place must:
 - a. Carry a device suitable for the collection of any excrement from that animal and produce the device on demand by an Authorised Officer.
Penalty: 2 penalty units
 - b. Immediately collect and dispose of any excrement from that animal into a waste receptacle.
Penalty: 2 penalty units
2. An Authorised Officer may direct the person in charge of an animal to collect and dispose of any excrement from the animal deposited contrary to subclause (1) (b) in an approved manner and that person must do so.
Penalty: 2 penalty units

3.1 ANNUAL REVIEW OF PLAN AND ANNUAL REPORTING

In accordance with section 68A(3) of the Domestic Animals Act 1994 every Council must—

- (a) *review its domestic animal management plan annually and, if appropriate, amend the plan*
- (b) *provide the Department of Primary Industries' Secretary with a copy of the plan and any amendments to the plan*
- (c) *publish an evaluation of its implementation of the plan in its annual report.*

3.1.1 CURRENT SITUATION

An annual review of the Domestic Animal Management Plan is included in Council's Annual Report, and includes statistics of animal impounds and resultant actions. These statistics drive the assessment of current orders and Local Laws for adequacy and are a basis for identifying the urgency of any changes required.

Annual reviews include:

- A collation of information from like and neighbouring councils to identify trends in animal control as well as assessment of current methods used.
- The number and frequency of animal-based complaints recorded on Council's complaint system, or received directly by Councillors.
- Investigation of inexplicable substantial gaps in animal control statistics. Statistics that fall below or rise above the average are the first indicator of Council's animal control efficiencies and deficiencies.
- Information sharing with like councils to identify trends and methods that are effective or ineffective.

Community feedback is sought by the community prior to the adoption of this plan by Council to ensure that this plan is consistent with the communities expectations.

A copy of the NGSC Domestic Animal Management Plan is provided to the Department of Economic Development, Jobs, Transport and Resources for review following adoption by Council.

3.1.2 OUR PLANS

Objective 1: Engage and consult with the community in development of the NGSC DAMP.

| Activity | When | Evaluation |
|---|------|--|
| Consult with industry stakeholders in the draft stages of an updated DAMP | 2020 | Stakeholders consulted, feedback considered and incorporated into plan where appropriate |

Objective 2: Develop internal processes to ensure annual review of DAMP is triggered.

| Activity | When | Evaluation |
|--|------|--------------------------------------|
| Investigate internal trigger for review of plan by appropriate officer/s | June | DAMP is reviewed annually by 30 June |

Objective 3: Create system to easily access data required for use in future versions of the DAMP.

| Activity | When | Evaluation |
|---|----------|--|
| Work with Council's Information Communications Technology team to develop electronic storage system | Dec 2022 | Data easily available for next major DAMP review in 2025 |

Objective 4: Provide transparency regarding the effectiveness of the NGSC DAMP.

| Activity | When | Evaluation |
|---|----------|---|
| Publish an evaluation of the DAMP's implementation in Council's Annual Report | Annually | DAMP evaluation appears in each of Council's Annual Reports |

Compliance

[Select the checkboxes that this policy requires relevant State Government legislative compliance with.]

[Use and as required]

- Local Government Act 2020*
- Local Government Act 1989*
- [Gender Equality Act 2020](#)
- Child Safety Act 2015*
- [Privacy and Data Protection Act 2014](#)
- Equal Opportunity Act 2010*
- Fair Work Act 2009*
- [Charter of Human Rights and Responsibilities Act 2006](#)
- Health Records Act 2001*
- Freedom of Information Act 1982*
- Other

Privacy and Data Protection compliance

[All Council policies must consider the *Privacy and Data Protection Act 2014* and the *Victorian Protective Data Security (VPDSS) Framework* which adopts a risk-based approach to protective data security. Policies must include, where relevant, identified security risks and governance arrangements in place to protect security across the domains of information, personnel, ICT and physical.]

Gender Equality Act 2020

[Councils must consider where relevant gender equality principles, workplace gender equality of rights, opportunities, responsibilities and outcomes and the promotion of gender equality in the policies, programs, and services it delivers.]

Charter of Human Rights compliance

[All policies must consider the *Charter of Human Rights & Responsibilities Act 2006* and must have a statement that says either:

It is considered that this policy does not impact on any [human rights](#) identified in the *Charter of Human Rights & Responsibilities Act 2006*.

or

This policy has a positive impact on the following Human Rights.....

or

This policy has a negative impact on [type the right] Human Rights but is justified by.....]

Definitions

Policy: What we will do and why (e.g., legislation governs Council actions)

Procedure: Step by step instructions as to how we will complete Council actions

[This section should be used to explain the meaning of any term (a word or phrase), or a type of thing used

Review history

| Date | Review details | Action |
|------|----------------|--------|
| | | |
| | | |
| | | |

9.4. Improve Organisational Effectiveness

9.4.1. Formal Road Naming - Gambetta Road

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

Purpose

To formally name an unnamed road as Gambetta Road.

Summary

Council is asked to consider the formal naming of an unnamed road off the Stawell-Donald Road, Stawell as Gambetta Road. To meet with statutory requirements for naming places in Victoria, Council recently gave public notice of its intention to name the unnamed road as Gambetta Road.

Recommendation

That Council names the unnamed road off the Stawell-Donald Road, Stawell as Gambetta Road.

RESOLUTION

That Council names the unnamed road off the Stawell-Donald Road, Stawell as Gambetta Road.

