



# Minutes

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Council Meeting held at 12.30 PM on Monday 15 August 2022 in the Council Chamber, Pleasant Creek Historic Precinct, Stawell.

## **Present**

Cr Lauren Demspey  
Cr Murray Emerson  
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 5 September 2022.

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**1. Apologies**

Nil

**2. Confirmation of Minutes**

Council Meeting held on Monday, 4 July 2022

**RESOLUTION**

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

Moved: Cr Rob Haswell

Seconded: Cr Eddy Ostarcevic

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.**

Nil



## 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		
18/07/2022	Sustainable Infrastructure Briefing	8.1 General Local Law 2022 Adoption	Councillor/Officer	Item Number	Left Meeting
		8.2 Dog On Leash Areas			
		8.3 Operational Workforce Plan			
		8.4 Child Safety and Wellbeing Policy			
		8.5 Procurement Policy			
		8.6 Community Loans Policy			
		8.7 Audit and Risk Committee Chair and Honorariums			
11/07/2022	Economic Growth Briefing	8.1 10am Presentation - Stawell Fire Brigade	Councillor/Officer	Item Number	Left Meeting
		8.2 Halls Gap Visitor Information Centre	Nil	Nil	Nil
04/07/2022	Lifestyles and Community Briefing	8.1 10am Presentation - Wimmera Development Association	Councillor/Officer	Item Number	Left Meeting
			Nil	Nil	Nil
27/06/2022	Organisational Effectiveness Briefing	7.1 Adoption of Budget 2022-23	Councillor/Officer	Item Number	Left Meeting
		7.2 Draft Asset Plan 2022-32			
		7.3 Council Action Plan 2022-23			
		7.4 Stawell Sports and Aquatic Centre Services Review			
		7.5 Stawell Sports and Aquatic Centre Customer Service Review			
		7.6 Visitor Information Services			
		7.7 Stawell Tourism Strategy and Action Plan 2022-32			
		7.8 St Arnaud Tourism Strategy and Action Plan 2022-32			

## RESOLUTION

That the report on Informal Meetings of Councillors be approved.

Moved: Cr Kevin Erwin

Seconded: Cr Eddy Ostarcevic

Carried

## 8. Items Brought Forward

Nil

## **9. Consideration of Reports of Officers**

### **9.1. Enhance Lifestyles and Community**

#### **9.1.1. Quarterly Council Action Plan Report**

**Author/Position:** Liana Thompson, Chief Executive Officer

#### **Purpose**

To report the progress for the fourth quarter of the Council Action Plan 2021-22 and outline any actions that will carry over into the second year.

#### **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 June 2022.

#### **Recommendation**

**That Council notes the Quarterly Council Action Plan Report and approves the forecast plan.**

#### **RESOLUTION**

**That Council notes the Quarterly Council Action Plan Report and approves the forecast plan.**

**Moved:** Cr Lauren Dempsey

**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 Council Action Plan Report and approves the forecast plan. **[recommended]**

#### **Option 2**

That Council notes the Quarterly Council Action Plan 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 Quarterly 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 Quarter 4 **[9.1.1.1 - 7 pages]**

# Council Action Plan 2021-22



Adopted Plan		Forecast Plan	
	Off track		Off track
	Monitor		Monitor
	On track		On track

Enhance Lifestyles and Community					
Action	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Comments
<b>Wellness and Welfare</b>					
Adopt the Navarre Recreation Reserve Precinct Master Plan					Engagement and design underway expected Council in September 2022
Develop the Reconciliation Action Plan					In progress, plan has been initiated, initial engagement with traditional owners to be confirmed. Work to be ongoing into 2022/23
Redevelop Stawell Library					Contract has been awarded in June with the build starting in the Q1 of 2022-23 due to finish by Q4 2022-23.
Undertake a customer service review and develop an action plan for the Stawell Sports and Aquatic Centre (SSAC)					Review completed.
Undertake a program and service review for the Stawell Sports and Aquatic Centre (SSAC)					Review completed.
Design the Great Western PPP Clubrooms and Lighting					Completed.
Install a new entrance sign in Queen Mary Gardens					Queen Mary Gardens Advisory Committee lead project is being supported by Council officers, no firm timeline established.
Fit out the St Arnaud Town Hall with Audio-visual Equipment					Equipment ordered and will be installed once received.
Finalise the Stawell Sports and Aquatic Centre (SSAC) Feasibility Study and Master Plan					Feasibility completed, funding sought. Additional work will be required for the final Master Plan.
Renew the St Arnaud Tennis Clubrooms					Approval delays have impacted on delivery timeframe. Works currently in progress, with the building fit out underway and project due for completion in August 2022.
Implement regional library alternatives for Marnoo					Completed.
Develop a new Stuart Mill Community Plan					Work to carry into 2022/23, engagement to be initiated in August.
Form a community working group to deliver actions in the Marnoo Community Plan					Completed.

Upgrade the St Arnaud pool and shade cover					Orders raised for pool cover and shade structures. Both projects will be completed before the next swimming season in 2022/23.
Supply and install a Community Notice Board in Marnoo					Notice board has been delayed due to material shortage. Delivery expected in August and therefore action carried into 2022/23.
Form a community working group to deliver the Navarre Community Plan					Completed.
Supply and install a Community Notice Board in Navarre					Completed.
Deliver Lord Nelson Park multi-purpose sporting facility					Completed. Minor defects being followed up with Contractor
Deliver North Park Precinct Netball Court upgrade					Completed.
Investigate additional Big Hill precinct lookout (including arboretum) upgrades					Ongoing. Working group established. Options have been provided to the stakeholders to consider land management arrangements. Report to be prepared for council consideration.
Review and retender 'Meals on Wheels' contract					A new contract has been awarded.
Develop the Municipal Public Health and Wellbeing Plan 2021-25					Completed.
Renew heritage trail signage					Installation due in September 2022, therefore project carries into the 2022/23.
Protect key heritage buildings and precincts					In progress. The action will be delivered in stages, Stage one nearing completion. Stage 2 and 3 are differed to 2022/23.
Partner with community to seek funding for a shade sail at playground/picnic area in Navarre					Completed.
Design Central Park Netball Courts and Changerooms					Completed.
Deliver a St Arnaud Market Square Performance Space					Site preparation has begun, Steel shortage has delayed the delivery of the project and therefore carried into 2022/23.
Design and deliver the Lord Nelson Park Sports Oval Lighting Upgrade					Design in progress. Aiming for construction to commence Sep. 2022 with completion by April 2023.
Deliver the Age-Friendly Communities Project					This program has been revised to align to the Municipal Health and Welfare Plan and will be undertaken in the next financial year.
Undertake Positive Ageing Services Service Level Review					This review is underway.
Undertake a Drainage Improvement Works Program					Completed.
Undertake a Kerb and Channel Improvement Program					Completed.

Partner with the Great Western Future Committee in delivering and advocating for funding as per the Great Western annual action plan					Completed.
Advocate for Central Park Netball Courts and Changerooms					Completed. Funded by the Federal Local Roads and Community Infrastructure Program Phase 3 and the Victorian State Budget 2022/23 commitment..
Advocate for the Lord Nelson Park Sports Oval Lighting Upgrade					Completed. Funded by the Federal Local Roads and Community Infrastructure Program Phase 3.
Advocate for funding of the Navarre Recreation Reserve Facility Upgrades					Completed. Funded by the Victorian State Budget 2022/23 commitment.
Advocate for funding of the North Park Precinct Skate Park detailed design					Completed. Funded by the Federal Local Roads and Community Infrastructure Program Phase 3. Detailed design to community consultation
Create and publish a new Historical Assets register					Project differed to 2022/23
Advocate for the North Park Precinct Soccer Lighting					Completed.
<b>Improving Connectivity</b>					
Review the Domestic Animal Management Plan					Completed.
Undertake a St Arnaud Flood Study					Due recent flooding events in Queensland, Council's consultant undertaking the work was delayed in the preparation of the final report. Draft report is currently under review with the study expected to be finalised in September 2022.
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					Completed.
Undertake a General Local Law Review					Draft in principle adopted by Council in June. On display for public comment in July for August 2022 adoption.
Undertake a flood study in Stawell					Funding confirmed. Due to delay funding agreement the project has not been initiated and will be carried forward to 2022/23.
Undertake a Footpath Improvement Program					Completed.
Undertake a Major Rural Roads Improvement Program					All projects are complete excluding one project due to contractor availability. Remaining minor works due in September due to weather.
Undertake a Rural Residential Road Improvement Program					Completed.

Undertake a Town Road Sealing Improvement Program					All projects are complete excluding one project due to weather. Remaining minor works due in September 2022.
Undertake an Urban Residential Road Improvement Program					Completed.
Deliver the Arts and Culture web hub					Completed.
Develop a new Arts & Culture Action Plan 2022					Draft complete, going to council for adoption in August 2022
Advocate for funding and delivery of Great Western PPP Football Lighting					Completed.
Advocate for funding and delivery of Great Western PPP Football and Netball Clubrooms					Completed. Funded by the Victorian State Budget 2022/23 commitment. Awaiting outcome of a further grant application.
Complete the St Arnaud wayfinding signage program					Completed.
Advocate for new and existing spaces for arts and culture activities					Ongoing. Recently advocated on behalf of WAMA to Regional Development Victoria.
<b>Protecting the Natural Environment</b>					
Investigate opportunity for a resale/reuse area at the St Arnaud Transfer Station					Completed.
Investigate and prepare for a separate glass recycling collection					Year 1 complete. Community Survey and Waste Audits complete. Council moved to implement kerbside glass collection.
Investigate and prepare for a separate Food Organic and Garden Organic (FOGO) waste collection					Year 1 complete, Green Waste Feasibility Study complete and green waste composting trial initiated.
Develop an implementation plan for the introduction of public place recycling in high use areas					Completed.
Implement the Walkers Lake Management Plan - Access, Tracks and Signage					Planning underway, cultural approvals pending. Physical works expected to be undertaken in 2022/23.
Research new technology and innovations to support Waste Management					Obtained a Green Waste Feasibility Study grant from Sustainability Victoria, Recycling Victoria Council's Fund. Green Waste Feasibility Study complete.
<b>Boost Economic Growth</b>					
<b>Action</b>	<b>Qtr 1</b>	<b>Qtr 2</b>	<b>Qtr 3</b>	<b>Qtr 4</b>	<b>Comments</b>
<b>Boosting Tourism</b>					
Deliver a 'Visitor Servicing and Halls Gap Hub Management' Review					Completed.
Develop a Stawell Tourism Action Plan					Completed.
Develop St Arnaud Tourism Action Plan					Completed.
Develop and implement a comprehensive Events Strategy to grow the visitor offering					Strategy delayed to the delivery of COVID activation projects (Gatherings). Strategy expected to be delivered in December 2022.

Support Victoria's Goldfields to be given UNESCO World Heritage status					Ongoing.
Upgrade the St Arnaud Caravan Park					Scoped works complete with opportunity to deliver further roads works realised, this additional work will be carried into 2022/23.
Upgrade the Stawell Caravan Park					Planned multiyear project, works on track and remaining works will be carried into 2022/23.
<b>Building more Housing</b>					
Develop a St Arnaud Structure Plan					In progress. Schedule for completion in 2022/23
Handover the Sloane Street Residential Housing Development					Completed.
Participate in the Wimmera Southern Mallee Housing Taskforce					Ongoing.
Investigate "Urban Growth Area" opportunities and constraints to accommodate long term housing supply in Stawell					In progress. Delivery to continue into 2022/23.
<b>Growing Local Businesses</b>					
Review and determine additional funding of the Grampians New Resident and Workforce Attraction Strategy and Action Plan 2020					Review of Attraction Plan completed.
Deliver the Opportunities Pyrenees, Ararat and Northern Grampians (OPAN) project					Completed.
Identify emerging opportunities to address housing and workforce challenges					In progress in conjunction with OPAN, WDA Housing Taskforce and Structure Planning Projects. Delivery to continue into 2022/23.
Oversight the Stawell Underground Physics Laboratory (SUPL)					Council is a member of the Steering Committee. Stawell Underground Physics Laboratory (SUPL) was handed over on 24 June.
Investigate retail options in Marnoo					Draft complete, scheduled to present to the Marnoo Community Plan Working Group.
Develop a Priority Investment Prospectus					Completed.
Advocate for funding the Halls Gap Heath Street Bridge					Advocacy program ongoing and therefore expected to carry forward into 2022/23.
Advocate for an outer township gateway at the proposed London Road intersection, Stawell					Major Road Projects Victoria has initiated further planning for the duplication of the Western Hwy between Ararat and Stawell with consideration given to the London Rd interchange. Planning is ongoing and therefore required to carry forward into 2022/23.
Upgrade B-Double routes					In progress, delivery to continue into 2022/23.
Undertake a Bridges and Major Culvert renewal program					Seven projects completed. One further project was successful for funding late in the year and planning to be delivered in 2022/23.



Support the establishment of renewable community energy hubs					Ongoing multiyear action.
Establish land use precincts along the Western Highway, Stawell					In progress. Delivery to continue into 2022/23.
Develop a Halls Gap Structure Plan					Deferred to 2023/24.
Develop and implement mechanisms to support growth focused entrepreneurs to embrace innovation, best practice, grow exports and jobs					Completed. 'Business Growth' program publicly launched in March 2022.
Stawell Airport Redevelopment					Fencing complete and interim milestones meet, design complete and works underway for the taxiway upgrade. Grant extension obtained due to unforeseen circumstance. Remaining works will be carried into 2022/23.
Advocate to State and Commonwealth Governments for the implementation of key recommendations in the Wimmera Southern Mallee Regional Digital Plan					Council is supporting multiple private telecommunication providers with grant applications to Federal Funding Programs. Council supported Pivotal in their recent successful application to build a regional digital connectivity network, delivering high-speed data and mobile services within the Wimmera Southern Mallee. Further advocacy programs are ongoing and therefore expected to carry forward into 2022/23.

### Provide Sustainable Infrastructure

Action	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Comments
<b>Being a better Council</b>					
Undertake works to update Stawell Pound					Civil works complete, facility upgrades underway and expected to carry forward into 2022/23.
Assess the condition of road & drainage assets					Completed.
Review the Building & Facilities Asset Management Plan					Completed.
Review the Stormwater Drainage Asset Management Plan					Completed.
Review the Footpath Asset Management Plan					Completed.
Review the Kerb & Channel Asset Management Plan					Completed.
Review the Public Open Spaces Asset Management Plan					Completed.
Develop an Asset Plan					In principle draft adopted by Council in June, Draft open to public comment, due for adoption in August therefore action to carry forward into 2022/23.
Undertake a Stawell Cemetery Improvement Program					In progress, concept is prepared for the expanded area. Needs further work in

					preparation for works and therefore carries forward to 2022/23.
Undertake a Road Resealing Program					Complete.
Undertake a Road Resheeting Program					Complete.
Advocate for the potential signalisation of Seaby Street (Stawell) Intersection					Advocacy successful with works in planning. Awaiting Regional Roads delivery.
<b>Improve Organisational Effectiveness</b>					
<b>Action</b>	<b>Qtr 1</b>	<b>Qtr 2</b>	<b>Qtr 3</b>	<b>Qtr 4</b>	<b>Comments</b>
<b>Being a better Council</b>					
Implement a new telephony system					Completed.
Investigate electronic payment options and digital monitoring of deposits at Transfer Stations					Complete. Digital payment and monitoring reliant on quality internet connection which the transfer station does not have. Alternative methods for monitoring have been established.
Develop a Stawell Aerodrome Manual of Standards					Completed.
Develop a Media and Communications Policy and Strategy					Media Policy was completed but the strategy was not done.
Develop a Workforce Plan					Completed.
Implement VPDSF Protective Data Security Plan					Significant work has been undertaken on this project but not all key performance indicators were completed by the end of the year.
Implement a new records management system					Grant application successful and the project will be delivered 2022-23.
Review and update Enterprise Resource Planning (ERP) software					Business case budget submission prepared. Stakeholder engagement started.
Develop a new BT Strategy					Completed.
Undertake Community Safety Service Review					Completed.
Implement elementTIME					The new timesheet process will be implemented in the next months.
Undertake 'Reduce Red Tape Projects' - Building, Planning, Environment review					Scope reviewed to ensure the project achieves its intended outcome within allocated resources. New established scope will be implemented in 2022/23.

### 9.1.2. General Local Law 2022 Adoption

**Author/Position:** David George, Manager Community Safety and Amenity

#### **Purpose**

The purpose of this report is for Council to consider the adoption of the Northern Grampians Shire General Local Law 2022.

#### **Summary**

The General Local Law is in place to protect the amenity of the municipality and the health and safety of the community. It is not about compliance but about creating an environment that is equitable and fair, where residents, businesses and visitors alike can participate in the community with mutual respect and enjoyment.

Council is required to adopt a new General Local Law as the current local law is set to expire on 7 September 2022 pursuant to Division 3 of the *Local Government Act 2020*.

At the June Council meeting, Council approved the advertisement of the proposed General Local Law 2022 and sought submissions and feedback from the community.

The proposed General Local Law 2022 was advertised for a period of 28 days until 6 July 2022 and in that time no submissions were received.

A suitably qualified person has provided Council with a certificate (Attachment 9.1.2.2.) in accordance with section 74(1) of the *Local Government Act 2020* that certifies that General Local Law 2022 is consistent with the requirements of the local law requirements.