Moved: Cr Rob Haswell

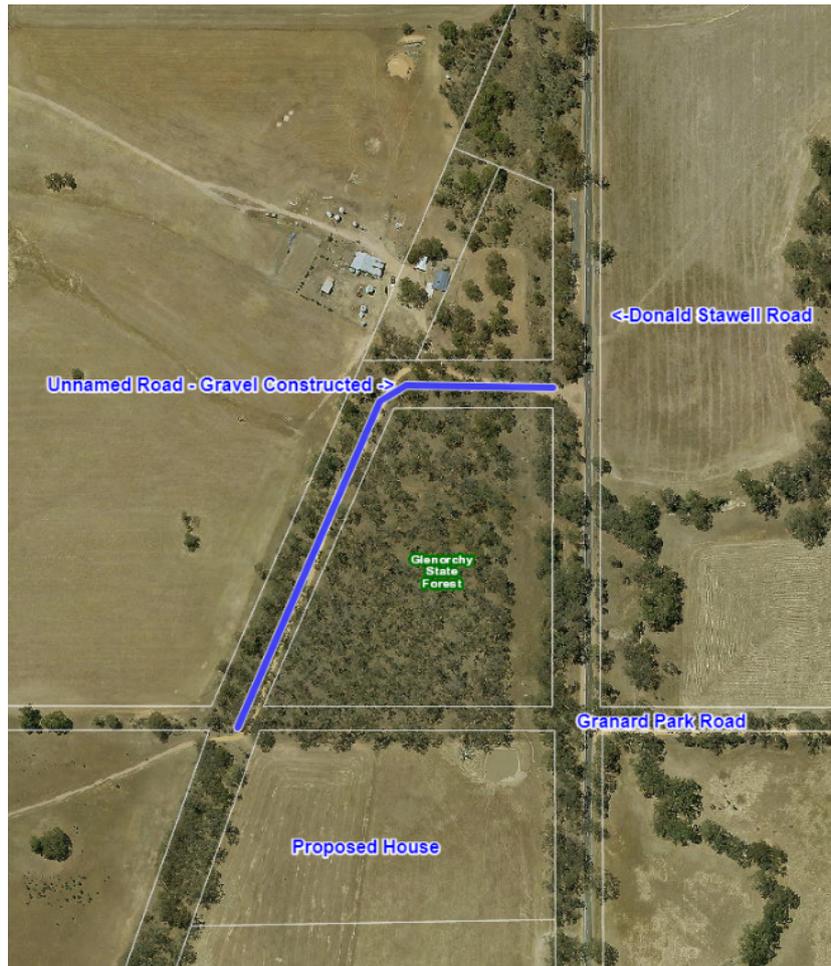
Seconded: Cr Kevin Erwin

Carried

Background/Rationale

Council is the road naming authority for local roads in accordance with Schedule 10 of the *Local Government Act 1989* which empowers Council to name roads. Any road naming must be in accordance with Geographic Place Names legislation.

At its meeting on 6 September 2021, Council resolved to commence the formal naming process and to give public notice of its intention to name the unnamed road as Gambetta Road in recognition of Mr Peter Gambetta who settled in the area in 1871. Mr Gambetta was a hardy pioneer who took part in the Stawell gold rush. Once the goldfields ceased to boom he established the first vineyard in the Stawell District and in the years to follow, Mr Gambetta and his family purchased a lot more land in that area and various properties along the unnamed road.



Legislation, Council Plan, Strategy and Policy Implications

Local Government Act 1989

Geographic Place Naming Act 1998

Naming rules for places in Victoria

Options

Option 1

To name the unnamed road off the Stawell-Donald Road, Stawell as Gambetta Road. **[recommended]**

Option 2

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

Implications

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

Procurement

Not applicable

Community Engagement

Community consultation is an important part of the place naming process, providing any interested persons with an opportunity to comment prior to the road being formally named. Public notice was given in the Stawell Times-News and The Weekly Advertiser, on social media and on council's website inviting comment. Letters were also sent out to all nearby residents inviting feedback on the proposal.

No formal submissions were received on the naming of the road.

Council officers also sought and received support from the Gambetta family on 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 and Civic Support

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

Attachments

Nil

9.4.2. Complaints Policy

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

Purpose

To adopt the Council's Complaints Policy.

Summary

The *Local Government Act 2020* requires council to develop and maintain a complaints policy and sets out the matters to be included.

In 2015 and 2019 the Victorian Ombudsman examined councils' complaint handling practices and made recommendations to the Minister for Local Government and Local Government Victoria to improve the sector's approach to complaints. This has now taken effect in the 2020 Act. The Complaints Policy has been developed in line with the *Ombudsman's Councils and Complaints – A good practice guide Edition 2* released on 22 July 2021.

Recommendation

That Council adopts the Northern Grampians Shire Council's Complaints Policy.

RESOLUTION

That Council adopts the Northern Grampians Shire Council's Complaints Policy.

Moved: Cr Eddy Ostarcevic

Seconded: Cr Tony Driscoll

Carried

Background/Rationale

Council must under section 107 of the *Local Government Act 2020* develop and maintain a complaints policy that includes:

- a process for dealing with complaints made to the council.
- a process for reviewing any action, decision or service in respect of which the complaint is made.
- discretion for the council to refuse to deal with a complaint which is otherwise subject to statutory review and the prescribed processes for exercising the discretion.
- the prescribed processes for dealing with complaints about the council.
- the prescribed processes for internal review of complaints made to the council.