#### **Recommendation**

##### **That Council**

1. notes that a qualified person has certified that the Northern Grampians Shire Council General Local Law 2022 is consistent with the requirements under section 74 of the *Local Government Act 2020*
2. makes the Northern Grampians Shire Council General Local Law 2022 to come into operation on 5 September 2022
3. adopts the Local Law Guidelines and Waste Services Guidelines as documents incorporated under the General Local Law 2022
4. publishes a notice in the Government Gazette and on council's website, as required under section 74 of the *Local Government Act 2020*.

### **RESOLUTION**

##### **That Council**

1. notes that a qualified person has certified that the Northern Grampians Shire Council General Local Law 2022 is consistent with the requirements under section 74 of the *Local Government Act 2020*
2. makes the Northern Grampians Shire Council General Local Law 2022 to come into operation on 5 September 2022
3. adopts the Local Law Guidelines and Waste Services Guidelines as documents incorporated under the General Local Law 2022
4. publishes a notice in the Government Gazette and on council's website, as required under section 74 of the *Local Government Act 2020*.

**Moved:** Cr Eddy Ostarcevic

**Seconded:** Cr Trevor Gready

**Carried**

## Background/Rationale

Local laws are regulatory instruments used by local governments in Victoria to manage a range of amenity, road and environmental issues in response to specific community needs.

Effective local laws are a deterrent to negative actions and behaviour in the community, and an enabler of preferred community outcomes. By way of example, laws can control the number of animals kept on a property and how a person burns materials on their land, whilst also enabling activation of places through outdoor dining and community events.

Local Laws must be reviewed regularly to ensure they remain relevant and reflect the contemporary expectations of council. Section 111 of the *Local Government Act 2020* determines that all Local Law sunset after 10 years. Council's General Local Law 2012 operates until 7 September 2022.

On behalf of the community, Council has a significant amount of assets vested in, controlled or owned that need to be protected. This Local Law provides protection of these assets so that Council and the community do not unreasonably bear the cost of repairing damage to these assets caused by others.

The objectives of this Local Law are to provide:

- (a) the peace, order, and good governance of the municipality
- (b) a safe and healthy environment so that the community within the municipality can enjoy a quality of life that meets expectations
- (c) the safe and fair use and enjoyment of municipal places
- (d) the protection and enhancement of the amenity and environment of the municipality
- (e) the fair and reasonable enjoyment of private land
- (f) the protection of assets vested in council
- (g) the uniform and fair administration of this General Local Law 2022

The review of the General Local Law began in late 2021 and resulted in the proposed Northern Grampians Shire Council Local Law 2022, being prepared.

At the June Council meeting, Council approved the advertisement of the proposed General Local Law 2022 and sought submissions and feedback from the community. The proposed General Local Law 2022 was advertised for a period of 28 days until 6 July 2022. No submissions were received.

No changes have been made to the proposed General Local Law 2022 on the back of the advertising period.

Local Law Guidelines and Waste Services Guidelines, as attached to the June Council meeting, have also been completed as documents incorporated under General Local Law 2022.

The Local Law guidelines details the requirements and provisions that assists with the administration and enforcement of the Local Law. The Waste Services Guidelines outlines the guidelines and processes relating to Council's kerbside services, waste service compulsory areas and waste management.

These guidelines can be reviewed by Council from time to time as per the General Local Law 2022.

General Local Law 2012 will be revoked at the time of commencement of the new General Local Law 2022.

## Legislation, Council Plan, Strategy and Policy Implications

*Local Government Act 2020, Section 71*

Council Plan 2021-25 – Enhance Lifestyles and Community

## Options

### Option 1

That Council approves the recommendation to make General Local Law 2022 and adopts the Local Law Guidelines and Waste Services Guidelines as incorporated documents under General Local Law 2022. **[recommended]**

### **Option 2**

That Council approves the recommendation to make General Local Law 2022 and adopts the Local Law Guidelines and Waste Services Guidelines as incorporated documents under General Local Law 2022 with changes. **[not recommended]**

### **Option 3**

That Council refuses to approve the recommendation to make General Local Law 2022 and adopts the Local Law Guidelines and Waste Services Guidelines as incorporated documents under General Local Law 2022. **[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.

Legal advice has been sought through Russell Kennedy Lawyers to ensure Council complies with its legislative requirements. A certificate in accordance with section 74(1) of the Local Government Act 2020 has been supplied to Council from Russell Kennedy Lawyers confirming the local law is consistent with the local law requirements that are set out in section 72 of the Local Government Act 2020.

### **Procurement**

Not applicable

### **Community Engagement**

In accordance with Council's *Community Engagement Policy*, consultation took place in February 2022 with the community, providing an opportunity to raise any concerns or issues they have with the current local law.

The community was also given the ability to raise new issues that should be considered as part of a new local law.

Council's Have Your Say page was used as a source of the consultation with information posted on council's social media and Community Updates in the local newspapers. Other departments within council were also consulted and raised issues for consideration.

As a result of the consultation, over 130 submissions were received with a range of items raised. A summary of the submissions received can be found the report tabled at the June Council meeting.

In addition to the consultation undertaken during the review process, the public exhibition of the Proposed Northern Grampians Shire Council General Local Law 2022, in accordance with Section 73 of the *Local Government Act 2020*, gave the community a further opportunity to consider the proposed General Local Law 2022 and if it addresses and responds to the concerns raised and optimises community safety and amenity needs.

An overview of the proposed General Local Law has been presented to the community as part of council's Info Expos in Stawell and St Arnaud on April 21 and 22 respectively.

### **Innovation and Continuous Improvement**

The General Local Law 2022 has been reviewed to improve the general amenity and safety of the Northern Grampians Shire community. We believe that General Local Law 2022 is an improvement and will benefit the community and improve the safety and amenity of people who reside and visit the Northern Grampians Shire.

### **Collaboration**

Not applicable

### **Officer's Declaration of Interest**

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

David George, Manager Community Safety and Amenity

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

**Attachments**

1. Local Law Guidelines - 2022 [**9.1.2.1** - 18 pages]
2. Waste Services Guidelines 2022 [**9.1.2.2** - 4 pages]
3. Certificate pursuant to section 74(1) Local Government Act 2020 Northern Grampians Shire Council  
Gene [**9.1.2.3** - 1 page]
4. Final General Local Law 2022 [**9.1.2.4** - 28 pages]

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# Local Law Guidelines

*Version 1 –*

*Incorporated Document under the Northern  
Grampians Shire Council General Local Law  
2022*



**May 2022**

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Northern Grampians Shire Council  
LIVE | WORK | INVEST | VISIT

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## **INTRODUCTION**

The Local Law Guidelines is an incorporated document under the Northern Grampians Shire Council General Local Law 2022.

The purpose of the Local Law Guidelines is to assist with the administration and enforcement of the Local Law.

Words and phrases used in the Local Law Guidelines have the same meaning as they have in the Local Law.

## **GUIDELINES FOR THE ASSESSMENT OF PERMIT APPLICATIONS**

### **1. HEAVY VEHICLES – CLAUSE 7 OF THE LOCAL LAW**

When determining whether to issue a permit in relation to clause 7 of the Local Law, an Authorised Officer must consider –

- (a) the times involved, and the potential impact on neighbourhood amenity;
- (b) the likely interference caused to pedestrian or vehicular traffic and its impact on public safety;
- (c) likely impact on infrastructure;
- (d) vehicle lighting;
- (e) noise levels;
- (f) impact on Council assets;
- (g) current land usage;
- (h) distance from residential premises; and
- (i) any other matter an Authorised Officer reasonably believes is relevant to the application.

### **2. OPEN AIR BURNING – CLAUSE 8 OF THE LOCAL LAW**

When determining whether to issue a permit in relation to clause 8 of the Local Law, an Authorised Officer must consider –

- (a) climatic and environmental conditions anticipated;
- (b) firefighting resources available;
- (c) materials to be burnt;
- (d) whether the ground and air space within three metres is clear of flammable material;
- (e) whether an adult will be present to supervise the fire at all times;
- (f) any consultation that has occurred with neighbours and consideration has been given to any submissions or comments received;
- (g) whether the application triggers a need for consultation with the Council's Municipal Fire Prevention Officer; and
- (h) any other matter an Authorised Officer reasonably believes is relevant to the application.

### **3. USE OF MUNICIPAL PLACES – CLAUSE 20 OF THE LOCAL LAW**

When determining whether to issue a permit in relation to clause 20 of the Local Law, an Authorised Officer must consider –

- (a) the intended use of the municipal place;
- (b) whether the usage applied for is appropriate in the proposed location;
- (c) whether another place, municipal or private property, would be more appropriate;
- (d) whether the activity will have an impact on business and tourism (positive or negative);
- (e) whether community consultation is required;
- (f) any impact on any Council property or assets;
- (g) the likely interference caused to any pedestrian or vehicular traffic and its impact on public safety;
- (h) the times involved, and the potential impact on neighbourhood amenity;
- (i) the activity has the appropriate Public Liability Insurance;
- (j) whether this is the appropriate permit (refer to the Activity Table Schedule 1) and whether the application needs to be referred to, or discussed with, another department of Council; and
- (k) any other matter the Authorised Officer reasonably believes is relevant.

### **4. LIQUOR IN A MUNICIPAL PLACE – CLAUSE 22 OF THE LOCAL LAW**

When determining whether to issue a permit in relation to clause 22 of the Local Law, an Authorised Officer must consider –

- (a) the nature, duration, and location of the proposed activity;
- (b) whether the permit should include a condition imposing a ban on glass containers;
- (c) the land use of adjoining allotments and the general amenity of the street and neighbourhood;
- (d) whether the location has a verifiable history of liquor-related offences or liquor-behaviour problems;
- (e) the proximity of existing licensed premises;
- (f) the effect on the quiet enjoyment of people in the municipality;
- (g) the impact, if any, on business and tourism (positive or negative);
- (h) public health safety;
- (i) whether the surrounding community has been consulted and any comments or submissions received;

- (j) whether Public Liability Insurance exists;
- (k) whether this is the appropriate permit (refer to the Activity Table in Schedule 4) and whether the application needs to be referred to, or discussed with, another department of Council;
- (l) any advice offered by Victoria Police or any relevant other public authority; and
- (m) any other matter the Authorised Officer reasonably believes is relevant.

## **5. VEHICLES ON MUNICIPAL PLACES – CLAUSE 27 OF THE LOCAL LAW**

When determining whether to issue a permit in relation to clause 27 of the Local Law, an Authorised Officer must consider –

- (a) the nature, duration, and location of the proposed activity;
- (b) the suitability of the land for use by vehicles;
- (c) the number of vehicles for which the permit is required;
- (d) the days, times, and hours such vehicles are to be used;
- (e) the likely effect on the amenity of the area including noise impacts;
- (f) whether neighbouring properties have been consulted and consideration given to any submissions or comments received;
- (g) the likely damage which may be caused to Council property or assets;
- (h) the nature and extent of any public risk to be created by the activity;
- (i) whether Public Liability Insurance exists; and
- (j) any other matter the Authorised Officer reasonably believes is relevant.

## **6. EVENTS – CLAUSE 28 OF THE LOCAL LAW**

When determining whether to issue a permit in relation to clause 28 of the Local Law, an Authorised Officer must consider the guidelines provided in relation to the use of municipal places (clause 19 of the Local Law).

## **7. FIREWORKS – CLAUSE 29 OF THE LOCAL LAW**

When determining whether to issue a permit in relation to clause 29 of the Local Law, an Authorised Officer must consider –

- (a) the seasonal conditions and any existing Country Fire Authority (CFA) declared fire restrictions;
- (b) flammable materials on any land within one kilometre;

- (c) whether the applicant has CFA permission;
- (d) the land use of the area and the impact upon it;
- (e) availability of adequate means of controlling and extinguishing the spread of fire;
- (f) whether the fireworks would constitute a danger to vehicles or pedestrians or compromises the safe and convenient use of a road or the area;
- (g) the proximity of neighbouring animals, including any livestock within a two-kilometre radius;
- (h) whether the required notification has been given to Work Safe and the appropriate pyrotechnic qualifications are held by the person proposing to supervise and light the fireworks;
- (i) the tourism benefits;
- (j) whether the surrounding community has been notified or consulted and any comments or submissions received in response;
- (k) whether the applicant holds public liability insurance (minimum \$10 million); and
- (l) any other matter the Authorised Officer reasonably believes is relevant.

## 8. FOOTPATH USE – CLAUSE 30 OF THE LOCAL LAW

- (a) When determining whether to issue a permit in relation to clause 30 of the Local Law, an Authorised Officer must consider –
  - (i) that safe pedestrian access is the primary purpose (with the maintenance of vehicle safety lines), of all footpaths. Other activities such as trading, storage, advertising, and street events are secondary;
  - (ii) whether the footpath activity will have a positive contribution to the character, business operation and amenity of the business precinct; and
  - (iii) whether the use will impact positively or negatively on the surrounding residential area.
- (b) The following guidelines apply to footpath use.
  - (i) **Zones**

In order to provide a clear and consistently unobstructed access way for pedestrians, and sight safety lines for road users, the footpath is divided into five zones.
  - (ii) **Pedestrian Zone**

The Pedestrian Zone provides a continuous accessible path of travel for people of all abilities extending from the property boundary for a minimum width of 1.8 metres.

Note: for non-ambulatory people, this accessible path of travel does not include a step, stairway, turnstile, revolving door, escalator, or any other impediment which could prevent it from being safely negotiated by people with disabilities.

(iii) **Trading Activity Zone**

The Trading Activity Zone is the only area of the footpath where goods, outdoor eating furniture and ancillary items, and advertising signs, may be placed, subject to the provisions of the Local Law and these guidelines.

(iv) **Kerbside Zone**

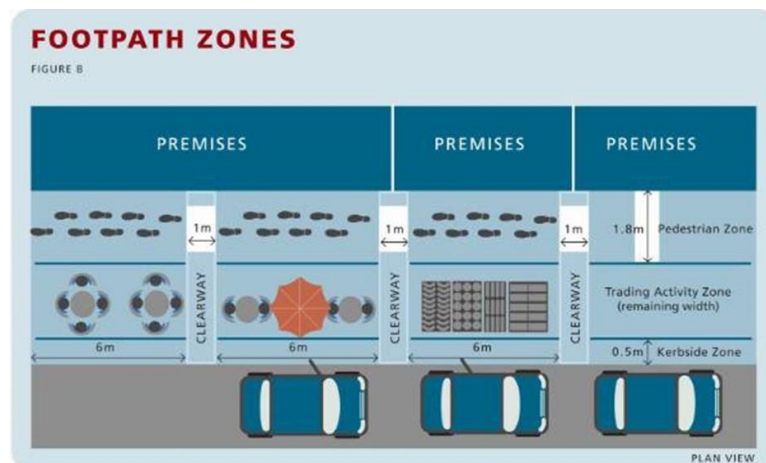
- (1) The Kerbside Zone is a buffer from the roadside kerb to allow for road safety and access to and from parked vehicles.
- (2) The Kerbside Zone is a minimum of 0.5 metre buffer, as measured from the edge of the road, to allow for access to and from parked vehicles including loading zones.
- (3) Where there is a disabled parking bay, the setback from the road will be at least 1.5 metres.

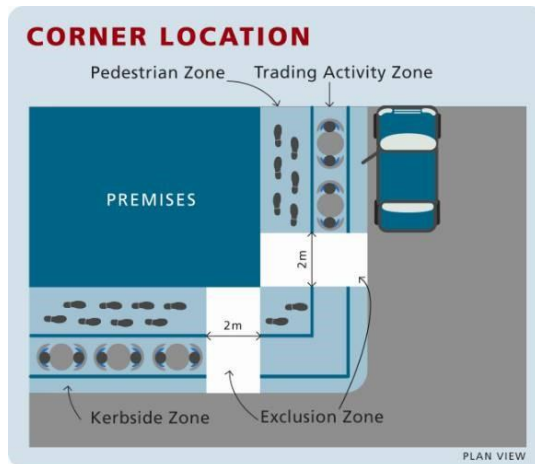
(v) **Clearway Zone**

The Clearway Zone is a 1-metre-wide area on the footpath comprising 0.5 metres on each side of a property boundary and extending across the footpath through to the roadside kerb.

(vi) **Exclusion Zone**

The Exclusion Zone at a corner location is a 2-metre-wide area on the footpath from the property side boundary through to the roadside kerb.





(vii) **Core Provisions**

The following core provisions must not be varied. Where these requirements cannot be met, a footpath activity requiring a permit under the Local Law is prohibited –

- (1) the minimum footpath width required before the footpath activity can be considered is 2.7 metres;
- (2) the minimum width of the Pedestrian Zone must be 1.8 metres and the minimum width of the Kerbside Zone must be 0.5 metres;
- (3) where a constructed footpath is greater than 1.8 metres in width and there is an associated unconstructed area, any permitted footpath activity must be in the unconstructed area and not breach the Kerbside Zone or Pedestrian Zone;
- (4) footpath activities for which a permit exists where the whole permit area is not being used, must be placed or conducted nearest to the roadside kerb of the Trading Activity Zone. Any unutilized space within the Trading Activity Zone must be left clear for pedestrian access;
- (5) all goods and furnishings within the Trading Activity Zone must not be brought into the Pedestrian Zone or the Kerbside Zone regardless of weather conditions;
- (6) the advertising area on screens or barriers must be restricted to the business name or logo, or the key product (e.g.: the brand name of the product available at the business). This must not exceed 20 percent of the total area of each screen or barrier;
- (7) planter boxes must not display advertising material;
- (8) the permit issued must be displayed prominently at the front of the business to which the permit applies;
- (9) existing infrastructure, regardless of ownership, must not be used to support or secure any signs, goods, or furnishings;

- (10) clearance of one metre is required from public infrastructure, including, but not exclusive to, fire hydrants; litter, recycling, or cigarette butt bins; pay phones; council street furniture; planter boxes;
- (11) no items may be placed in or overhang the Pedestrian Zone, the Kerbside Zone, the Clearway Zone, or the Exclusion Zone;
- (12) any item placed between two metres and nine metres of an intersection of property lines must not exceed 1.2 metres in height; and
- (13) if Council is not the responsible road manager, written approval must be obtained from the responsible road manager for the intended use prior to the permit application being assessed.

(viii) ***Outdoor eating***

Any chairs, tables and ancillary items associated with outdoor eating must –

- (1) only be placed outside premises which are registered under the *Food Act 1984* to serve food and/or beverages;
- (2) only be placed in the Trading Activity Zone of the footpath;
- (3) only be placed on the footpath during the normal trading hours of the business which they relate, unless otherwise approved by Council; and
- (4) be of sufficient weight or secured in such a way as to prevent them causing a hazard.

(ix) ***Barrier Screens***

The form and construction of any barrier screen must be suitable for its functional requirements and location, taking into account prevailing weather conditions, and must –

- (1) be associated with the use of the footpath for an outdoor eating facility;
- (2) only be placed in the Trading Activity Zone;
- (3) be no more than 1.2 metres high; or less than 0.9 metres high;
- (4) only be in place during the normal trading hours of the business with which they are associated; and
- (5) be placed so that the screens are stable and secure or weighted so that they will not be moved by patrons or prevailing weather.

(x) ***Goods for display***

- (1) All items displayed on the footpath must –
  - (A) only be placed in the Trading Activity Zone regardless of weather conditions;



- (B) only be placed on the footpath during the normal trading hours of business which they relate;
  - (C) not exceed a height of 1.5 metres, or length of 2.5 metres, and width of 1 metre;
  - (D) not form a continuous display area greater than 2.5 metres in length, and there must be a minimum 1 metre clear space at each 2.5 metre interval;
  - (E) be kept in a clean and tidy state, including the area around the display;
  - (F) not impede access to or from any loading zone or disabled parking bay;
  - (G) not cause difficulty to any footpath users, including pedestrians and people exiting or accessing parked vehicles or the footpath; and
  - (H) not overhang either the Kerbside Zone, Clearway Zone, Exclusion Zone, or Pedestrian Zone.
- (2) Consideration may be given for an individual item for display where that item exceeds the 2.5 metre length, 1.5 metre height or 1 metre width. When considering such a permit application an Authorised Officer must consider the following –
- (A) pedestrian safety and access;
  - (B) visual amenity;
  - (C) other permit activities within the vicinity;
  - (D) maintenance of the 1 metre clear space at either end of the displayed item;
  - (E) the weight of the item; and
  - (F) any other matter the Authorised Officer reasonably believes is relevant.
- (xi) ***Movable signs (including A frames)***
- (1) use of this advertising medium at the front of premises, apart from food and retail shops, is not encouraged;
  - (2) where a business is undertaking any other footpath activity requiring a permit under the Local Law, the display of movable signs is not encouraged; and
  - (3) any advertising on the sign is restricted to the name of the business or logo or the key product (e.g., the brand of the product available at the business) sold by the business.
- (xii) ***Lock-in devices in footpath***
- (1) display and furniture items may be secured to the footpath by a lock-in device;

- (2) lock-in devices will only be approved when the device lies flat with the footpath when not in use; and
- (3) approval must be sought from the Infrastructure department before any lock-in devices are installed.

#### **9. EXCESS ANIMAL IN RESIDENTIAL AREA – CLAUSE 31 OF THE LOCAL LAW**

When determining whether to issue a permit in relation to clause 31 of the Local Law, an Authorised Officer must consider –

- (a) whether a Planning Scheme Permit Application is required, such as boarding or breeding of animals;
- (b) whether the animals are capable of breeding, and are impacted by any code of practice for the operation of breeding and rearing establishments that is in force;
- (c) the land-use and size of the applicant's land and that of adjoining allotments;
- (d) the proximity to adjoining premises;
- (e) the impact on the amenity of the area;
- (f) the type and numbers of animals to be kept;
- (g) the potential impact on adjoining owners;
- (h) whether there has been any consultation with neighbours and any consideration given to any submissions or comments received;
- (i) the adequacy of animal accommodation and the level of maintenance and management of waste currently undertaken and proposed if permit application is successful;
- (j) whether the animals will attract other animals or birds, including feral cats, and the impact this has on the area; and
- (k) any other matter the Authorised Officer reasonably believes is relevant.

#### **10. AGRICULTURAL ANIMALS IN RESIDENTIAL AREA – CLAUSE 32 OF THE LOCAL LAW**

When determining whether to issue a permit in relation to clause 32 of the Local Law, an Authorised Officer must consider the guidelines that apply to Excess Animals in a Residential Area – clause 31 of the Local Law.

## **11. ANIMALS IN RURAL AREA – CLAUSE 33 OF THE LOCAL LAW**

When determining whether to issue a permit in relation to clause 33 of the Local Law, an Authorised Officer must consider the guidelines that apply to Excess Animals in a Residential Area – clause 31 of the Local Law.

## **12. GRAZING, MOVING OR DROVING LIVESTOCK – CLAUSE 35 OF THE LOCAL LAW**

When determining whether to issue a permit in relation to clause 35 of the Local Law, an Authorised Officer must consider –

- (a) whether the droving or moving of livestock is through any areas identified with conservation values, as droving and moving of livestock in these areas may require approval from State or Commonwealth departments and as such is not encouraged;
- (b) whether the area can be grazed or trampled without impacting on the conservation values of the road as part of moving and droving livestock;
- (c) whether the livestock will be adequately supervised and under effective control by a person who is competent in the management of livestock at all times they are on the road;
- (d) whether the applicant can adequately feed and water the livestock on the roads proposed;
- (e) any seasonal conditions such as drought or flood, either locally or within the State, and the State's response to these conditions and roadside droving or moving of livestock;
- (f) whether there will be any impacts on Council property, infrastructure, or assets;
- (g) actions proposed to mitigate any damage to Council property, infrastructure, or assets;
- (h) the hours and duration which livestock are on the road, as permits are only valid for daylight hours;
- (i) the number of livestock that are to be on the road;
- (j) whether the person has current public liability insurance that covers moving or droving;
- (k) whether an inspector of livestock administering the *Livestock Disease Control Act 1994* has been notified of any notifiable diseases under that act either in the proposed area of the moving or droving of livestock or within the herd to be moved or droved; and
- (l) any other matter the Authorised Officer reasonably believes is relevant to the application.

## PERMIT REQUIREMENTS

The following Guidelines apply to all permit applications, permits issued or corrections made to permits issued by Council. They override any contradictory conditions applied to a permit –

- (a) an application for a Permit must be accompanied by the specified fee;
- (b) an application for a Permit will not be processed until the specified fee is paid in full to Council;
- (c) if the application for a permit is approved and issuing of the Permit involves an additional fee or fees, the permit is not valid until the appropriate fee or fees are in full to the Council;
- (d) the applicant may be required to give public notice, or written notice to adjoining landowners and other specified parties inviting submissions on lodged application for a Permit;
- (e) all permits expire on the expiry date specified in the permit;
- (f) Council may reject an application, modify the conditions of an existing Permit, or withdraw or suspend a permit if –
  - (i) any conditions contained in these guidelines are not met; or
  - (ii) the sight and access of drivers, cyclists or pedestrians is interfered with so as to create a hazardous situation; or
  - (iii) permit conditions have not been met or there is a second instance of failure to comply with permit conditions; or
  - (iv) the permit holder fails to maintain public liability insurance; or
  - (v) the permit is, under any circumstances likely to cause detriment to the amenity of the area, including the ambience of areas; or
  - (vi) Council officers believe a misrepresentation or concealment of fact has been made in the application for the permit; or
  - (vii) a material changes of circumstances impacting on the permit, has occurred since the permit was granted;
- (g) permits are not interchangeable, e.g., a permit for a movable advertising sign does not permit the display of goods if the advertising sign is not used;
- (h) permits are not transferable. A new permit must be obtained by the new proprietor if the proprietorship of a business changes. Likewise, if a business changes location;
- (i) Council may correct a permit if the permit contains an error;
- (j) a permit may be suspended by giving three working days' notice in writing of the decision to propose cancellation or withdrawal of the permit; and
- (k) any permit applicant or holder who is aggrieved by any matter in the refusal, granting, reviewing, modification, suspension, cancellation, or renewal of a permit, and/or in relation to any written notice, notice to comply in relation to breaches of conditions of a permit, may, by written request within 20 working days of the date of the incident, notice or matter concerned,

seek a review by Council of the matter. However, the making of any such request will not in any way remove that person's obligation to act in accordance with any directions or notices which are applicable under the permit or any notices issued pursuant to matters related to the permit.

## **COMPLIANCE GUIDELINES**

### **13. ALLOCATED NUMBERS OF PREMISES TO BE DISPLAYED – CLAUSE 13 OF THE LOCAL LAW**

In relation to clause 13(3) of the Local Law, the following requirements apply for the purposes of the owner of the premises ensuring that the premises number is clearly readable from the roadway to which the address relates –

- (a) in residential areas, the identifying numbers must be placed beside the most obvious entrance to the property from the roadway to which the premises address relates;
- (b) in rural areas the identifying numbers must be placed in a conspicuous position at the driveway entrance to the premises;
- (c) properties with multiple residences facing the roadway must also display the road number with the unit/flat number to the same standards;
- (d) where there is no entranceway to the property from the roadway that the address relates to, the number must still be displayed on the property boundary facing the roadway that the address relates to;
- (e) the display of a number on a road that is different to the road that the number relates to shall be accompanied by its road name; and
- (f) the numbers must not be attached to a tree.

**SCHEDULE 1 - ACTIVITY TABLE FOR PERMITS AND PERMISSIONS**

This table provides a ready reckoner for use by the public and Council staff in determining the appropriate Council Department with responsibility to manage an activity. It is a general guide only and may from time to time be amended by Council.

ACTIVITY	PERMISSION
Erect structure in or on road reserve.	Written request to Infrastructure Dept. for consideration.
Removing or interfering with structure on road reserve.	Written request to Infrastructure Dept. for consideration.
Planting or removing tree or vegetation.	Written request to Infrastructure Dept. for consideration.
Tunnelling under road reserve.	Written request to Infrastructure Dept. for consideration.
Connecting road to road.	Written request to Infrastructure Dept. for consideration.
Installing drains, pipes, cables on road reserve.	Written request to Infrastructure Dept. for consideration.
Erecting an obstruction on the road reserve (i.e., scaffolding).	Written request to Infrastructure Dept. for consideration.
Installing a driveway crossing.	Written request to Infrastructure Dept. for consideration.
Constructing a footpath.	Written request to Infrastructure Dept. for consideration.
Any traffic impact work (including pedestrian).	Written request to Infrastructure Dept. for consideration.
Permanent structure on road reserve.	Written request to Infrastructure Dept. for consideration.
Fixed barrier, fence, divider.	Written request to Infrastructure Dept. for consideration.
Signage on blind.	Written request to Planning Dept. for consideration.
Consume or possess alcohol in unsealed container in a public place.	Permit required – Local Laws.
Skips or non-council refuse containers on Council land.	Permit to be obtained within 2 business days of the placement. Local Laws.
Use sound amplification equipment in a public place, or able to be heard from a public place.	Permit required – Local Laws.
Conduct a street party, street festival or procession on a road.	Permit required – Local Laws. Road closure – permit Infrastructure Dept.

ACTIVITY	PERMISSION
<p>Fire in the open air or in an incinerator.</p> <p>Not permitted to burn domestic waste.</p> <p>Fuel reduction burning in fire danger period must comply with CFA Act.</p> <p>Fuel reduction burning outside the Fire Danger Period must comply with Summary Offences Act.</p>	<p>Permit required- Local Laws.</p> <p><b>Unless</b></p> <ul style="list-style-type: none"> <li>• In a properly constructed fireplace for cooking food or for warmth.</li> <li>• Farming or rural area.</li> <li>• Halls Gap Last 14 Days in October and first 14 days in May.</li> </ul>
Use a vehicle on Council land, road, or reserve unless area designated for that purpose.	Permit required – Local Laws.
Keep a heavy vehicle on land in a residential area, Council land or road.	Permit required – Local Laws.
Keep more than 2 dogs, 2 cats, 10 pigeons, 10 poultry, 10 domestic rats, 10 domestic mice, 4 guinea pigs, 4 domestic rabbits, 6 reptiles and 4 ferrets in a residential area.	Permit required – Local Laws.
Owner or occupier of land in residential area- to keep any agricultural birds or animals.	Permit required – Local Laws.
Keep more than 4 cats and 4 dogs on rural land.	Permit required – Local Laws.
Move or Drove Livestock on a road or municipal place.	<p>Permit required – Local Laws.</p> <p><b>UNLESS</b></p> <ul style="list-style-type: none"> <li>• Being moved a reasonable distance between properties.</li> <li>• Being relocated by an authorised officer.</li> <li>• Relocated in an emergency.</li> <li>• Moved in accordance with any code of practice, Act or parliament or Regulation applicable to the activity.</li> </ul>
Scavenging at Municipal transfer Station or landfill.	Permission required - Waste Management Officer
<b>FOOTPATH USE</b>	
Movable signage including A frames.	Permit required – Local Laws.
Street furniture including bins.	Permit required – Local Laws.
Trading on a road reserve or footpath.	Permit required – Local Laws.
Shade structures, umbrellas.	Permit required – Local Laws.
Banners Flags and bunting.	Permit required – Local Laws.

<b>ACTIVITY</b>	<b>PERMISSION</b>
Displays of goods.	Permit required – Local Laws.
Raffles.	Permit required – Local Laws.
Live entertainment, busking or spruiking.	Permit required – Local Laws.
Organised groups or public gatherings.	Permit required – Local Laws.
Umbrella.	Permit required – Local Laws – may only be used in outdoor eating facility.
Barrier screens.	Permit required – Local Laws – may only be used in outdoor eating facility.
Planter boxes, pot plants.	Permit required – Local Laws.
Chairs, Tables, ancillary items associated with outdoor eating.	Permit required – Local Laws.
Displays of goods.	Permit required – Local Laws.
Place any structure for the purpose of offering for sale any goods or services.	Permit required – Local Laws.
Solicit business or gifts of money.	Permit required – Local Laws
Sell or offer for sale any goods or services, carried about or placed on the person or any other movable thing.	Permit required – Local Laws.
Use Municipal place for other than intended use.	Permit required – Local Laws.
Fireworks display on a municipal place.	Permit required – Local Laws.
Install locking devices to secure displays/furniture on footpath.	Permit required – Local Laws.



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# Waste Services Guidelines

*Version 1*

*Incorporated document under the  
Northern Grampians Shire Council  
General Local Law 2022*



June 2022

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Northern Grampians Shire Council  
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## WASTE SERVICES GUIDELINES

The *Waste Services Guidelines* is an incorporated document under the Northern Grampians Shire Council *General Local Law 2022*.

The **Waste Services Guidelines** outlines the guidelines and processes relating to Council's kerbside services, waste service compulsory areas and waste management.

## DEFINITIONS

Words and phrases used in the *Waste Services Guidelines* have the same meaning as they have in the Local Law.

The following terms are defined in these Guidelines –

- **compulsory waste services zone** means all areas within the municipality declared by Council from time to time where Council provides kerbside waste collection services.
- **recycling** refers to materials that are able to be treated or processed to make suitable for re-use.

## KERBSIDE SERVICES

- (1) Council provides a kerbside waste collection service in the compulsory waste services zone.
- (2) The owner or occupier of any premises in the municipality that is not located within the compulsory waste services zone may apply to Council for a waste collection service to be provided to that premises and Council may provide such a service where it is capable of being provided and on such terms as determined by Council.

## COUNCIL SUPPLIED KERBSIDE BINS

- (1) A person must not place, or cause to be placed, in any Council supplied kerbside bin any –
  - (a) concrete, masonry, or bricks; or
  - (b) motor oil, oil filter, solvents, flammable liquids, or liquid paint; or
  - (c) sewerage or liquid waste; or
  - (d) needle, syringe, or medical waste; or
  - (e) hazardous chemicals; or
  - (f) volatile, explosive, or flammable substance; or
  - (g) waste of a shape, size, or weight that cannot be contained in the provided bin; or
  - (h) broken glass or other sharp objects unless they are properly contained or wrapped in such a way as to render them harmless; or
  - (i) hot ash or burning materials; or
  - (j) dirt, dust, or other matter from any vacuum cleaner, hair, or other similar matter unless it has been securely wrapped.
- (2) A person must not place, or cause to be placed, in any Council recycling service bin, any materials other than –
  - (a) paper; or
  - (b) cardboard; or
  - (c) aluminium cans, trays, and foil; or
  - (d) steel can (excluding paint and oil cans); or

- (e) aerosol cans; (empty); or
- (f) glass bottles and jars (excluding broken glass and crockery); or
- (g) rigid plastic containers including but not limited to soft drink bottles, milk, juice, yoghurt, or food containers; or
- (h) any other material designated by Council from time to time as being a material that may be placed in a Council recycling collection service bin.