The policy to be adopted includes the legislative matters required and was prepared in line with the *Ombudsman's Councils and Complaints – A good practice guide Edition 2* that was released this year to coincide with the new legislation. The guide provides:

- Advice on implementing new legislative requirements
- Definition of complaint v service request
- Advice about building a positive culture around complaints
- The three basic concepts fundamental to good practice complaint handling
 - Enabling complaints (making it easy to complain)
 - Responding to complaints (taking action to resolve the complaint)
 - Learning and improving (analysing complaint data to improve services)
- Practical tools, templates, real examples, model policy and a self-assessment tool
- Guidance on recording complaints data and organisational key performance indicators

Legislation, Council Plan, Strategy and Policy Implications

Local Government Act 2020

Council Plan 2021-25 – Improve Organisational Effectiveness

Options

Option 1

That Council adopts the Northern Grampians Shire Council Complaints Policy as reported without change. **[recommended]**

Option 2

That Council adopts the Northern Grampians Shire Council Complaints Policy as reported with suggested changes. **[not recommended]**

Implications

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

Procurement

N/A

Community Engagement

N/A

Innovation and Continuous Improvement

N/A

Collaboration

Council used best practice guidance provided by the Victorian Ombudsman for councils and complaints handling in developing this policy.

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. Complaints Policy [9.4.2.1 - 15 pages]

Complaints Policy

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

Complaints Policy



Council Policy

| | |
|-----------------------------|---|
| Responsible director | Director Corporate and Community Services |
| Responsible officer | Manager Governance and Civic Support |
| Functional area | Governance |
| Date adopted | 8 November 2021 |
| Review date | 8 November 2025 |

Purpose

The policy provides the framework for a consistent council-wide approach to dealing with complaints and documents the complaint handling processes to enable an accessible, responsive, and transparent service to customers.

Scope

Dealing with complaints is a core part of council business and we welcome feedback if our customers are not entirely happy with the service they have received from council. We value complaints and encourage people to contact us when they have a problem with our services, actions, decisions, and policies and see this as an opportunity to improve our service to the community.

We are committed to:

- **enabling** members of the public to make complaints to and about the council
- properly considering and responding to concerns through a combination of established **customer request systems** and a **positive organisational culture** that recognises an individual's right to complain
- responding to complaints by **acknowledging the complaint** and **taking action** to resolve complaints as quickly as possible
- treating complaints **fairly** and making **objective** and **evidence-based** decisions
- communicating outcomes effectively
- learning from complaints data and analysis to foster **continuous improvement** and ensure **accountability** in our complaint handling performance
- ensuring all staff who deal with complaints are **skilled in customer service** through adequate training and support.

We treat every complaint we receive on its merits, through clear and consistent processes.

Our complaints policy applies to all complaints from members of the public about council staff, council contractors and decisions made at council meetings. This policy does not apply to complaints about individual councillors and the processes to manage complaints against councillors are documented in the council's *Councillor Code of Conduct*.

Background

Councils are the tier of government that often have the most direct contact with the public and, unsurprisingly, councils deal with high numbers of complaints about services and the need for improvement.

Council must under section 107 of the *Local Government Act 2020* develop and maintain a complaints policy that includes:

- a process for dealing with complaints made to the council
- a process for reviewing any action, decision or service in respect of which the complaint is made
- discretion for the council to refuse to deal with a complaint which is otherwise subject to statutory review and the prescribed processes for exercising the discretion
- the prescribed processes for dealing with complaints about the council
- the prescribed processes for internal review of complaints made to the council.

Policy Objective

How to make a complaint

Anyone who has been affected by a decision or action (including a failure to make a decision or take action) can make a complaint. A staff member is available to help people with additional needs to make a complaint.

- In the first instance a complainant is encouraged to:
 - resolve their problem and to get more information about the relevant activity or service by checking out the council's website or speaking to council staff
 - try and raise their concerns directly with the council staff member or council contractor involved
- If the initial communication with the council is not successful in resolving the problem, the complainant will be advised that they may consider making a more formal approach to council.
- If the formal complaint is not resolved, the complaint can be escalated to a more senior officer and the complainant will be advised of the next steps officers will take.

Complaints should include as much information as possible to assist council in understanding the complaint details and can be made as follows:

Telephone: 03 5358 8700

Online: From www.ngshire@ngshire.vic.gov.au click on 'Contact Us', then go to the online form 'Contact us'.

Email: ngshire@ngshire.vic.gov.au

Post: In writing to the Chief Executive Officer, Northern Grampians Shire Council, PO Box 580, Stawell VIC 3380

In person: Town Hall, 59-69 Main Street **Stawell**
Town Hall, 40 Napier Street **St Arnaud**

A staff member is available to help members of the public to make complaints if needed.

NRS: People who are deaf or have a hearing or speech impairment can call through the National Relay Service that provides communication boards and other aids to communicate

Information that might be helpful for a complainant to provide to the council includes:

- Name and contact details. A complainant can choose to remain anonymous, but this may limit how council can respond.
- Identify the action, decision, service, or policy that is the subject of the complaint and why the complainant is dissatisfied.

- Relevant details such as dates, times, location or reference numbers and documents that support the complaint.
- The expected outcome from the complaint.

We are committed to ensuring our complaints process is accessible to everyone and complainants will be asked to tell us if they have specific communication needs or barriers. We can assist by:

- using an assistance service such as an interpreter or TTY (for free)
- talking with the complainant if they have trouble reading or writing
- providing information in accessible formats
- communicating through another person acting on a complainant's behalf if they cannot make the complaint themselves.

We will not investigate any complaint if the complainant abuses, harasses or threatens the safety or welfare of council staff or councillors.

Discretion to refuse to deal with complaints

We reserve the right to refuse to deal with complaints that can otherwise go through a statutory review process, which means complaints where there is a review or appeal to a tribunal, eg the Victorian Civic and Administrative Tribunal (VCAT) or a court, under an Act or regulation. Complaints of this type usually concern a particular subject matter, such as infringements, planning, or public health.

Council's reasons for refusing to deal with a complaint that is otherwise subject to statutory review might include:

- the statutory review process is already underway
- it is reasonable in the circumstances to expect the complainant to go through that review process
- a tribunal or court will settle or determine the matter faster
- the complaint relates to a specialised area, and it is proper that a tribunal or court make a binding determination on the matter (noting the determination's possible precedential effect)

We can still deal with these complaints through our complaints process; however, the discretion ensures the supremacy of statutory review processes.