#### **ADDITIONAL COUNCIL COLLECTION SERVICE**

- (1) Council may, from time to time, conduct an additional Council collection service of other waste where owners or occupiers of a premises may place the Council specified type of material on a road or designated collection area for collection and removal by Council or a Council contractor.
- (2) A person must not place any specified waste materials on a road or designated collection area more than 24 hours before the scheduled additional Council collection service collection day.
- (3) A person must not place any materials other than those materials that are specified by Council as being part of the additional Council collection service on a road, designated collection area or any other municipal place.
- (4) A person must not leave any materials on a road or designated collection area for more than 24 hours after the scheduled additional Council collection service collection day.
- (5) A person must not interfere with any materials placed on a road or designated collection area that have been placed there as part of the additional Council collection service.
- (6) An Authorised Officer may direct the owner or occupier of the property to remove any materials that are inappropriately placed, placed after the collection date, or are not specified as part of the additional Council collection service that have been placed in a road or designated collection area and the person must do so.
- (7) Subclause (5) does not apply to a person authorised by Council to remove such materials during the additional Council collection service.



**CERTIFICATE PURSUANT TO SECTION 74(1) OF THE  
LOCAL GOVERNMENT ACT 2020**

I, Marcus Heath, being a qualified person as defined in section 74(2) of the *Local Government Act 2020 (Act)*, hereby certify pursuant to section 74(1) of the Act that I am of the opinion that the proposed Northern Grampians Shire Council General Local Law 2022 is consistent with the local law requirements that are set out in section 72 of the Act.

Dated: 3 August 2022

A handwritten signature in blue ink, appearing to read 'Marcus Heath', written over a horizontal line.

-----  
**Marcus Heath**

Level 12, 469 La Trobe Street, Melbourne, Victoria 3000

An Australian Legal Practitioner within the meaning of The Legal Profession Uniform Law (Victoria)

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# **Northern Grampians Shire Council General Local Law 2022**



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## **1. GENERAL LOCAL LAW 2022**

The **General Local Law 2022** is a Local Law made under Division 3 of Part 3 of the *Local Government Act 2020* and section 42 of the *Domestic Animals Act 1994*.

## **2. OBJECTIVES**

The Objectives of this Local Law are to provide for –

- (a) the peace, order, and good governance of the municipality;
- (b) a safe and healthy environment so that the community within the municipality can enjoy a quality of life that meets expectations;
- (c) the safe and fair use and enjoyment of municipal places;
- (d) the protection and enhancement of the amenity and environment of the municipality;
- (e) the fair and reasonable enjoyment of private land;
- (f) the protection of assets vested in Council; and
- (g) the uniform and fair administration of this General Local Law 2022.

## **3. COMMENCEMENT**

This Local Law commences on 5 September 2022.

## **4. REVOCATION OF LOCAL LAWS**

On the commencement of this Local Law, the following Local Law is revoked –

- Northern Grampians Shire Council – *General Local Law 2012*.

## **5. APPLICATION OF THIS LOCAL LAW**

The Local Law –

- (a) applies throughout the municipality; and
- (b) is inoperative to the extent of any inconsistency with any Act, Regulation or Planning Scheme in force in the municipality; and
- (c) does not apply where any act or thing is authorised by any Act, Regulation or the Planning Scheme in force in the municipality.

## 6. DEFINITIONS

In this Local Law –

**amenity** of an area is the quality that the area has of being pleasant and agreeable;

**Authorised Officer** means a person appointed by Council under section 224 of the *Local Government Act 1989*;

**collection day** means the day of the week the contents of a waste bin or recycling bin are due to be collected, which –

- (a) in the case of a waste collection service provided by Council, is the day of the week specified by Council; or
- (b) in the case of a waste collection service provided by a privately engaged contractor, is the day of the week specified by the contractor;

**commercial area** means any land zoned within a Commercial Zone in the Planning Scheme;

**contravention** has the same meaning as it has in the *Interpretation of Legislation Act 1984*;

**Council** means the Northern Grampians Shire Council;

**Council asset** includes land, and infrastructure whether built or natural, vested in, owned or managed by Council;

**direct/direction** means an instruction given by an Authorised Officer either in writing or verbally;

**e-cigarette** has the same meaning as it has in the *Tobacco Act 1987*;

**event** includes but is not limited to a circus, carnival, festival, activity or procession which has exclusive use of a municipal place or part thereof for commercial, private, or fundraising purposes;

**footpath** means the roadside land between the property boundary and the nearest edge of the constructed road surface, whether the footpath is constructed, partially constructed or unconstructed;

**heavy vehicle** has the same meaning as defined in the *Road Safety Act 1986*;

**incinerator** means an external structure, which is used or capable of being used for the purpose of containing matter whilst it is burning, excluding a barbeque or properly constructed fireplace;

**industrial area** means any land zoned within an Industrial Zone in the Planning Scheme;

**infringement notice** has the same meaning as defined in the *Infringements Act 2006*;

**land** has the same meaning as it has in the *Interpretation of Legislation Act 1984*;

**liquor** has the same meaning as defined in the *Liquor Control Reform Act 1998*;

**litter** has the same meaning as defined in the *Environment Protection Act 2017*;

**livestock** has the same meaning as defined in the *Livestock Management Act 2010*;

**Local Law** means this local law, the *General Local Law 2022*;

**Local Law Guidelines** means the document titled “Local Law Guidelines” as formulated and published by Council from time to time which is an incorporated document under this Local Law pursuant to section 76 of the *Local Government Act 2020*;

**municipal place** means –

- (c) a place, which is owned or occupied by the Council; or
- (d) a place, including road, where the care and management has been vested in Council; or
- (e) any other land where the owner or manager has obtained approval from Council for the Local Law or part thereof to be applicable to that land, and the place is open to, or accessible to member of the public regardless of whether or not a fee is payable to enter;

**Municipality** mean the municipal district of the Northern Grampians Shire Council;

**no smoking area** means an area designated to be a no smoking area under clause 21(1);

**notice to comply** means a written direction served in person or by mail to a person, or owner or occupier of a property;

**pedestrian** has the same meaning as it has in the *Road Safety Road Rules 2017*;

**penalty unit** has the same meaning as it has in section 110(1) of the *Sentencing Act 1991*;

**permit** means a permit issued under this Local Law;

**Planning Scheme** means the Northern Grampians Planning Scheme;

**procession** means an organised group of people proceeding along a road, or a gathering for a ceremony or function and includes but is not limited to a fun run and bicycle event. It does not include a procession of cars associated with a funeral service or an ANZAC Day March;

**property** has the same meaning as land;

**public waste bin** means a Council provided bin located in a municipal place, including a litter bin and cigarette butt bin;

**recyclables** refer to materials that are able to be treated or processed to make suitable for re-use;

**residential area** means any land zoned within a Residential Zone in the Planning Scheme;

**road** has the same meaning as defined in the *Local Government Act 1989*;

**roadway** means the formed section of a road, whether sealed or unsealed, that is generally associated with the passage of vehicles;

**rural land** means any land zoned within a Rural Zone in the Planning Scheme;

**skip** means a container that has a storage capacity of greater than 240 litres used for the depositing and or storage of waste and or recyclables;

**smoke** in the context of a tobacco product or an e-cigarette has the same meaning as in the *Tobacco Act 1987*;

**tobacco product** has the same meaning as defined in the *Tobacco Act 1987*;

**vehicle** has the same meaning as defined in the *Road Safety Road Rules 2017*;

**vehicle crossing** means a driveway connecting property to the street or road, in the area between property boundary and the road surface;

**vermin** include such pest species as rats, mice, foxes, rabbits, feral cats, or other non-native animals;

**waste** means any discarded item, including rubbish, refuse, garbage, junk, and litter and includes any commercial, construction, demolition, or industrial, materials that are unwanted or discarded;

**Waste Services Guidelines** means the document titled “Waste Services Guidelines” as formulated and published by Council from time to time which is an incorporated document under this local law pursuant to section 76 of the *Local Government Act 2020*.

## COMMUNITY SAFETY AND AMENITY

### 7. HEAVY VEHICLES

Without a Permit, a person must not keep or store any heavy vehicle –

- (a) upon any road for which Council is the relevant Road Authority; or
- (b) on any land in a residential area; or
- (c) on Council land.

**Penalty: 10 penalty units**

### 8. OPEN AIR BURNING AND BURNING OF OFFENSIVE MATERIALS

(1) Subclauses (2) and (3) do not apply to a fire –

- (a) in a barbeque while being used for the purpose of cooking food; or
- (b) in a chiminea, potbelly stove, or small open fire in a suitable container for heating, cooking, cultural or social purposes, which is not offensive; or
- (c) generated by a tool of trade while being used for the purpose for which it was designed.

(2) Within a residential area, a commercial area or an industrial area a person must not, without a permit, burn in the open air any material, substance or thing in a heap that exceeds the size of 1 cubic metre.

**Penalty: 20 penalty units**

(3) A person who lights a fire in the open air or uses an incinerator must ensure that –

- (a) the fire is lit more than 3 metres from the allotment boundary; and
- (b) the fire is supervised at all times by a person over the age of 16 years; and

- (c) there are adequate means readily available for extinguishing the fire; and
- (d) the fire is not within 3 metres of any flammable material except for growing vegetation not exceeding 10cm in height; and
- (e) the fire is not offensive and does not cause a nuisance to any other person; and
- (f) the fire does not create a hazard; and
- (g) the fire does not have an adverse impact on visibility beyond the property boundary, including reducing the visibility of motorists and other users of a road

**Penalty 20 penalty units**

- (4) Where an authorised officer considers that a person is causing a condition which is unsafe, dangerous to health, offensive or non-compliant with this local law because of the way that person is using an incinerator or is burning in the open air, the authorised officer may direct that the fire be extinguished.
- (5) A person who lights or allows a fire to remain alight contrary to the provisions contained within this Local Law, must extinguish the fire immediately on being directed to do so by an Authorised Officer.

**Penalty 20 penalty units**

- (6) A person must not burn or cause to burn any offensive materials including any matter which contains any, or consists of –
  - (a) manufactured chemicals; or
  - (b) rubber or plastic; or
  - (c) petroleum or oil, other than in a properly constructed and operating heating appliance or in an internal combustion engine; or
  - (d) paint or receptacle which contains, or which contained paint; or
  - (e) household waste; or
  - (f) other offensive or noxious matter; or
  - (g) non timber based building materials; or
  - (h) treated or painted timber; or
  - (i) green or wet vegetation.

**Penalty: 20 penalty units**

- (7) An Authorised Officer may direct a person burning material contrary to subclause (6) to extinguish the fire and that person must do so.

**Penalty: 20 penalty units**

## **9. UNSIGHTLY LAND**

- (1) An owner or occupier of land, or a person authorised by the owner or occupier of the land to undertake works on the land, must ensure that the land –
- (a) is not detrimental to the general amenity of the neighbourhood in which it is located by the appearance of any of the following –
- (i) any stored unregistered motor vehicles or machinery or any parts thereof; or
  - (ii) the storing of scrap metal; or
  - (iii) the storing of second hand building materials; or
  - (iv) the storing of recyclables; or
  - (v) waste; or
  - (vi) disused excavation material; or
  - (vii) overgrown vegetation; or
  - (viii) unconstrained rubbish;
- (b) is kept free of any graffiti; and
- (c) does not become a haven for vermin to establish on the land.

**Penalty: 20 penalty units**

- (2) If an Authorised Officer considers that an owner or occupier of land is failing to comply with the requirements of this clause he or she may require the person to take remedial action to limit the impact of the condition or appearance of the land on the general character or amenity or safety of the neighbourhood, including the screening of the land by a fence or other means.

## **10. ENGLISH AND EUROPEAN WASPS**

An owner or occupier of land must destroy any English or European wasp nest on that land.

**Penalty: 5 penalty units**

## **11. CAMPING**

- (1) Without a permit, a person must not camp, or allow any other person to camp, on any road or municipal place other than a caravan park or an area designated for camping in –

- (a) a tent; or
- (b) a motor vehicle; or
- (c) a caravan; or
- (d) a motorhome-campervan; or
- (e) a temporary, or makeshift structure.

**Penalty: 10 penalty units**

- (2) An Authorised Officer may direct a person who is responsible for camping contrary to subclause (1) to move the camp from the road or municipal place and that person must do so.

**Penalty: 20 penalty units**

## **12. CAMPING ON PRIVATELY OWNED LAND**

The owner or occupier of land must not, without a permit, camp, or allow any other person to camp, on that land –

- (a) in a manner that causes a nuisance; or
- (b) for any more than 4 consecutive weeks; or
- (c) for any more than a total of 3 months in any calendar year.

**Penalty: 20 penalty units**

## **13. OBSTRUCTING VEGETATION**

A person must not allow any vegetation growing on land owned or occupied by that person to –

- (a) overhang any footpath or other part of the road used by pedestrians so that it impedes pedestrian access or is likely to cause injury or damage; or
- (b) overhang a road at a height less than 2.4m from the surface of the road; or
- (c) drop leaves, fruit, seeds or other vegetation on the road causing a hazard for road users; or
- (d) be of a height or width to –
  - (i) obstruct the view between vehicles at an intersection; or

- (ii) obstruct the view between vehicles and pedestrians where they come close to each other; or
- (iii) obscure a traffic control item from an approaching vehicle or pedestrian; or
- (iv) obscure street lighting; or
- (v) otherwise constitute a danger to vehicles or pedestrians or compromises the safe and convenient use of the road or footpath.

**Penalty: 20 penalty units**

#### **14. ALLOCATED NUMBERS OF PREMISES TO BE DISPLAYED**

- (1) The Council may allocate premises numbers if it believes this is necessary to identify premises in the municipality, and from time to time, may make changes to those numbers.
- (2) If the Council has allocated a street number to a premises, the owner of the premises must identify the premises with that number and must renew or replace the number as often as may be necessary.

**Penalty: 5 penalty units**

- (3) The owner of the premises must ensure that the number as described in subclause (1) is of characters at least 95mm high and 50mm wide and placed in such a position as to be clearly readable from the roadway to which the address relates.

**Penalty: 5 penalty units**

#### **15. WASTE COLLECTION**

A person must comply with any requirement imposed on that person in the Waste Services Guidelines.

**Penalty: 20 penalty units**

#### **16. MUNICIPAL WASTE FACILITIES**

- (1) A person who uses a municipal transfer station or waste facility must –
  - (a) comply with any conditions of use of the station or facility as determined by Council from time to time;
  - (b) comply with any directions given by Council staff or contractors in charge of the station or facility; and
  - (c) pay any applicable fees and charges as determined by Council from time to time.

**Penalty: 20 penalty units**



- (2) Without permission given by an Authorised Officer, a person must not remove material of any kind which has been deposited at a Council transfer station other than materials that are available through a Council approved reuse facility.

**Penalty: 20 penalty unit**

## **17. PUBLIC WASTE BINS**

A person must not deposit in a public waste bin any –

- (a) household waste; or
- (b) commercial or industrial waste, including food, cigarette ash, cigarette butts or recycling materials from commercial or industrial premises; or
- (c) a lit cigarette; or burning materials; or
- (d) waste of a shape, size or weight that cannot be contained in the public waste bin.

**Penalty: 20 penalty units**

## **18. WASTE AND RECYCLING BINS**

- (1) A waste or recycling bin awaiting collection of its contents must not be placed on a road, or on any other municipal place, more than 24 hours prior to the collection day.

**Penalty: 20 penalty units**

- (2) A waste or recycling bin must be removed from a road or any other municipal place within 24 hours of the collection day.

**Penalty: 20 penalty units**

- (3) The owner or occupier of premises must remove any materials which have spilled from the property's waste or recycling bin onto a road, or any other municipal place.

**Penalty: 20 penalty units**

- (4) An Authorised Officer may direct the owner or occupier of premises to remove any materials which have spilled from the property's waste or recycling bin onto a road or any other municipal place and that person must do so.

**Penalty: 20 penalty units**

- (5) If an item has been placed in a Council supplied kerbside waste bin and is an item that must not be placed in that bin in accordance with the Waste Services Guidelines, an Authorised Officer may direct the owner or occupier of the premises to remove the item and that person must do so.

**Penalty: 20 penalty units**

## **19. SKIPS IN A MUNICIPAL PLACE**

- (1) Except for Council supplied waste and recycling bins, a permit under this local law must be obtained at least two business days prior to the placement of any skip used for the storage of waste and/or recyclables in a municipal place.

**Penalty: 20 penalty units**

- (2) An Authorised Officer may direct the person responsible for the placement of the skip referred to in subclause (1) to remove the skip if it is placed without a permit or is not placed in accordance with the permit conditions and that person must do so.

**Penalty: 20 penalty units**

- (3) An Authorised Officer may direct the person responsible for the placement of the skip referred to in subclause (1) to remove any spilt waste or recycling materials and that person must do so.

**Penalty: 20 penalty units**

## **MUNICIPAL PLACES**

## **20. USE OF MUNICIPAL PLACES**

- (1) Without a Permit, a person must not use a municipal place other than for its intended purpose.

**Penalty: 10 penalty units**

- (2) Except where authorised by Council or an Authorised Officer, a person must not, on a road or municipal place –

- (a) prune, remove or damage any Council tree, shrub, or vegetation; or
- (b) plant a tree, shrub, or vegetation; or
- (c) landscape an area; or
- (d) damage any Council garden beds or related infrastructure including tree guards, irrigation, retainer walls or watering systems; or
- (e) remove, or install landscaping related infrastructure including tree guards, irrigation, or watering systems.