If council exercises the discretion to refuse these types of complaints, it will provide its reasons.

Council can decide not to exercise this discretion when we believe it is better for council and the complainant to deal with a complaint outside the statutory review process, eg a satisfactory resolution can be achieved faster and at less cost. If we decide to not exercise the discretion it does not waive the complainant's right to access the statutory review process.

Our complaints process

When a complaint is made to us, we will record and acknowledge it within five business days. We will initially assess the complaint to decide how we will handle it. This may happen while we are talking with the complainant.

After our initial assessment, we may:

- take direct action to resolve the complaint
- refer the complaint to the relevant team or manager for investigation
- decline to deal with the complaint if the complainant has a right to a statutory review of their complaint (such as a right of appeal to VCAT).

Where possible, we will attempt to resolve the complaint at the time the complainant first contacts us. If we decide not to take action on the complaint, we will explain why, and, where possible, inform the complainant about other options.

- Early resolution of a complaint may involve arranging for the council to give advice or explaining why we are not going to act on the complaint.
- It may not be possible to resolve a complaint when a complainant first contacts us if the complaint requires deeper consideration or investigation by a particular team or officer, needs to follow a statutory process or cannot be resolved satisfactorily.

While most problems can be resolved by initial communication with council officers there may be times when it is necessary to make a more formal complaint. If it is necessary to make a formal complaint it should be lodged first with council for investigation and resolution before making a formal complaint to another organisation.

Administrative complaints

The Chief Executive Officer (CEO) is appointed by council to employ and manage all staff and to ensure council decisions are implemented.

Complainants can reasonably expect the CEO to give their complaint proper consideration or direct it to an appropriate person to consider and to provide a helpful response. Council will endeavour to resolve all complaints within one month; however, where the matter is more complex this time may be significantly extended.

We take a **four-tiered** approach to the handling of complaints, as follows:

1. **First-contact complaint resolution:** frontline staff receive the complaint, assess it, and resolve it immediately, if possible.
 - We will acknowledge all complaints within five days of receipt.
 - Frontline staff will receive the complaint.
 - Frontline staff will clarify the complaint and the outcome the complainant is seeking.
 - Frontline staff will assess the complaint to determine how it should be dealt with:
 - to keep and resolve the complaint themselves; or
 - to transfer the complaint if it requires specialist expertise, advice or investigation; or
 - to decline the complaint if there is a more appropriate pathway the complainant should use.
 - If a solution cannot be immediately found, we will explain what will happen next and why.
 - We will not investigate any complaints that fall outside of council's authority.
 - If council is not the right organisation to respond to the complaint, frontline staff will advise the complainant of an organisation that may be able to help.

2. **Investigation (if required):** if frontline staff cannot resolve the complaint, they will refer it to an officer with specialist expertise for investigation.
- The officer handling the complaint will advise the complainant that they are now the contact person and provide their details.
 - The contact person will inform the complainant how long it will take to respond to their complaint.
 - Complaint handling staff will aim to resolve all complaints within 30 days.
 - If it takes longer than 30 days to resolve a complaint, the contact person will contact the complainant before or at this time and explain why.
 - Complaints that are not resolved within 30 days may be escalated if necessary to ensure that a resolution is expedited.
 - If required, we will update the complainant every 30 calendar days about progress until the investigation is completed.

As part of the investigation, the officer will gather additional information to make an evidence-based decision and remedy (if any):

- Assess the information against relevant legislation, policies, and procedures
- Refer to council documents and records
- Meet affected parties to consider workable solutions

The officer will provide a written outcome that explains the council's decision.

3. **Internal review:** An internal review looks at whether a complaint was managed appropriately and whether the decisions were sound. If the complainant is dissatisfied with our decision and how we responded to their complaint, they can request an internal review. A senior council officer conducts an independent internal review and looks at whether the complaint should have been dealt with differently. This can lead to the original decision being upheld or overturned.

The officer will not have had any prior involvement with the complaint and will be independent of the person who took the action, the person who made the decision and the person who provided the service.

We will:

- acknowledge the review request
 - explain the process, including the timelines for conducting the review, what we will and will not look at, and the possible outcomes
 - provide the complainant and any other parties with an opportunity to present their case
 - provide a written outcome, clearly explain our reasons, and detail any remedies, within 30 calendar days of the date of the request for an internal review
 - update the complainant every 30 calendar days about progress until the investigation is completed, if required
 - offer external review options if parties are dissatisfied with the outcome
4. **External review:** The outcome letter will advise the complainant of any avenues of external appeal or review available for the matter. Where a complainant still believes we have made a wrong decision, they can seek an external review. This generally involves a complaint being escalated to an external body that can deal with different types of complaints about us. Council will contribute to tier 4 by participating in and cooperating with the external review process and implementing any recommended improvements.

| Complaint | Organisation to contact for external review |
|---|--|
| Actions or decisions of a council, council staff and contractors. This includes failure to consider human rights or failure to act compatibly with a human right under the <i>Charter of Human Rights and Responsibilities Act 2006</i> | Victorian Ombudsman www.ombudsman.vic.gov.au |
| Breaches of the Local Government Act | Local Government Inspectorate www.lgi.vic.gov.au |
| Breach of privacy. Complaint about a freedom of information application. | Office of the Victorian Information Commission www.ovic.vic.gov.au |
| Corruption or public interest disclosure ('whistleblower') complaint | Independent Broad-based Anti-Corruption Commission www.ibac.vic.gov.au |
| Discrimination | Victorian Human Rights and Equal Opportunity Commission www.humanrights.vic.gov.au |
| Council elections | Victorian Electoral Commission www.vec.vic.gov.au |

Complaints about the Chief Executive Officer (CEO)

Complaints about the CEO will be directed to the Mayor who will deal with the complaint and investigation in a confidential manner and determine whether the complaint might be referred to the Local Government Inspectorate, the Victorian Ombudsman or IBAC. The Mayor will liaise with the Director Corporate and Community Services to ensure the complaint process and outcome are documented.

Formal Council decisions

Possible ways to raise a concern with council include:

- speaking with, or writing to, councillors
- requesting to speak on a matter at a meeting of the council
- raising the matter during public question time at a council meeting

In some cases, the process of making formal council decisions involves public consultation and council staff will be able to advise the complainant of council's public participation process.

Complaints about formal council decisions will be investigated by the CEO.

If customers want to find out about a council decision, the council minutes include both the report considered by the council and the precise wording of the council decision. Some reports such as contracts are confidential and only the decision will be published. Minutes are also published on the council's website and copies are available from council's offices upon request.

Complaints about contractors

We recognise that we retain a level of responsibility for services carried out by contractors on our behalf. Where council receives complaints about contractors, council will monitor the way contractors deal with complaints and have clear oversight of their complaint handling process.

Contractors will liaise with the relevant staff member about the response to be provided to complaints. If a complainant is not satisfied with the outcome of the complaint, they can ask council to review the decision.

All outcome letters written by contractors about complaints will include the name and contact details of the member of council staff to whom the complainant may escalate their complaint if they are not satisfied with the outcome the contractor has provided. The member of council staff for escalation of the complaint will be the responsible Director.

Anonymous complaints

Whilst anonymous complaints will not be rejected, they may limit the ability of officers to fully investigate the problem depending on the amount of information supplied.

If the complaint appears to relate to public safety, then an investigation and rectification will be undertaken if found necessary.

If the complainant remains anonymous and the complainant is abusive or derogatory of council staff or councillors no further action will be taken.

Due to the anonymity, council will be unable to provide reasons for any decisions or actions taken. If insufficient information is deemed to have been supplied, no further action will be taken.

Public Interest Disclosure complaints

These are complaints of improper conduct of public bodies or public officers, or detrimental action taken by a public officer or body against a person in reprisal for having made a public interest disclosure. Council's *Public Interest Disclosures Procedures* is available on the council's website.

We will allocate appropriate security to public interest disclosures to reduce the risk of unauthorised access to complaint information.

Confidentiality and Privacy

Council must responsibly collect, handle and protect personal information under privacy and information laws. Personal information gathered from a complainant during complaint handling will only be:

- used to respond to the complaint or for a reasonable secondary purpose, such as monitoring complaint trends to improve services that relate to complaints
- disclosed in a de-identified format where data is reported on more widely or publicly released (data may only be released publicly if it cannot be re-attributed to a person)
- accessed by council staff where necessary to deal with the complaint, or for a related secondary purpose (eg to identify systemic trends).

Complaint information will be stored securely in council's customer request management and electronic records management systems to help prevent unauthorised access, modification or disclosure of the information. Personal information will not be disclosed without the complainant's consent except where authorised by law.

We will be transparent and provide the information requested by the complainant which is relevant to their complaint where permitted by law.

How we learn from complaints

We will **distinguish between a complaint and service request** and properly record them so that we can accurately measure council's performance and use that information to improve services.

Complaints from people who use or who are affected by our services provide us with valuable feedback about how we are performing. We regularly analyse our complaint data to identify trends and potential issues that deserve further attention. We use this information to come up with solutions about how we can improve our services. We are open and transparent about the complaints we have received, and what we have done to resolve them.

What is not considered a complaint?

- A request for something additional or new (**a service request**)
- Reports of a hazard (eg fallen tree)
- Reports concerning neighbours that trigger the legislation, local law or other regulations administered or enforced by the council to be enacted (eg dog barking, noise issues)
- A request for information or an explanation of a policy or procedure
- Decisions made under legislation which provides for separate avenues of appeal (eg Building Act decisions and General Local Law prosecutions)
- An alleged breach under the Councillor Code of Conduct

Remedial action

Where we have found that we have made an error, we will take steps to redress the situation. Possible remedies include, but are not limited to:

- an explanation of why the error occurred and the steps taken to prevent it from happening again
- a reversal of a decision
- an ex-gratia payment or compensation
- disciplinary action taken against a staff member
- providing the means of redress requested by the complainant

Where we identify an error, we will consider offering a genuine apology to the complainant, in addition to any other remedies offered, irrespective of whether the complainant specifically requests this.

Unreasonable conduct and challenging behaviour

We require our staff to be respectful and responsive in all their communications with members of the public. We expect the same of members of the public when they communicate with our staff and may change the way we communicate with a complainant if their conduct/behaviour is unreasonable or challenging.

Council officers will not tolerate behaviour that is offensive, abusive, threatening or consumes disproportionate resources. Where required, officers will use the framework (Prevent-Respond-Manage-Limit: a last resort), tools and tips for complaint handlers in the Ombudsman's *Good Practice Guide to Dealing with Challenging Behaviour* to manage these situations and the impact of the conduct/behaviour while recognising that the complainant may still have a valid grievance that needs to be addressed.

We will provide training opportunities for officers to assist them to deal with unreasonable complainant conduct and challenging behaviour and support officers where the conduct is affecting their wellbeing.

Neighbourhood disputes

Occasionally council receives a complaint involving neighbours which in many instances cannot be resolved by council. On these occasions, council may direct complainants to external resources including the Dispute Settlement Centre of Victoria (Grampians region) on 03 4301 7000 (Ballarat) or 03 4344 1444 (Horsham).