**Penalty: 10 penalty units**

- (3) An owner or occupier of premises must maintain and keep in good condition any vehicle crossing attached to the premises.

**Penalty: 20 penalty units**

## **21. NO SMOKING IN MUNICIPAL PLACES**

- (1) Council may by resolution designate a municipal place or part of a municipal place to be a no smoking area.
- (2) Council must display signs at the municipal place, or part of a municipal place advising that it is a no smoking area.
- (3) A person must not smoke a tobacco product or an e-cigarette in a no smoking area.

**Penalty: 5 penalty units**

- (4) An Authorised Officer may direct a person who is contravening or has contravened subclause (3) to –
  - (a) leave the no smoking area; or
  - (b) in the case of a tobacco product, extinguish and then dispose of the tobacco product; or
  - (c) in the case of an e-cigarette, cease using the device.
- (5) A person to whom a direction is given under subclause (4) must comply with that direction.

**Penalty: 20 penalty units**

- (6) This clause does not apply to any smoking that is prohibited by the *Tobacco Act 1987*.

## **22. LIQUOR IN A MUNICIPAL PLACE**

- (1) Without a Permit, a person must not consume or be in possession of any liquor in an unsealed container in a municipal place.

**Penalty: 20 penalty units**

- (2) Subclause (1) does not apply –
  - (a) between the hours of 11am and sunset, to persons partaking of a meal at a public barbeque or public picnic facilities with built infrastructure to facilitate eating; or
  - (b) to a person who consumes or possesses liquor in any licensed premises or authorised premises as defined in the *Liquor Control Reform Act 1998*.
- (3) An Authorised Officer may direct a person who is contravening or has contravened subclause (1) to dispose of the liquor and that person must do so.

**Penalty: 20 penalty units**

## **23. BEHAVIOUR**

- (1) A person must not behave in a municipal place in a manner which is –
- (a) boisterous, harmful or which is likely to interfere with the reasonable use or enjoyment of the municipal place by any other person; or
  - (b) considered by an Authorised Officer to be damaging or harmful to the municipal place.

**Penalty: 10 penalty units**

- (2) An Authorised Officer may direct a person who is acting contrary to subclause (1)(a) or subclause (1)(b) to cease that behaviour and that person must do so.

**Penalty: 20 penalty units**

## **24. PROHIBITED ACTIVITIES IN MUNICIPAL PLACES**

- (1) A person must not whilst in municipal place –
- (a) enter upon or remain on an area set aside as a playing ground during the course of an organised sporting event while matches are in play unless that person is a player, official or competitor; or
  - (b) use any playground equipment other than for the purpose for which it is provided; or
  - (c) fish in or swim, paddle, dive or jump into or enter any wetland, lake, pond, or fountain unless designated by Council as being permitted; or
  - (d) throw, place, or allow to be thrown or placed any object or substance into any wetland, lake, pond, or fountain; or
  - (e) play, engage in, or practise any game, sport or activity in a manner that is –
    - (i) dangerous to any other person in the municipal place; or
    - (ii) likely to interfere with the reasonable use or enjoyment of the municipal place by any other person; or
  - (f) ride, lead or allow to wander any horse, pony, or other like animal other than in the area and at a time designated by Council; or
  - (g) drive, ride in or on or otherwise use any vehicle other than in the area designated by Council.

**Penalty: 10 penalty units**

- (2) An Authorised Officer may direct a person who is acting contrary to subclause (1) to immediately cease the activity and that person must do so.

**Penalty: 20 penalty units**

## **25. WORKING ON VEHICLES IN A MUNICIPAL PLACE**

- (1) A person must not in a municipal place –
- (a) paint a vehicle; or
  - (b) service a vehicle; or
  - (c) carry out maintenance on a vehicle; or
  - (d) repair or dismantle a vehicle except in an emergency breakdown to enable it to be removed.

**Penalty: 5 penalty units**

- (2) An Authorised Officer may direct a person who is working on a vehicle contrary to subclause (1) to immediately cease the activity and that person must do so.

**Penalty: 20 penalty units**

## **26. DISPLAY VEHICLES FOR SALE**

- (1) Without a permit, a person must not in a municipal place display a vehicle for sale.

**Penalty: 5 penalty units**

- (2) An Authorised Officer may direct a person who is in charge of a vehicle displayed for sale contrary to subclause (1) to remove the advertising or the vehicle from the municipal place and that person must do so.

**Penalty: 20 penalty units**

- (3) Subclause (1) does not apply to a vehicle being driven out on a road, or a vehicle that is lawfully parked in front of the owner's residential address and the advertising is within the vehicle.

## **27. VEHICLES ON MUNICIPAL PLACES**

- (1) Without a permit, a person must not use a vehicle on any municipal place, unless the municipal place has been designated by Council for the use of that vehicle.

**Penalty: 10 penalty units**

- (2) Subclause (1) does not apply to a municipal place that is a road.

- (3) A person must not use a vehicle on any municipal place –

- (a) so as to interfere with the amenity, reasonable use, or enjoyment of the municipal place by another person; or

- (b) in a manner that damages any vegetation, Council assets or land.

**Penalty: 10 penalty units**

- (4) An Authorised Officer may direct the person in charge of the vehicle being used contrary to subclause (1) or subclause (2) to leave the municipal place or cease the activity and that person must do so.

**Penalty: 20 penalty units**

## **28. EVENTS**

Without a permit, a person must not conduct an event in a municipal place.

**Penalty: 20 penalty units**

## **29. FIREWORKS**

Without a permit, a person must not conduct a firework display or ignite fireworks in a municipal place.

**Penalty: 20 penalty units**

## **30. FOOTPATH USE**

- (1) Without a Permit, a person must not conduct any footpath activity, excluding pedestrian use.

**Penalty: 10 penalty units**

- (2) A person conducting a footpath activity must comply with any requirement imposed on that person in the Local Law Guidelines.

**Penalty: 10 penalty units**

- (3) For the purposes of this clause footpath activity includes, but is not limited to any of the following occurring on the footpath –

- (a) the placement of signs; or
- (b) the placement of street furniture; or
- (c) the placement of bins, except for bins placed out for collection in accordance with this Local Law and any requirement set out in the Waste Services Guidelines; or
- (d) trading; or
- (e) the placement of street structures, umbrellas, blinds, and awnings; or
- (f) the placement of banners, flags, and bunting; or
- (g) the display of goods; or
- (h) conducting raffles; or

- (i) busking, spruiking; or
  - (j) any organised group or public gatherings; or soliciting or collecting gifts of money or subscriptions; or
  - (k) the display of vehicles or goods for sale; or
  - (l) the collection of waste materials, except in accordance with this Local Law and any requirement set out in the Waste Services Guidelines; or the placement of chairs, tables, and items ancillary to outdoor eating; or the placement of barriers, fences, dividers; or
  - (m) the placement of outdoor heating devices.
- (4) An Authorised Officer may direct the person responsible for a footpath activity that contravenes subclauses (1) or (2) to immediately stop and that person must do so.

**Penalty: 20 penalty units**

- (5) An Authorised Officer may direct the person responsible for the placement of any item contrary to subclauses (1) or (2), or not placed in accordance with the conditions of a permit issued under this Local Law, to remove the offending item and that person must do so.

**Penalty: 20 penalty units**

## **ANIMALS**

### **31. 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 of specified below for each animal –
- (a) 2 cats;
  - (b) 2 dogs;
  - (c) 10 pigeons;
  - (d) 10 poultry;
  - (e) 10 domestic rats;
  - (f) 10 domestic mice;
  - (g) 4 guinea pigs;
  - (h) 4 domestic rabbits;
  - (i) 6 reptiles; or

- (j) 4 ferrets.

**Penalty: 10 penalty units**

- (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.

**Penalty: 20 penalty units**

- (3) Progeny of animals kept will not be considered for the purpose of subclause (1) or subclause (2) until they are 12 weeks of age.

### **32. AGRICULTURAL ANIMALS IN A 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 agricultural animals including –

- (a) large birds including emus, ostriches, turkeys, or geese; or
- (b) horses or donkeys or like animals; or
- (c) sheep; or
- (d) goats; or
- (e) roosters; or
- (f) pigs; or
- (g) camels; or
- (h) other agricultural animals.

**Penalty: 10 penalty units**

- (2) Progeny of animals kept will not be considered for the purpose of subclause (1) until they are 12 weeks of age.

### **33. 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; or
- (b) 4 dogs.

**Penalty: 10 penalty units**



- (2) Progeny of animals kept will not be considered for the purpose of subclause (1) until they are 12 weeks of age.

#### **34. CATS IN HALLS GAP AREA**

- (1) A person in the Halls Gap area (Maps 35, 36 and 37 of the Planning Scheme as identified in Schedule 2) must not keep a cat which was not in their possession and being kept in the Halls Gap area before 21 October 1993.

**Penalty: 20 penalty units**

- (2) The owner of a cat which is exempt under subclause (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.

**Penalty: 20 penalty units**

#### **35. GRAZING, MOVING OR DROVING LIVESTOCK**

- (1) Without a permit, grazing of livestock on a road is prohibited (regardless of whether the area is fenced).

**Penalty: 20 penalty units**

- (2) Without a permit, a person must not move or drove any livestock in a municipal place unless the livestock are being –
- (a) moved in order to travel a reasonable distance within the municipality from one property to another and the properties are under the same ownership or management; or
  - (b) relocated by an Authorised Officer; or
  - (c) relocated in an emergency to avoid or minimise danger; or
  - (d) moved in accordance with any appropriate code of practise, Act of Parliament or Regulation applicable to the activity.

**Penalty: 20 penalty units**

## **ADMINISTRATION**

### **36. DELEGATION**

- (1) Council delegates to its Chief Executive Officer, all the powers, discretions, authorities, and considerations of Council under this Local Law.
- (2) The Chief Executive Officer may delegate to the holder of an office or position as a member of Council staff any power delegated to the Chief Executive Officer under subclause (1).

### **37. ENFORCEMENT**

- (1) If an Authorised Officer believes that a person has contravened or failed to comply with this Local Law or the person has contravened or failed to comply with a permit issued under this Local Law, the Authorised Officer may, by written notice called a notice to comply served on that person, make any reasonable direction to that person to remedy the contravention or failure to comply with this Local Law or a permit.
- (2) An Authorised Officer may act to remedy any circumstances which threatens a person's life, health or property, or an animal, without serving a notice to comply under this clause, provided that –
  - (a) the circumstances arise out of a person's use of a municipal place or failure to comply with a provision of this Local Law; or
  - (b) the action taken is no more than the minimum reasonably necessary to remedy the urgent circumstance; and
  - (c) the person to whom a notice would have otherwise been served is as soon as possible notified of the urgent circumstance and the action taken to remedy it.
- (3) An Authorised Officer may –
  - (a) impound any item that encroaches or obstructs the free use of a municipal place;
  - (b) release the impounded item to its owner on payment of a fee previously determined by Council, which it is not to exceed an amount that reasonably represents the cost to Council of impounding, keeping, and releasing the item; and
  - (c) sell, destroy, dispose of, or give away the impounded item if the owner of the impounded item has not paid the required fees.
- (4) If an Authorised Officer impounds an item under this Local Law, they must serve on the owner of the impounded item a notice of seizure as soon as possible after the impounding.
- (5) If the identity or whereabouts of the owner of an item impounded under this Local Law is unknown, Council must take reasonable steps to ascertain the owner's identity and/or whereabouts prior to exercising its powers under subclause (3)(c).

- (6) Council is entitled to retain out of the proceeds of sale of any impounded item its reasonable costs incurred in impounding, keeping, and selling the item.
- (7) A person is guilty of an offence if the person –
  - (a) contravenes or fails to comply with a provision of this Local Law, including any document incorporated under this Local Law; or
  - (b) engages in any activity without a current permit where a provision of this Local Law requires that the person obtain a permit beforehand; or
  - (c) contravenes a condition of a permit issued under this Local Law; or
  - (d) contravenes or fails to comply with a notice to comply issued under subclause (1).
- (8) The maximum penalty for a contravention or failure to comply with this Local Law is the penalty stated under the provision or where no penalty is stated under the provision, the maximum penalty is 20 penalty units.

### **38. INFRINGEMENT NOTICE**

- (1) If an Authorised Officer believes that a person has committed an offence against this Local Law, the Authorised Officer may issue to that person an infringement notice.
- (2) An offence for which an infringement notice may be served is an infringement offence within the meaning of the *Infringements Act 2006*.
- (3) The penalty set in respect of an infringement notice for an infringement offence under this Local Law is the penalty set out in Schedule 1.

### **39. PERMITS**

- (1) An application for a permit under this Local Law must –
  - (a) be in a form approved by Council;
  - (b) be accompanied by the fee determined by Council; and
  - (c) comply with any requirements contained in the Local Law Guidelines.
- (2) An Authorised Officer may require an applicant to –
  - (a) supply more information; or
  - (b) give public notice of the application.

- (3) An Authorised Officer may decide to –
  - (a) grant a permit with or without conditions; or
  - (b) refuse to grant a permit on any ground they believe appropriate; or
  - (c) apply any conditions relevant to such permits; or
  - (d) give consideration to any guidelines applicable to such permit.
- (4) An Authorised Officer may revoke a permit.
- (5) A permit expires on the expiry date specified in the permit.
- (6) The Chief Executive Officer may exempt, in writing, a person from the requirement to obtain a permit under this Local Law.
- (7) In deciding to grant a permit, an Authorised Officer may require the applicant to lodge with Council a bond for such amount and in such a manner as the officer deems reasonable in the circumstances.
- (8) If Council is required to remedy a breach of a permit or repair any damage caused by any work carried out under a permit, it may, for that purpose, use part or all of any bond associated with that permit and must afterwards release any remainder of that bond.
- (9) Council may seek additional costs from the permit holder if the costs to remedy a breach of a permit are greater than the bond being held for the Permit.
- (10) On satisfactory completion of any works under a permit, or when the permit expires Council must release any applicable bond.
- (11) If after 12 months Council cannot locate a person entitled to the release of any bond, Council may retain the bond and pay the money into its general revenue.
- (12) The Local Law Guidelines apply to all applications for a permit made under this Local Law and to all permits issued under this Local Law.

#### **40. FEES**

The Council may, from time to time by resolution determine fees for the purposes of this Local Law.

#### **41. INCORPORATED DOCUMENTS**

Pursuant to section 76(1) of the *Local Government Act 2020*, the following documents are incorporated documents under this Local Law –

- (a) the document titled “Waste Services Guidelines” as formulated and published by Council from time to time; and the document titled “Local Law Guidelines” as formulated and published by Council from time to time.

**42. CERTIFICATION**

The General Local Law 2022 was made by resolution of Northern Grampians Shire Council on [date].

.....

**Mayor/Councillor**

.....

**Chief Executive Officer/Senior Officer**

## SCHEDULE 1: INFRINGEMENT PENALTY SCHEDULE

### Clause 38(3)

The penalty set in respect of an infringement notice for an infringement offence under this Local Law is the penalty set out in the table below.

Clause	Infringement penalty (penalty units)
7	1
8(2)	2
8(3)	2
8(5)	2
8(6)	2
8(7)	2
9(1)	1
10	0.5
11(1)	1
11(2)	1
12	1
13	1
14(2)	0.5
14(3)	0.5
15	1
16(1)	1
16(2)	1
17	1
18(1)	1
18(2)	1
18(3)	1
18(4)	1
18(5)	1
19(1)	1
19(2)	1
19(3)	1

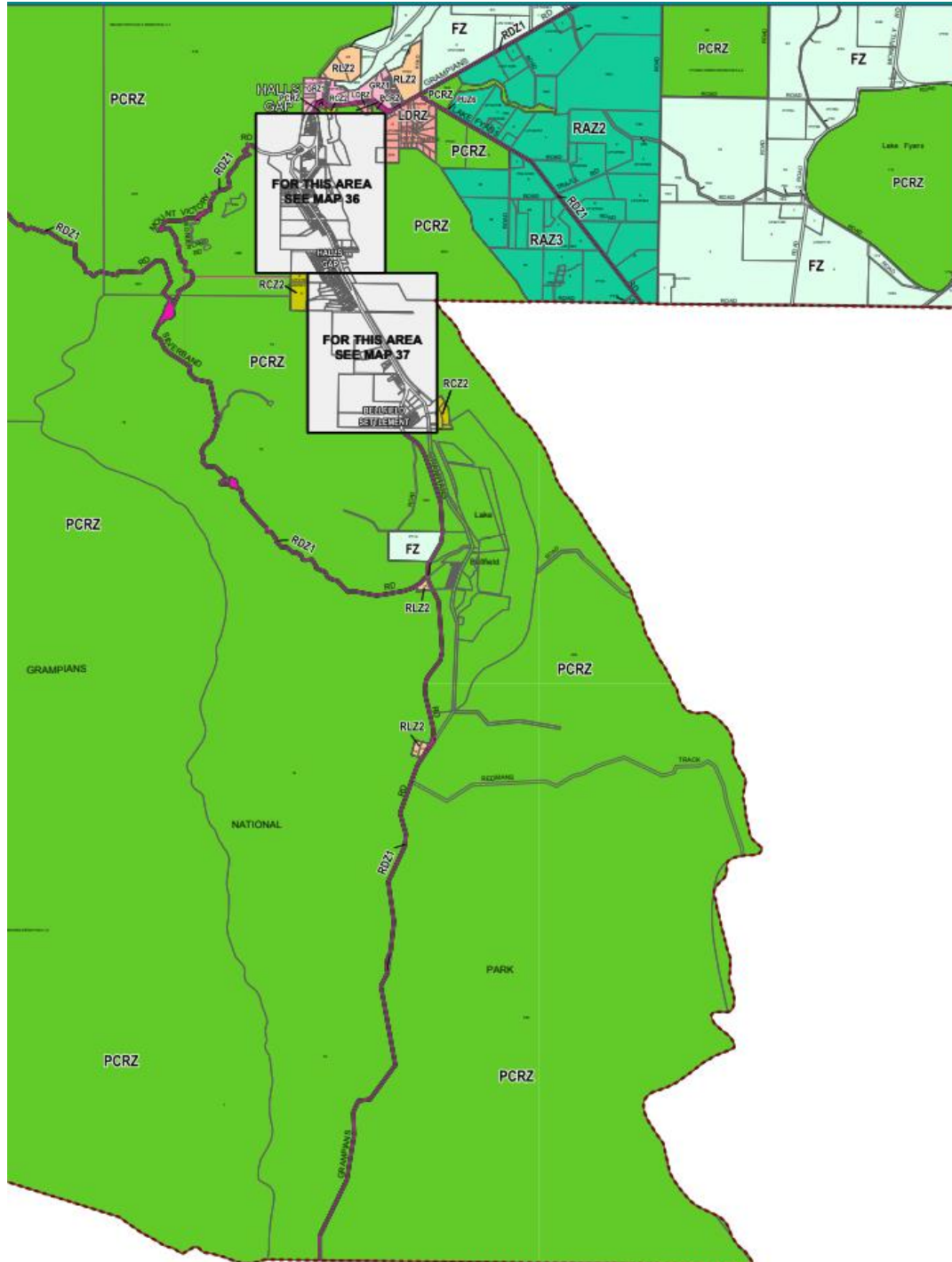
<b>Clause</b>	<b>Infringement penalty (penalty units)</b>
20(1)	1
20(2)	1
20(3)	1
21(3)	0.5
21(5)	1
22(1)	1
22(3)	1
23(1)	1
23(2)	1
24(1)	1
24(2)	1
25(1)	0.5
25(2)	1
26(1)	0.5
26(2)	1
27(1)	1
27(3)	1
27(4)	1
28	1
29	1
30(1)	1
30(2)	1
30(4)	1
30(5)	1
31(1)	1
31(2)	1
32(1)	1
33(1)	1
34(1)	1
34(2)	1

<b>Clause</b>	<b>Infringement penalty (penalty units)</b>
35(1)	1
35(2)	1
37(7)(c)	1
37(7)(d)	1



## SCHEDULE 2: CATS IN HALLS GAP AREA

Clause 34



### 9.1.3. Dog On Leash Areas

**Author/Position:** David George, Manager Community Safety and Amenity

#### **Purpose**

The purpose of this report is to recommend that Council make an Order of Council under section 26(2) of the *Domestic Animals Act 1994* ('the Act').

#### **Summary**

With legislation already managing the control of dogs, the review of General Local Law 2012 saw the removal of clauses relating to dogs on and off leash and animal excrement which would now be managed by a Council resolution. The removal of these clauses gives Council and the community greater freedom to make changes to the arrangements as an amendment to the local law would be required if it remained.

The order recommended for adoption provides the same conditions as per General Local Law 2012 in addition to controls that owners must take to ensure the safety of others whilst in an off leash area.

The order will come into effect on 5 September 2022.

#### **Recommendation**

##### **That Council**

1. adopts an Order of Council under section 26 of the *Domestic Animals Act 1994* as attached
2. publishes a public notice in accordance with section 26 of the *Domestic Animals Act 1994*
3. undertakes a review of the adopted Order within 12 months of the decision to ensure it is appropriate and consistent with the needs and expectations of the community in relation to both the control of dogs and cats.

#### **RESOLUTION**

##### **That Council**

1. adopts an Order of Council under section 26 of the *Domestic Animals Act 1994* as attached
2. publishes a public notice in accordance with section 26 of the *Domestic Animals Act 1994*
3. undertakes a review of the adopted Order within 12 months of the decision to ensure it is appropriate and consistent with the needs and expectations of the community in relation to both the control of dogs and cats.

**Moved:** Cr Rob Haswell

**Seconded:** Cr Kevin Erwin

**Carried**

## Background/Rationale

The review of the General Local Law began in late 2021 and resulted in the proposed Northern Grampians Shire Council Local Law 2022, being prepared.

As part of the review, it was noted that the removal of clauses relating to dogs in public places should be removed and managed under the powers provided in section 26(2) of the *Domestic Animals Act 1994* which states:

- (2) A Council may by resolution make an order under this section which may do all or any of the following
- (a) prohibit the presence of dogs and cats in any public place of the [municipal district](#) of the Council;
  - (b) impose all or any of the following conditions on the presence of dogs or cats in any public place of the [municipal district](#) of the Council—
    - (i) conditions as to the means of restraint of dogs or cats;
    - (ii) conditions as to the times at which the presence of dogs or cats is or is not permitted;
    - (iii) any other conditions that are specified in the order.

General Local Law 2012, which revokes on the adoption of the new local law details the following provisions regarding the control of dogs:

### 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 connecting the dog to the owner or person in charge of it.
- (2) The owner 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.
- (3) Subclause (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 Subclauses (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 animals, and produce the device on demand by an Authorised Officer
  - (b) Immediately collect and dispose of any excrement from that animal into a waste receptacle

The *Domestic Animals Act 1994*, gives Council the power to make orders to control the presence of dogs and cats in public places. Councils typically use these powers in response to issues raised by the community. Council's General Local Law 2012 is an example of this where submissions request that Council take action to control dogs.

The Order of Council seeks to incorporate the provisions of General Local Law 2012 into a Council resolution and also ensure that whilst dogs are being exercised off leash, they are under effective control so that they do not cause concern for other users in the area.

On this basis, it is believed that the recommended order is considered to be an administrative action to move the requirements from one piece of legislation to the other.

In addition to this, Council has designated three locations as designated off leash areas. These locations have been designated by signs in accordance with General Local Law 2012 and are currently advertised on Council's website. The current off leash areas are located at King Georges Park, St Arnaud, Old Lake Oval, Stawell and North Park, Stawell.

Each of these locations are recommended to continue as off leash parks as per attachment 1.3.2, 1.3.3 and 1.3.4 for the purpose of the Order.

It is understood that there are concerns in the community regarding the control of both cats and dogs and to ensure that these concerns are considered, Council will commit to reviewing the orders within 12 months of the decision. As part of the review, Council will consider the inclusion of cat control measures that can also be created under the *Domestic Animals Act 1994*.

### **Legislation, Council Plan, Strategy and Policy Implications**

Section 26 of the *Domestic Animals Act 1994*

Council Plan 2021-25 – Enhance Lifestyles and Community

#### **Options**

##### **Option 1**

Approves the adoption of the Council Order pursuant to section 26 of the *Domestic Animals Act 1994*.

**[recommended]**

##### **Option 2**

Approves the adoption of the Council Order pursuant to section 26 of the *Domestic Animals Act 1994* with changes. **[not recommended]**

##### **Option 3**

Refuses to approve the adoption of the Council Order pursuant section 26 of the *Domestic Animals Act 1994*.

**[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**

A review of the General Local Law was undertaken in accordance with Council's *Community Engagement Policy*. As part of this review, the community were given the opportunity to raise issues that should be regulated.

No submissions were received as part of the review about the dog control requirements specified the local law.

Some submissions received requested that Council implement controls on domestic cats. It is recommended that Council undertake a full review of the recommended order within 12 months to consider the appropriate controls of both dogs and cats within the municipality.

As the order recommended for adoption by Council contains the same requirements as per General Local Law 2012, in accordance with Council's *Community Engagement Policy*, it is not considered as necessary to consult the community on the recommended order.

Council will also commit to reviewing the conditions of the order within 12 months of the Council decision to ensure it is consistent with the needs and expectations of the community; and to include conditions relating to both dog and cat control.

#### **Innovation and Continuous Improvement**

The review of the General Local Law aims to improve the general amenity and safety of the Northern Grampians Shire community. In undertaking the review, the removal of clauses that can be managed more efficiently by a Council decision is considered an improvement and will ensure that future reviews can be undertaken with less restrictive legislative requirements.

#### **Collaboration**

Nil

### **Officer's Declaration of Interest**

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

David George, Manager Community Safety and Amenity

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

### **Attachments**

1. King George Oval Dog Off Leash Park [9.1.3.1 - 1 page]
2. North Park Dog Off Leash Park [9.1.3.2 - 1 page]
3. Old Lake Oval Dog Off Leash Park [9.1.3.3 - 1 page]
4. Section 26 Dog Order August 2022 [9.1.3.4 - 4 pages]



# King Georges Park Dog Off Leash Area



Northern Grampians Shire Council  
LIVE | WORK | INVEST | VISIT

#### CONTACT US

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# North Park Dog Off Leash Area







Northern Grampians Shire Council  
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## CONTACT US

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# Old Lake Oval Dog Off Leash Area



Northern Grampians Shire Council  
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## CONTACT US

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- PO Box 580 Stawell VIC 3380

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Northern Grampians Shire Council  
COUNCIL ORDER MADE PURSUANT TO SECTION 26 OF THE  
**DOMESTIC ANIMALS ACT 1994**

Notice is hereby given that Council, at its meeting on [date], resolved to make the following Order pursuant to section 26(2) of the **Domestic Animals Act 1994** which is to come into effect on 5 September 2022.

**1. Revocation**

All previous Orders made by Council under section 26 of the Domestic Animals Act 1994 are revoked

**2. Definitions**

In this order:

*Designated Off-Leash Area* - means any area shown in the maps prescribed in Schedule 1 of this order

*Organised Public Meeting or Event* – means a planned community meeting or event during a nominated period of time, to undertake such an activity under licence, agreement or causal use agreement or Local Law permit with Council

*Owner* - has the same meaning as in the Domestic Animals Act 1994

*Public Place* - has the same meaning as the Summary Offences Act 1966, and includes all streets, roads, footways, reserves, lanes, parks, schools, public halls and markets

**3. Dogs must be under effective control**

- (1) The owner of a dog in a public place must at all times keep the dog under effective control by a leash, chain or cord held by the owner or person in charge connecting the dog to the owner or person in charge of it except where that public place is a designated off leash area.
- (2) The owner of the dog must ensure that the person in control of the dog in a public place has the physical capabilities of controlling the dog in all circumstances.
- (3) This section does not apply to a person in charge of a dog that is under their effective control while working with livestock.

**4. Dogs in Designated Off-Leash Areas**

- (1) The areas designated by Council as off leash areas are prescribed in Schedule 1 and as indicated by signs placed by Council.
- (2) When a dog is in a designated off leash area, the dog must remain under effective control of the owner at all times.
- (3) The owner of a dog in an off leash area must:
  - (a) actively supervise the dog and maintain a clear and unobstructed view of the dog at all times; and
  - (b) not allow the dog to worry, harass or otherwise threaten any person or animal, and not allow the dog to rush at or attack any person or animal; and

- (c) carry a leash, chain or cord that is in good condition and is able to be placed on the dog when necessary; and
  - (d) make sure that the dog is wearing an appropriately fitted collar, harness or halter with a current registration tag attached; and
  - (e) immediately place the dog on a leash, chain or cord and remove the dog from an off leash area if the dog attacks or behaves aggressively toward another person or animal.
- (4) If the dog is off a chain, cord or leash in a designated off leash area, the dog must be brought under effective control of the owner by means of a chain, cord or leash if the dog is within 20 metres of:
  - (a) an organised sporting event, or practising thereof;
  - (b) children's play equipment area;
  - (c) an organised public meeting or event, including when being prepared for; or
  - (d) a permanent barbeque or picnic area.
- (5) Dogs that are aggressive to people or other dogs, behave in an anti-social manner must be muzzled and are not permitted to be off-leash.
- (6) Dogs declared menacing, dangerous or a restricted breed are not permitted to be off-leash.
- (7) Designated Off-Leash Areas are subject to change as the municipality develops. Accordingly, the Northern Grampians Shire Council Chief Executive Officer has the power to amend, remove or add new sites.

## **5. Removal of Dog Faeces**

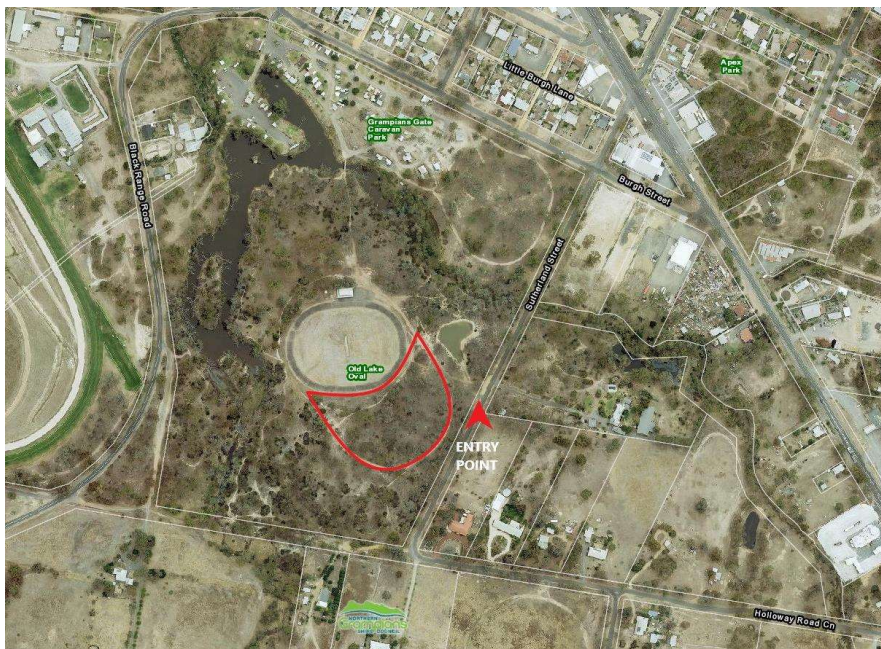
- (1) The owner of a dog in a municipal place must -
  - (a) carry a bag, receptacle or other means of picking up and removing from any public place any of the owner's dog's faeces or person; and
  - (b) immediately collect and dispose of any excrement from that dog into a waste receptacle.

### Schedule 1 – Designated Off Leash Areas

#### 1) King Georges Park, St Arnaud prescribed off-leash area



#### 2) Old Lake Oval, Stawell prescribed off-leash area





3) North Park, Stawell prescribed off-leash area



#### 9.1.4. Arts and Culture Action Plan 2022-25

**Author/Position:** Tina Baker, Community Development Officer

**Purpose**

To request that Council endorses the Arts and Culture Action Plan 2022-25

**Summary**

The Arts and Culture Action Plan 2022-24 has been developed in partnership with a community working group, key partners, the community, funding providers and internal council stakeholders to build vibrant and connected communities through arts and culture.

The plan details the actions that relate to the three the *Arts and Culture Strategy 2020-25* objectives that are:

- to create, an inclusive creative community through participation
- a connected reputable arts community by raising the profile
- to activate our town centres and rural communities

**Recommendation**

**That Council endorses the Arts and Culture Action Plan 2022-25.**

**RESOLUTION**

**That Council endorses the Arts and Culture Action Plan 2022-25.**

**Moved:** Cr Eddy Ostarcevic

**Seconded:** Cr Lauren Dempsey

**Carried**

## **Background/Rationale**

Northern Grampians Shire Council recognises that arts and culture enriches communities. Engaging in arts and culture activities builds a sense of community pride and identity, inspires a sense of place, creates a culture of inclusion, celebrates diversity; promotes health and wellbeing and enhances the livability of the shire.

It assists in the economic development of the shire and helps drive visitation to the region.

The *Arts and Culture Policy 2020-24* and the *Arts and Culture Strategy 2020-24* were both endorsed by Council in December 2020.

The Arts and Culture Action Plan 2022-25 contains a new suite of actions that builds on the projects completed from the Arts and Culture Action Plan 2021-22.

This document meets the Council Plan 2021-25 action to “Develop a new Arts & Culture Action Plan 2022”.

## **Legislation, Council Plan, Strategy and Policy Implications**

Council Plan 2021-25

*Arts and Culture Policy 2020-24*

*Arts and Culture Strategy 2020-24*

## **Options**

### **Option 1**

That Council endorses the Arts and Culture Action Plan 2022-25. **[recommended]**

### **Option 2**

That Council does not endorse the Arts and Culture Action Plan 2022-25. **[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**

No procurement requirements apply to this report.

## **Community Engagement**

Initial Stakeholder engagement was undertaken in March and April 2022. This engagement found that the strategic directions outlined in both the strategy and policy are all equally important and should be continued.

70 people participated in community engagement through:

- stakeholder interviews
- two site visits
- one online stakeholder workshop
- one St Arnaud Expo
- one Stawell Pop Up Park drop-in
- four working group meetings
- two community surveys

Comprehensive phase two community engagement in the pre-draft phase meant that only minor amendments were required for the final draft of the Arts and Culture Action Plan 2022-25.