Understanding broader constraints

Council must act in the best interests of the entire community and will have to take account of other people’s needs as well as financial and legal restrictions.

If the problem affects other people, their needs or views may be quite different from the complainant’s needs or views. Alternatively, the council may not be able to afford the cost of works or services that could resolve the problem or it may be unable to do something because of laws that prevent or require actions.

In the end, there may need to be a compromise or even acceptance that the council cannot do what the complainant wants. If this happens the council will give the complainant an explanation as to why it cannot do what was asked.

Legislation and Standards

Australian/New Zealand Standard, Guidelines for complaint management in organisations (AS/NZS 10002:2014
International Organization for Standardization, Quality management – Customer satisfaction – Guidelines for complaints handling in organizations (ISO 10002:2018) (2018)
Local Government Act 2020

Responsibilities

| Role | Responsibilities |
|----------------------------------|---|
| Councillors | <ul style="list-style-type: none"> • Familiarise themselves with this policy and the complaint process • Refer complaints about council operations from constituents to the CEO • Inform complainant their complaint has been referred to council’s administration for a response • Follow protocols for interacting with council staff and not seek to influence or direct staff on how to deal with a complaint |
| Chief Executive Officer | <ul style="list-style-type: none"> • Promote positive behaviours and practices relating to enabling, responding to, and learning from complaints • Support service improvements that arise from complaints • Review and publish complaint data. |
| Directors and managers | <ul style="list-style-type: none"> • Fostering a collective commitment to complaint handling and welcoming complaints • Recruit, train and empower staff to resolve complaints promptly and in line with council’s policies and procedures • Manage conflicts of interest in the complaint process • Report on and identify improvements from complaint data • Support Customer Support and frontline staff who deal with complaints |
| Customer Support/Frontline staff | <ul style="list-style-type: none"> • Develop technical expertise and interpersonal skills to resolve complaints • Understand council’s services and complaint process |
| All council staff | <ul style="list-style-type: none"> • Familiarise themselves with this policy and the council’s complaint process • Help people to complain and to understand the complaints process • Treat members of the public respectfully and professionally |
| Contractors | <ul style="list-style-type: none"> • Familiarise themselves with this policy and the council’s complaint process • Cooperate with the council’s complaint handling processes |

Review

Assessment of the policy will be undertaken every four years to align with the council term to ensure it remains current with the council's goals, processes, aims and requirements and as a means by which to reduce council's exposure to risk. Triggers for an earlier assessment include legislative changes and the introduction of new systems or procedures.

Communication and implementation

The policy will be available in the EDRMS and communicated to all staff through EmployeeMatters and staff and councillor inductions, the NGSC Learning and Development Hub and regular refresher training. The policy will also be made available to the community via the council's website or in accessible formats upon request.

References

[Victorian Ombudsman, Councils and complaints - a Good Practice Guide \(Version 2\), 2021](#)
[Victorian Ombudsman, Good Practice Guide to Dealing with Challenging Behaviour, May 2018](#)
[Victorian Ombudsman, Complaints: Good Practice Guide for Public Sector Agencies, 2016](#)
[Victorian Ombudsman, Managing Complaints involving Human Rights Good Practice Guide 2017](#)

Compliance

- ✓ *Local Government Act 2020*
- ✓ [Gender Equality Act 2020](#)
- ✓ [Privacy and Data Protection Act 2014](#)
- ✓ [Charter of Human Rights and Responsibilities Act 2006](#)
- ✓ *Health Records Act 2001*
- ✓ *Freedom of Information Act 1982*
- ✓ *Public Interest Disclosures Act 2012*
- ✓ *Records Management Act*

Privacy and Data Protection compliance

This policy considers the *Privacy and Data Protection Act 2014* and the *Victorian Protective Data Security (VPDSS) Framework* and the risk of unauthorised disclosure of personal information. Council's procedures and IT systems will be used to protect the security of complaints information.

Gender Equality compliance

Council has considered relevant gender equality principles in this policy. Officers will actively assist people with a range of needs to complain and navigate the complaints process. We will treat everyone fairly and respectfully.

Charter of Human Rights compliance

This policy has a positive impact on the following Human Rights:

Privacy and reputation

A person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with and the right not to have his or her reputation unlawfully attacked.

Freedom of expression

People are free to have an opinion and say what they think. They have the right to find, receive and share information and ideas. This right might be limited to respect the rights and reputation of other people, or for the protection of public safety and order, public health or public morality.

Council will process complaints involving human rights in line with the *Ombudsman Good Practice Guide Managing Complaints involving Human Rights, 2017*.

Definitions

challenging behaviour is any complainant behaviour that staff find difficult.

A **complaint** to a council is any communication that involves the following:

- an expression of dissatisfaction
- about an action, decision, policy, or service
- that relates to council staff, including the CEO, a council contractor, or the council as a decision-making body (not individual Councillors, who are subject to different processes)

A complaint includes the communication, whether orally or in writing, to the council by a person of their dissatisfaction with—

- the quality of an action taken, decision made, or service provided by a member of council staff or a contractor engaged by the council; or
- the delay by a member of council staff or a contractor engaged by the council in taking an action, making a decision or providing a service; or
- a policy or decision made by a council or a member of council staff or a contractor.

The definition of complaint does not consider:

- the merit of the complaint or issue complained about
- how the matter will be resolved or responded to
- the complainant's motivations.