## **Innovation and Continuous Improvement**

The action plan reflects Council's commitment to continuous improvement.

## **Collaboration**

We have collaborated with Regional Arts Victoria and Ararat Rural City Council.

**Officer's Declaration of Interest**

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

Tina Baker, Community Development Officer

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

**Attachments**

1. Arts and Culture Action Plan 2022-25 [9.1.4.1 - 17 pages]



# ARTS AND CULTURE ACTION PLAN 2022-25





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## Arts and Culture are vital to vibrant communities and livable towns.

Northern Grampians Shire Council recognises that arts and culture enrich communities. Engaging in arts and culture activities builds a sense of community pride and identity, inspires a sense of place, creates a culture of inclusion, celebrates diversity, promotes health and wellbeing and enhances the liveability of the shire.

Northern Grampians Shire Council is committed to developing, supporting and delivering on actions needed to grow the participation, profile and place of arts and culture in the shire.



# About

The Arts and Culture Strategy was developed in consultation with community and arts and culture organisations. Three key focus areas and outcomes were identified in this process (across) and have guided the development of the Action Plan.

## **PARTICIPATION |**

An inclusive creative community through participation

## **PROFILE |**

Connected reputable arts community by raising the profile

## **PLACE |**

Activated town centres and rural communities

To continue the implementation of the Arts and Culture Strategy and Policy (2020), council has developed this Arts and Culture Action Plan 2022-25.

This Action Plan will run from 2022 to 2025, extending the length of the action plan from one year to three years. The longer outlook in actions is needed to develop, support and implement arts and culture in the shire.

The outcomes of the Action Plan will be evaluated during the delivery and in the development of a next Arts and Culture Strategy and Action Plan.

# What we've achieved

## Projects/Actions 2021-22

### NGSC website Arts and Culture

#### Deliverable

- Develop an inclusive and accessible central source of information that is user friendly
- Provide a toolkit of resources to enable the community to plan and complete projects
- Develop a calendar of capacity building workshops aligned with community need
- Assist artists and arts organisations create their profiles in the community directory
- Promote NGSC and external funding opportunities

#### Timeline

July 2021 - Dec 2021



July 2021 - Dec 2021



July 2021 - Dec 2021



July 2021 - Dec 2021



July 2021 - Dec 2021



#### Comments

- Event planning resources
- Templates for grant applications
- See **Action 1.2**
- Our Creatives and Art Galleries (ngshire.vic.gov.au)
- Community e-news, social media, NGSC website.

### Protect and preserve public arts and culture assets

- Display NGSC Historical Assets Register on website

Sept 2021- May 2022



- See **Action 2.5**

# What we've achieved

## Projects/Actions 2021-22

## Deliverable

## Timeline

## Comments

**Promote awareness and appreciation of the arts including performing arts**

- An arts and culture media and communications campaign to promote the value of creative activities and measure the engagement

**July 2021 - July 2022**



- Focus on community media and comms  
Focus on Community ([ngshire.vic.gov.au](http://ngshire.vic.gov.au))

**Communicate to community the process of getting major projects advocated for by council**

- Identify and support major projects that require council advocacy for funding

**July 2021 - July 2022**



- Grampians Brushes + Textures

**Boost grass roots participation in the arts with consideration to accessibility, diversity, inclusion and equality**

- Identify opportunities for projects with groups and artists and support

**July 2021 - July 2022**



- Grampians Gatherings - Celebrating Arts, Culture & Community

**Spaces for creativity**

- Activate new and existing spaces for arts and culture activities

**Sept 2021- July 2022**



- Pop Up Parks in Stawell and Halls Gap

**Partnerships and collaboration**

- Support through grant funding a new collaborative project undertaken as part of a new partnership between artists, groups or organisations

**Sept 2021- July 2022**



- Grampians Gatherings - Celebrating Arts, Culture & Community

**Improve access to local funding**

- Fund and acquit the entire NGSC arts and culture grants funding allocation

**Sept 2021- July 2022**



- Arts and Culture Grants allocated

# Major Projects

## **Grampians Gatherings**

May/June 2022

Council has delivered a series of shire-wide arts and culture events in Stawell, St Arnaud, Halls Gap and Great Western. The project aims to revitalise town centres and public spaces and may set the stage for a continuing winter arts festival.

## **Stella Young Memorial**

November 2022

Council will deliver a Statue of Stella Young funded by the Victorian Women's Public Art Program.

Stella was born in Stawell in 1982 and studied Journalism at Deakin University. She is globally recognised as a comedian, journalist and disability advocate. Stella worked for ABC as the editor of an online magazine called "Ramp Up". She was a member of the Victorian Disability Advisory Council and hosted eight seasons of "No Limits" - a Channel 31 television show that gave people with disabilities a voice in the media and control over their creative content.

Stella Young passed away unexpectedly at the age of 32 on 6 December 2014.



# Community Engagement

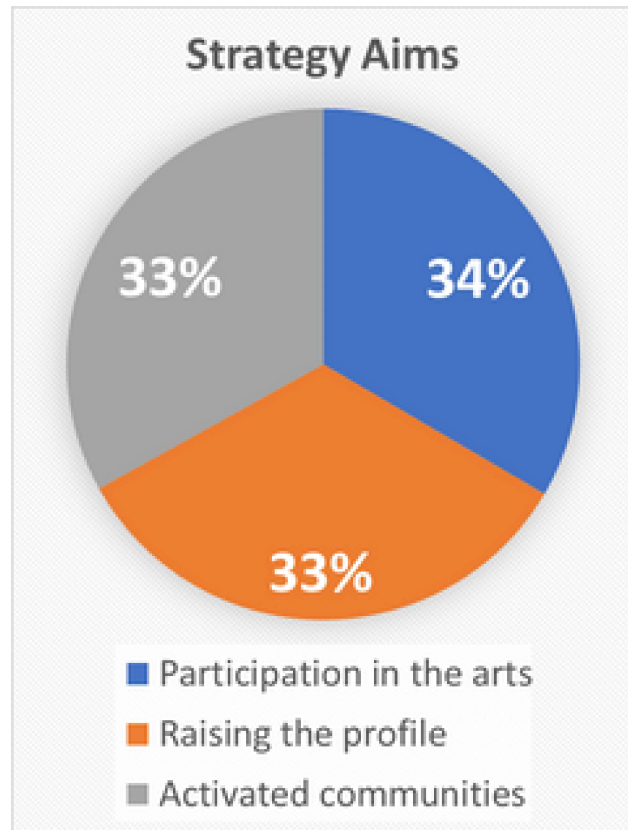
The actions within this plan have been developed in consultation with a community working group, feedback from the general public, key partners, funding providers and internal council departments.

70 people participated in community engagement through:

- Stakeholder Interviews
- Two site visits
- One Online Stakeholder Workshop
- One St Arnaud Expo
- One Stawell Pop Up Park Drop-in
- Four Working Group Meetings
- Two Community Surveys

The emerging themes around this feedback are analysed on the following page.

# Engagement - What we heard



When asked to prioritise the aims in the Arts and Culture Strategy, community respondents felt that they were all equally relevant and important.

**50 community surveys were completed.**

## **Key themes emerged.**

- The strategic directions outlined in both the Strategy and Policy are all equally important and should be continued.
- The important role arts and culture play in **promoting health and wellbeing** by creating community connection, vibrancy, mental health benefits and inclusiveness.
- A need for **dedicated spaces** for the arts, performance and exhibition space.
- **Improved facilities** in the town halls, projection, light, sound etc.
- **Improved opportunities for community to connect** around the arts in a variety of mediums including food.
- **Accessible arts and culture** to be integrated/embedded into the open spaces and physical environments which is also of benefit to tourism.
- Commit to the **development of professional and community artists** in the shire, through RAV.
- **Marketing and promotion** of the arts across the shire.



# Action Plan 2022-25

## Council and community roles

Council is committed to taking action that will grow arts and culture within the shire and support local artists. However it is important to recognise the roles council and community both play to deliver on shared actions. The roles defined below aim to give greater clarity on what is within council's ability to influence, what is reliant on external factors and partners (such as grants) and how the community can contribute and take ownership.

Council Roles	Definition	The role of community could be...
<b>Deliver</b> (Higher ability to influence)	Fund, manage and deliver arts-related projects. These tend to be strategic activities that impact the wider shire.  e.g. The Gatherings events being held across the shire.	Seek to receive council funding to deliver strategic projects.
<b>Facilitate</b>	Ensure there are the right tools/environment for arts projects to be developed by the community. This could be by providing relevant training or supporting a local Arts Council.	Identify needed tools that will be effective in building community capacity. Utilise these tools and share opportunities with networks.
<b>Partner</b>	Support relevant organisations to deliver on arts projects and programs. This could include funding (as grants through council or supporting grant applications), advice and in-kind support, council venue usage etc.  e.g. IDAHOBIT events being run by GCH across the shire.	Develop and project manage arts projects that align with council aims.
<b>Advocate</b> (lower ability to influence)	Seek and support opportunities with external partners and State/Federal governments to develop arts and culture within the Grampians. e.g. Advocating for additional RAV resources for NGSC.	Identify needs and support grant applications and evaluation.

**The following pages detail Council's actions for 2022-25. They have been developed to align with the aims of the Arts and Culture Strategy (2020) and tested through extensive engagement.**

# Participation

## Rationale

Council recognises that arts and culture enrich communities. Engaging in arts and culture activities builds a sense of community pride and identity, inspires a sense of place, creates a culture of inclusion, celebrates diversity, promotes health and wellbeing and enhances the livability of the shire. Supporting our community to connect through participating in arts and culture activities will assist in the COVID recovery.

## Outcome

An inclusive creative community through participation.

## Commitment

We will support the community, artists and arts organisations to participate in a range of arts and culture activities within the Northern Grampians Shire.



# 1. Participation

## Actions 2022-25

## Detail

## Potential Project Partners

## Timing

### 1.1 Partner with neighbouring councils to identify opportunities for collaboration

- Explore opportunities to leverage off activities in neighbouring councils for both council and community groups

- Neighbouring LGA's within the Grampians and Wimmera Mallee region

**Year 3  
Ongoing**

### 1.2 Partner with key community groups and organisations within the shire

- Explore opportunities for individuals and groups to collaborate within the shire.
- Develop a calendar of workshops to upskill local artists

- Raillery Hub
- ArtSpace St Arnaud
- St Arnaud Arts Council
- Stawell Railway Station Gallery
- SPACI
- Grampians Youth Events
- Schools

**Year 1  
Ongoing**

### 1.3 Partner with under-represented groups in the shire and grow their participation in arts and culture

- Identify and support opportunities to connect diverse community groups (e.g. Culturally and Linguistically Diverse) and increase participation in arts and culture activities across the shire
- Ensure inclusivity of council arts and culture projects and programs. This could include relevant training where appropriate.
- Deliver the Stella Young Memorial

- Local migrant groups
- Neighbourhood House
- LGBTI+ Network
- Rainbow Alliance
- Arts Access Victoria

**Year 1  
Ongoing**

### 1.4 Advocate for further funding to deliver large scale arts/tourism/community events

- Identify appropriate funding opportunities, design and scope a project and potential project partners. For instance, Gatherings 2022.

- Regional Arts Victoria
- Neighbouring councils
- State Government
- Creative Victoria

**Year 1  
Ongoing**

# Profile

## Rationale

Raising the profile of arts and culture in the shire will provide greater exposure to our creative community as well as assist in the economic development of the shire.

The Silo Art Gateway Project in St Arnaud and WAMA near Halls Gap are great examples of how art can drive visitation to the region.

## Outcome

A connected and reputable arts community.

## Commitment

We will work with the arts community to promote arts and culture in the Northern Grampians Shire.



## 2. Profile

### Actions 2022-25

### Detail

### Potential Project Partners

### Timing

**2.1 Continue to Deliver the Arts and Culture website, Community Directory and explore other marketing channels**

- Provide support to join and promote benefit of Community Directory to groups
- Partner with NGSC Tourism Department
- Provide a channel to collect community aspirations

- Local community groups
- Local artists and creatives
- Grampians Tourism

**Ongoing**

**2.2 Advocate for a stronger RAV presence throughout the shire**

- Advocate for the development of professional and community artists, through (RAV) Regional Arts Victoria, BV (Business Victoria) workshops and other

- Regional Arts Victoria
- Business Victoria
- Local community groups
- Local artists and creatives

**Year 1  
Ongoing**

**2.3 Develop and Deliver an Arts and Culture Audit**

- The audit will give us a better understanding of arts and culture:
  - Practitioners/groups
  - Venues, spaces and assets

- All arts and culture related groups, individuals and businesses in the shire

**Year 1**

**2.4 Advocate for further integration into broader regional offerings and attractions**

- Explore opportunities to be involved in the Silo Art Trail

- Grampians Tourism
- Wimmera Mallee Tourism
- NGSC Tourism Department
- Silo Art Gateway Project

**Year 1  
Ongoing**

**2.5 Create and publish a new Historical Assets register on website to protect, preserve, promote public arts and culture assets**

- Display NGSC Historical Assets Register on website
- Explore opportunities to leverage assets across the shire

- Stawell Historical Society
- St Arnaud Historical Society

**Year 1**



## Place

Many local artists are inspired by the unique character of the landscape that is present throughout the shire, from Gariwerd (The Grampians) to the canola fields of Kanya. We seek to celebrate the unique place where art is created in the Northern Grampians Shire.

## Outcome

Activated town centres and rural communities.

## Commitment

We will support our residents to activate their communities and connect through arts and culture activities.



### 3. Place

#### Actions 2022-25

##### 3.1 Partner with community groups to activate spaces public space

#### Deliverable

- Explore opportunities to activate new and existing spaces.
- Support groups to activate existing spaces.
- Explore tourism and event opportunities

#### Potential Project Partners

- Local community groups
- Local artists and creatives
- Raillery Hub
- Artspace
- St Arnaud Arts Council
- Stawell Railway Station Gallery
- SPACI
- Local community groups
- Local artists and creatives

#### Timing

**Year 1  
Ongoing**

**Year 2**

##### 3.2 Partner with community groups to identify and develop arts and culture 'hubs' and opportunities for programming within communities

- Support increased community use of the facilities at the Raillery Hub, St Arnaud.
- Explore potential for an arts hub in Stawell and Halls Gap

- St Arnaud Raillery
- Local community groups
- Local artists and creatives

**Year 1  
Ongoing**



# Measuring our impact



Stawell Performing  
Arts Company Inc.

## Community Updates

To keep the community informed and engaged in the progress of the action plan.

- All latest news to be included on website
- Email updates on funding opportunities via arts and culture mailing list
- Arts and Culture Action Plan Working Group meetings as required.

## Timeline

**As required**

**As required**

**As required**

## Annual Review

Present an annual creative sector impact and outcomes one-page infographic to council and community which includes:

- Successful grants update
- Projects undertaken for the year
- Participation numbers across all projects
- Website traffic/engagement
- Community Directory listings

**End of relevant  
financial years**

## Strategy and Action Plan evaluation

As actions are delivered outcomes and measurements will be evaluated. This will involve a combination of qualitative and quantitative data, and will include consolidated data from Annual Reports, feedback from the community and interviews with key stakeholders such as the Arts and Culture Action Plan Working Group members.

**Ongoing**



## 9.2. Boost Economic Growth

Nil

### 9.3. Providing Sustainable Infrastructure

Nil

## 9.4. Improve Organisational Effectiveness

### 9.4.1. Procurement Policy

**Author/Position:** Graham Haylock, Manager Financial Services

**Purpose**

To adopt the revised *Procurement Policy*.

**Summary**

The new *Local Government Act 2020* (the Act) required councils to prepare and adopt a Procurement Policy by 1 January 2022. Council adopted its policy at the 6 December 2021 Council meeting, with a request that it be reviewed by 31 July 2022. The policy has been reviewed and a couple of minor amendments are proposed.

**Recommendation**

That Council adopts the revised *Procurement Policy* as attached to this report.

## RESOLUTION

That Council adopts the revised *Procurement Policy* as attached to this report.

Moved: Cr Kevin Erwin  
Seconded: Cr Rob Haswell

Carried

## Background/Rationale

The *Procurement Policy* was adopted at the 6 December 2021 Council meeting. This was in response to the new requirements of the *Local Government Act 2020*. It was requested that a review of the policy be conducted by 31 July 2022.

Following a review and feedback, it is proposed to make two minor amendments to the policy:

- Update the threshold value requirements for panel of contractors from \$0 - \$50,000 to \$15,001 - \$50,000. This was an oversight in the policy that inadvertently created greater requirements and administration for lower value items (up to \$15K) using panel contracts over non-panel contracts (defeating the purpose of having a panel).
- Rename policy from *Procurement Policy 2021* to *Procurement Policy*.

## Legislation, Council Plan, Strategy and Policy Implications

*Local Government Act 2020*

Council Plan 2021-25 – Improve Organisational Effectiveness

## Options

### Option 1

Council adopts the revised Procurement Policy as attached to this report. **[recommended]**

### Option 2

Council does not adopt the revised Procurement Policy. **[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

This report does not raise any procurement agreement matters however, it sets the parameters for all future procurement activities.

## Community Engagement

Not applicable.

## Innovation and Continuous Improvement

The updated *Procurement Policy* incorporates best practice principles and aims to improve the efficiency of council's procurement processes.

## Collaboration

No collaboration was required in completing this report.