It should not be trivial, frivolous, or vexatious and should contain sufficient information/detail to ensure the complaint can be investigated in full and in a timely fashion. The complaint **must** relate to matters that the council has the jurisdiction to resolve.

complaint handling system refers to all policies, procedures, practices, officers and resources an agency deploys to manage complaints

council means the body of elected councillors

council contractor is any third party engaged by the council to carry out functions on the council's behalf

council staff is any person employed by the council to carry out the functions of the council, and the council's Chief Executive Officer

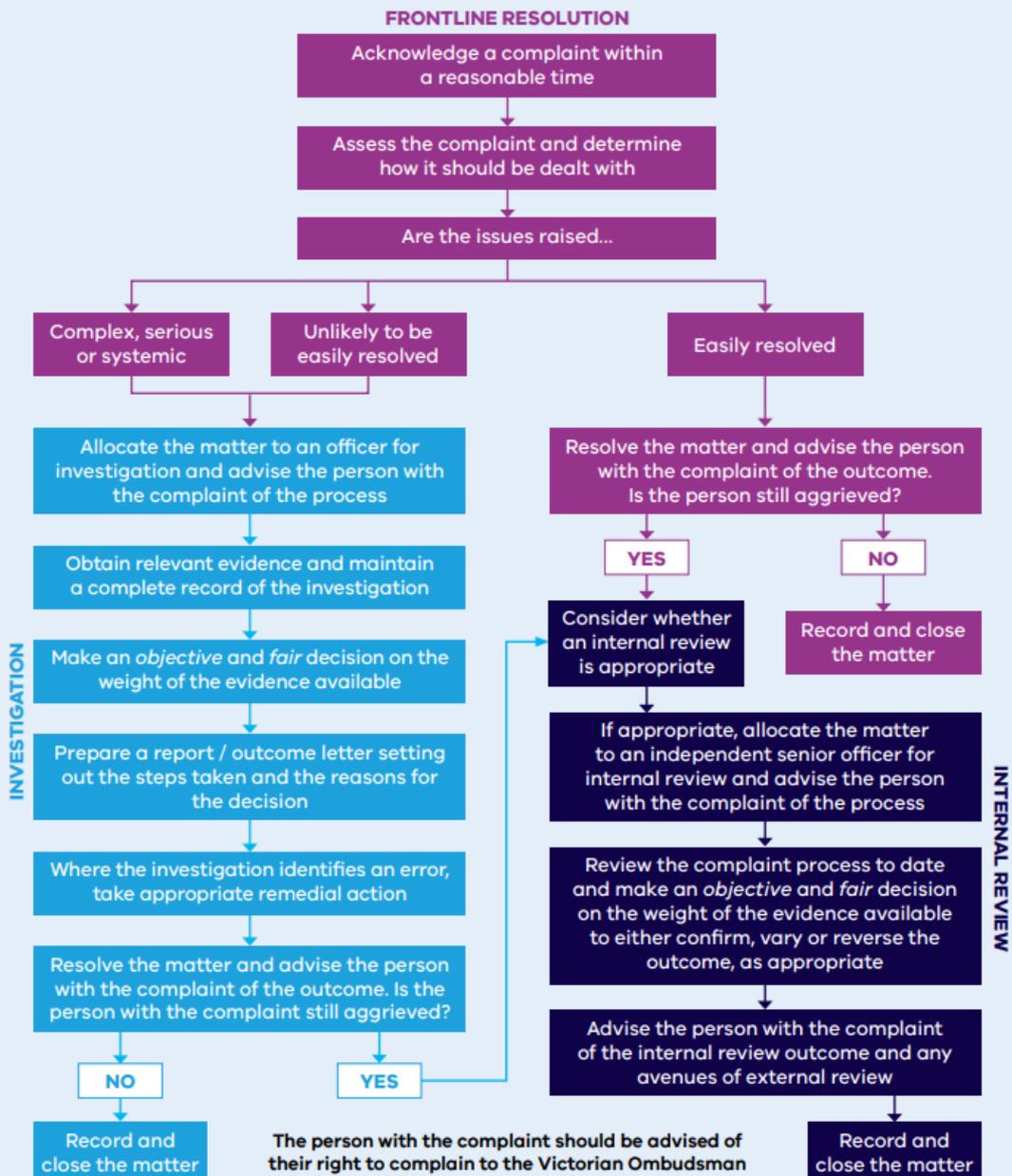
formal council decision is a decision made by council at a council meeting. As council staff are required to implement the council's decisions, it may require a formal council decision to resolve the particular problem

service request means a request for something additional or new

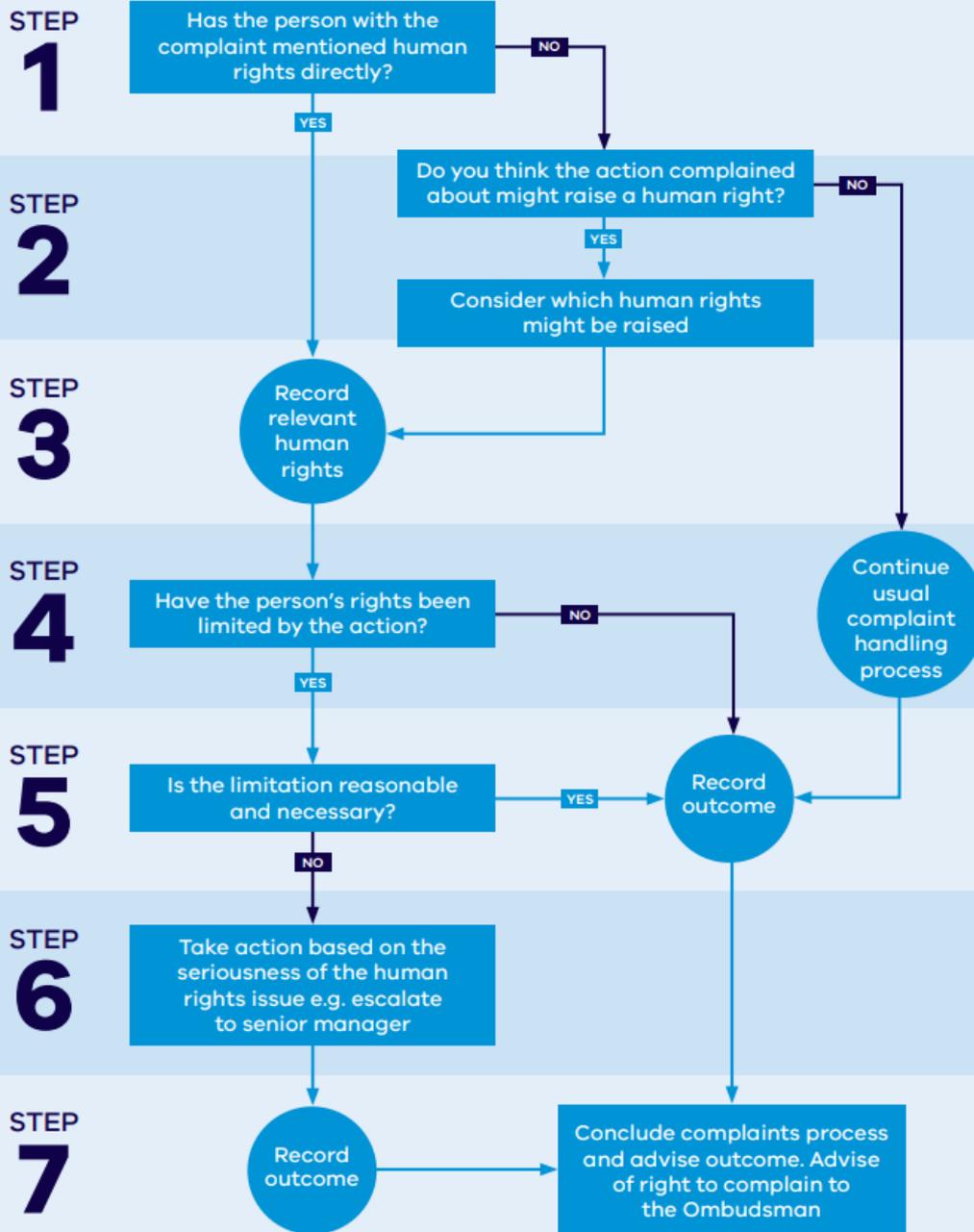
unreasonable conduct is behaviour that, because of its nature or frequency, raises substantial health, safety, resource or equity issues for complaint handlers.

A: Complaints handing flowchart

This flowchart shows how a tiered approach to complaint handling can work in practice.



B: Flowchart – considering human rights issues in complaints



Review history

| Date | Review details | Action |
|----------------|---|---|
| November 2018 | Procedure reviewed and new policy written to align with Ombudsman's Councils and complaints Good Practice Guide policy template | |
| September 2021 | Policy reviewed and updated to align with updated version of Ombudsman's Councils and Complaints – A Good Practice Guide (Version 2) and LGA 2020 | Reported to ELT Reported to Councillor Briefing Reported to Council |

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:

The Mayor reported that he and the Chief Executive Officer had attended many commitments but that he more importantly was for him to report that we look like we are coming out of Covid.

Cr Ostarcevic encouraged councillors and the community to attend the 'The Happy Sad Man' film events scheduled in Stawell and St Arnaud.

Cr Dempsey reported that she will continue to hold cuppa sessions to provide another means by which the community can speak directly to her about council matters.

Cr Driscoll reported that he would like to commend the State Emergency Services, Country Fire Authority, Council staff and community volunteers for the manner in which they dealt with the recent St Arnaud flooding event.

Cr Erwin reported that with the lightening of Covid restrictions he had attended events and meetings in Navarre, Banyena and Marnoo.

Cr Gready reported on his attendance at the Great Western Futures Meeting.

RESOLUTION

That the reports be received.

Moved: Cr Kevin Erwin
Seconded: Cr Trevor Gready

Carried

12. Urgent Business

Nil

13. Public Question Time

The Mayor reported on the following three questions that Mr Greg Lees, 5129 Donald-Stawell Road Wallaloo had submitted. Mr Lees was not present at the meeting.

Q1. Will the Northern Grampians Shire consider changing the way it collects rates to a model that achieves fairness and consistency in sharing the rate burden across all ratepayers such as; "that every year all rated sectors in the Northern Grampians Shire are indexed at the same amount".

A. Council is going through our rating program at the moment, there is no decision made yet but we will take into consideration anyone from our community who puts forward an idea as to how we might make our rating system better. We will be doing that during our discussions on the rating system.

Q2. Will the Northern Grampians Shire support the 'rate your rates' campaign (which has been sent to all councillors) and help advocate the state government to change the rating system to the model proposed in our campaign?

A. We are not supporting any system just yet because we have not come to a decision on how our rating should be formulated. We are certainly taking into consideration any ideas from within our community and certainly do a lot of campaigning with government about the way the rates are formulated and will continue to do that.

Q3. Will the Northern Grampians Shire support and implement that rural land valuation increases be realised on land parcels of 320 hectare or greater sold, as the record land prices are been paid are on smaller blocks by larger scaled organisations? This places unfair rate increases on smaller farming operations that don't have the scale to be viable to pay these record land prices.

A. The methodology of the independent land valuer is that we do not have any control over their methodology and we cannot guide that in any way. We do have numerous discussions about what we consider in the land value sections of our rating discussions. It is not something we control, it is totally controlled by the independent land valuer.

15. Close

There being no further business the Mayor declared the meeting closed at 1.17pm.

Confirmed

A handwritten signature in black ink, appearing to read 'Tony Driscoll', with a large, sweeping flourish at the end.

CR TONY DRISCOLL
MAYOR

Date: 6 December 2021