## Officer's Declaration of Interest

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

Graham Haylock, Manager Financial Services

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

## Attachments

1. Procurement Policy **[9.4.1.1 - 16 pages]**

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# Procurement Policy

*Council Policy*

July 2022

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## CONTACT US

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## PROCUREMENT POLICY

### Council Policy



<b>Responsible director:</b>	Director Corporate and Community Services
<b>Responsible officer:</b>	Manager Financial Services
<b>Functional area:</b>	Financial Services
<b>Date adopted by Council:</b>	6 December 2021
<b>Review date:</b>	July 2022

### Purpose

The purpose of this document is to set out the key policies and principles forming the framework for procurement at the Northern Grampians Shire Council, to ensure that all purchases:

- demonstrate and achieve value for money
- are undertaken in a consistent and robust manner
- are consistent with Council objectives
- comply with all relevant legislation; and
- meet expected standards of probity and transparency.

This policy document is supported by a more detailed set of Procurement Guidelines which are designed to assist with the implementation of this policy. These documents, along with the relevant sections of the *Local Government Act 2020* (the Act), provide direction for how all Council procurement should be performed.

### Background

Section 108 of the Act requires Council to prepare and approve a procurement policy which must:

- specify the principles, processes and procedures that will apply to all purchases of goods, services and works by the Council
- seek to promote open and fair competition and provide value for money.
- establish the thresholds and processes for public procurements
- provide for collaboration in procurement
- included the conditions where goods or services may be purchased without inviting a public tender or expression of interest
- describe the process of how a public tenders or expression of interest will be undertaken
- be reviewed at least once during each 4-year term of the Council

The Northern Grampians Shire Council spends a significant amount of its annual budget on purchasing goods and services and assets. These purchases have an enormous impact on the delivery of programs, services and projects therefore it is crucial that the process is well conducted.

## **Policy**

### **Expectation to comply**

Compliance with this policy, including associated guidelines, is mandatory.

Officers must bring any instances of non-compliance to the attention of their direct Manager or Director. The Manager or Director must then notify the Manager Financial Services of the non-compliance and any remedial action taken.

Non-compliance with this policy is taken seriously and will be dealt with in accordance with Council's [Disciplinary Procedure](#).

All Council staff, including their agents are expected to implement this policy:

- Officers engaged in the selection of external suppliers should seek timely input from the Contracts Officer
- Officers engaged in any procurement activity must be able to demonstrate that they have complied with this policy
- The source of funds must be identified, and the procurement authorised in accordance with Council delegations of authority, before any commitment to purchase is made
- More than one person will be involved in, and responsible for, each transaction with appropriate authorisations obtained and documented.

### **Conduct of Councillors and Council staff/conflict of interest**

Councillors and Council officers must exercise the highest standards of integrity in a manner able to withstand the closest possible scrutiny. In accordance with sections 126-131 of the Act, Councillors and Council officers have an overriding responsibility to act impartially and with integrity, avoiding conflicts of interest.

Councillors and Council officers, must:

- Maintain confidentiality of Commercial in Confidence matters and information such as contract prices and other sensitive information
- Treat potential and existing suppliers with equality and fairness
- Council officers with delegated Council powers or duties are prohibited from exercising those powers, duties or functions if they have conflicts of interest
- Councillors (and members of the Audit and Risk committee) must disclose a conflict of interest
- A Councillor must comply with the Primary Principle of Councillor Conduct and avoid conflicts between their public duties as a Councillor and their personal interests and obligations.
- At all times avoid situations in which private interests' conflict, or might reasonably be thought to conflict, or have the potential to conflict, with their Council duties
- Disclose a direct or indirect interest (and the type of interest) before providing advice or reports (or any other matter)
- Not participate in any action or matter associated with the arrangement of a procurement where that person has a direct or indirect conflict as defined by the Act; and
- When becoming aware of a conflict, promptly declare the direct or indirect Conflict of Interest to the Governance Unit.

### **Basic principles**

There are some basic principles that should be applied to all purchases, irrespective of the value or complexity of the purchase:

- value for money

- open and fair competition
- accountability
- risk management
- probity and transparency
- ethical behaviour
- responsible financial management
- collaborative procurement
- other considerations

### **Value for money**

Value for money does not necessarily mean accepting the lowest price but obtaining the best quality and value for the price, for quality goods/services that meet Northern Grampians Shire Council's criteria and cost constraints.

Factors considered in the evaluation of value for money may include:

- contribution to the advancement of Council's priorities and objectives
- fitness for purpose, quality, social and environmental impacts, service and support
- cost-related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works

Value for money will be facilitated by:

- developing, implementing and managing procurement strategies that support the co-ordination and streamlining of activities throughout the procurement lifecycle
- aggregating purchasing whenever possible; and
- undertaking competitive procurement processes.

### **Open and fair competition**

All prospective suppliers/vendors must be treated fairly in an open and transparent manner without bias (or perception of bias), with the same access to information regarding the proposed purchase, in order to enable submission of quotes/tenders to be made on the same basis.

### **Accountability**

Clear and robust processes consistent across the entire organisation must be followed, in order that the lines of responsibility and accountability are clear, and to ensure that appropriate audit controls are in place.

### **Risk management**

All purchases carry some level of risk. It is important that this risk is identified, assessed and dealt with appropriately.

### **Probity and transparency**

Probity in purchasing relates to fairness, impartiality and integrity, and is often used in a general sense to mean good process. All Council dealings must be conducted in a fair and open manner, observing the highest standards of honesty, and demonstrating the highest levels of integrity consistent with the public interest.

Council's purchasing processes must be undertaken in a manner which meets all expected standards of probity and transparency, including consistent application of procedures, appropriate record keeping, compliance with policies and legislation, consideration for suppliers, and clear and transparent decision making.

### **Ethical behaviour**

Ethical behaviour encompasses the concepts of honesty, integrity, probity, diligence, fairness, trust, respect and consistency. Council's purchasing processes must be undertaken in a manner which meets all expected standards



of ethical behaviour and includes avoiding conflicts of interest and avoiding improper use of an individual's position. At all times, Councillors and Council staff must act in accordance with relevant policies, codes of conduct and guidelines regarding gifts and hospitality and conflicts of interest.

Specific processes regarding application of these basic principles are included within the Procurement Guidelines. If any officer is unclear of their responsibilities regarding procurement, they should seek advice from the Manager Financial Services.

### **Responsible financial management**

The principle of responsible financial management will be applied to all procurement activities.

The availability of existing funds within an approved budget or source of funds will be established prior to the commencement of any procurement action for the supply of goods, services or works.

Council funds must be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this policy.

### **Collaborative procurement**

When procurement is being planned, due diligence should be undertaken to evaluate if best value for money can be achieved by using an Agent or a collaborative tender.

Where practical, Council will collaborate with other Councils in order to take advantage of economies of scale, reduce risk and deliver community benefits for all participating councils.

In accordance with section 109 (2) of the Act, the Chief Executive Officer must ensure that any report to Council recommending entering into a procurement agreement includes information in relation to any opportunities for collaboration with other Councils or public bodies which may be available.

As such, any report to Council on the outcomes of a tender process must set out information relating to opportunities explored for collaborative procurement and why or why not those identified opportunities are recommended.

Collaborative procurement will be achieved through:

- aligning procurement categories and timing (joint procurement)
- using Panels, including Panels in the region (that include the capacity to provide services outside of the contracting council area under the same terms and conditions)
- using State Government contracts and aggregators

### **Other considerations**

There are also a number of organisational and legislative directives that help set the framework for purchasing decisions made by Council including the Council Plan and the *Local Government Act 2020* (see – Legislation/Standards).

In addition to the requirements of the Act, purchasing decisions must also consider other principles, Council policies, guidelines and philosophies. These include:

- sustainable procurement
- social procurement
- environmental purchasing

- local purchasing philosophy
- innovation
- IT hardware and software procurement
- category management
- purchase orders
- officer's financial delegations
- panel of contactors
- contractor register (approved suppliers)
- procurement vehicle
- thresholds
- threshold exemptions
- variations to Council resolution; and
- public tender requirements

### **Sustainable procurement**

Council will consider benefits and value for money based on whole of life costs, as well as social and environmental impacts of its procurement processes, in order to achieve the best outcomes for the community having regard to the long-term and cumulative effects of its decisions.

### **Social procurement**

Council supports procurement that not only delivers appropriate value for money goods and services and works, but also generates positive social outcomes.

Where strategic opportunities arise, Council's Economic Development Team will work with locals to encourage economic development.

The Economic Development Team and Contract Officer will work with local suppliers to explain Council's requirements with regards to providing goods and services and works to Council and the tendering processes in line with this policy and encourage them to tender for business.

### **Environmental purchasing**

Council prefers to purchase recycled and environmentally sound products whenever they perform satisfactorily and represent value for money.

### **Local purchasing philosophy**

Council is committed to supporting the local business community and encouraging its involvement in purchasing processes. Buying locally is preferred where local suppliers are competitive and achieve value for money.

Wherever practicable, Council will fully examine the benefits available through purchasing goods, services or works from suppliers/contractors within the Northern Grampians Region. Council will also seek from prospective suppliers/contractors where applicable what economic contribution they will make to the Northern Grampians region.

All tenders/quotes should allow at least five percent (5%) evaluation allowance for local suppliers.

Council will endeavour to obtain quotes from local suppliers wherever possible, if two or more quotes are required then a minimum of one should be from a local supplier. If no local suppliers can be identified, this must be noted on the standard quote form.

### **Innovation**

Council will use innovative procurement solutions to promote sustainability and achieve best value.

### **IT hardware and software procurement**

To ensure consistency in our IT system architecture in-line with Council's Business Transformation Strategy, all IT hardware and software procurement is subject to additional requirements and must have the preapproval of the Manager Business Transformation before proceeding to the procurement stage.

### **Category management**

Council will use a category management approach to identify the most appropriate and effective sourcing and supply arrangements in order to achieve the best outcomes for the community.

### **Purchase orders**

Notwithstanding the processes used to select suppliers, purchase orders are to be raised and forwarded to suppliers to commit Council expenditure in advance of the goods or services being received, or works being commenced, in accordance with the Council's Purchasing Guidelines.

### **Officer's financial delegations**

Section 11 of the Act enables Council to delegate its powers, duties and functions. Northern Grampians Shire Council has by an Instrument of Delegation delegated powers and responsibilities to the Chief Executive Officer. In turn, the Chief Executive Officer has delegated powers, responsibilities and financial purchasing limits to officers as appropriate to perform their duties.

Officers must be aware of their role and financial responsibilities and must ensure that all purchases they make are within their delegated authority. In the case of a purchase exceeding their authority the intended purchase should be referred to an appropriate officer with suitable delegated levels. Under no circumstances is a single purchase to be dissected into smaller dollar values in order to circumvent the prescribed financial delegations.

It should be noted that no employee can raise a purchase order or authorise reimbursement for their own training/conferences and associated costs (such as accommodation and meals) and this should at all times be referred to their line manager for approval and authorisation.

### **Panel of contractors**

A panel of contractors is a contractor/company that has been appointed following an open tender process (this includes third party agents (e.g. MAV Procurement, Procurement Australia, State Government, etc.)). A panel of contractors cannot be appointed in any other manner. Unless specified during a tender process, no minimum quantity of work or turnover is guaranteed to any contractor on the panel.

Benefits of appointing a panel of contractors include:

- Savings in time and money
- Provide higher level of quality
- Faster turnaround times; and
- Increased confidentiality.

A panel of contractors should be appointed for one (1) year with a further option to extend for two (2) x one (1) years to a maximum of three (3) years, subject to contract requirements.

Council's panel of contractors should always be utilised whenever possible. A full list is available from the OnBudget section within InSites. When utilising any contractor within the panel "best value for money" should always be the first consideration.

Where a panel or standing offer agreement has been established through a competitive and open process, the following purchasing thresholds may be used to support purchases through these existing agreements.

<b>Value (exclusive of GST)</b>	<b>Procurement threshold (minimum requirement)</b>
<b>\$15,001 - \$50,000</b>	Issue a request in writing to at least two panel suppliers. Responses to be managed through the procurement e-tender platform. Rationale for selecting successful respondent must be documented.
<b><i>Purchase of goods and services:</i></b> <b>\$50,001 - \$150,000</b>  <b><i>Carrying out of works:</i></b> <b>\$50,001 - \$200,000</b>	Issue a request in writing to at least three panel suppliers. Responses to be managed through the procurement e-tender platform. Rationale for selecting successful respondent must be documented.

Any project, single purchase or a combination of approved contractors are not to be utilised to bypass the requirements to tender where the total project cost may exceed the threshold limits for tendering. If a schedule of rates was not provided, then a preferred supplier is to be selected by standard competitive quotation or tender process, subject to the value of the service or works (refer Thresholds section below).

Approval to complete the works or services, by panel contractors, is subject to normal limits for Council's financial delegates.

Provided the preferred contractor is pre-approved by Council, the CEO may approve the supplier appointment notwithstanding that the services / works may exceed normal delegation limits. CEO approval of amounts above delegation limits only applies where:

- The preferred contractor is pre-approved by Council as a member of the contractor panel; and
- The services/works to be performed were identified in the tender specifications that gave rise to the panel of contractors; and
- The services/works are to be performed within the contract term pre-approved by Council.

Where the preferred contractor is pre-approved by Council to carry out services/works within the contract term, then it is deemed that the CEO is not exercising a financial delegation, by approving the preferred supplier, but rather exercising the resolution of Council.

Where the above conditions are not met, and the value of the works or service exceeds the CEO delegation, then the project is to either be the subject of a public tender and/or required to be approved by Council.

#### **Contractor register (approved suppliers)**

Council has established a pre-qualified contractors register for those contractors who have submitted their insurances, qualifications, and OH&S documentation. These contractors/suppliers have not been through a public tender so have not submitted a schedule of rates. As a schedule of rates was not provided, then a preferred contractor/supplier is to be selected by standard competitive quotation or tender process, subject to the value of the service or works (refer Thresholds section below).

New contractors/suppliers can be added to the Contractors Register at any stage throughout the year via the process on Promapp: *Register a new contractor*.

**Procurement vehicle**

The acquisition of goods and services for which the estimated expenditure exceeds \$150,000 and carrying out of works for which the estimated expenditure exceeds \$200,000 must be undertaken by public tender.

**Thresholds**

There are a number of methods by which goods and services can be purchased, however not all methods are appropriate to all circumstances. The critical factors in determining the most appropriate method to purchase goods or services are the value of the purchase, the extent of risk associated with the purchase and any other complexities involved in the purchase decision.

Other factors such as market size/potential suppliers and time constraints may affect the decisions made in regards to the procurement process.

It should be noted that the thresholds as detailed below for a formal public tender will come into effect when one of the following occurs: 1) the cumulative supplier spend per financial year exceeds or is expected to exceed the threshold or 2) the expected spend per project exceeds the threshold.

The following table sets out Council's policy regarding procurement processes to be followed based on the value of the purchase.

<b>Value of purchase (ex. GST)</b>	<b>Method of purchasing / selection of supplier</b>
<b>Under \$5,000</b>	<ul style="list-style-type: none"> <li>• Officers are able to determine the most appropriate process as identified in Council's Procurement Guidelines.</li> <li>• Minimum 1 verbal quote from a potential supplier.</li> <li>• Use of agency contracts (e.g. Procurement Australia) may be considered.</li> </ul>
<b>\$5,001 - \$15,000</b>	<ul style="list-style-type: none"> <li>• Minimum 1 written quotation</li> <li>• Use of agency contracts (e.g. Procurement Australia) may be considered.</li> </ul>
<b>\$15,001 – \$50,000</b>	<ul style="list-style-type: none"> <li>• Minimum 2 written quotations*</li> <li>• Use of agency contracts (e.g. Procurement Australia) may be considered.</li> </ul>
<b>\$50,001 - \$100,000</b>	<ul style="list-style-type: none"> <li>• Minimum 3 written quotations *</li> <li>• May be publicly advertised.</li> <li>• Formal contract agreement should be implemented if the purchase involves high risk for Council – confirm with Contracts Officer.</li> <li>• Use of agency contracts (e.g. Procurement Australia) may be considered.</li> </ul>
<b><i>Purchase of goods and services:</i></b> <b>\$100,001 - \$150,000</b>  <b><i>Carrying out of works:</i></b> <b>\$100,001 - \$200,000</b>	<ul style="list-style-type: none"> <li>• Minimum 3 written quotations *</li> <li>• Formal quotes required including (but not limited to) OHS questionnaire – confirm with Contracts Officer</li> <li>• Formal contract agreement should be implemented if the purchase involves high risk for Council – confirm with Contracts Officer.</li> <li>• May be publicly advertised.</li> <li>• Use of agency contracts (e.g. Procurement Australia) may be considered.</li> <li>• Public Tender may be used depending on risk, complexity or where project estimates are close to \$200,000 for contracts for the carrying out of works.</li> </ul>
<b><i>Purchase of goods and services:</i></b> <b>\$150,001 and over</b>  <b><i>Carrying out of works:</i></b> <b>\$200,001 and over</b>	<ul style="list-style-type: none"> <li>• Public Tender is required.</li> <li>• Option to tender, or conduct Expression of Interest (EOI) followed by a Tender</li> <li>• Use of agency tenders, (e.g. MAV Procurement) subject to Ministerial approval, may be considered.</li> </ul>

\* A minimum of one of the quotes must be obtained from a local supplier/provider wherever possible.

Specific details regarding application of these procurement processes are included within Council's Procurement Guidelines. If any officer is unclear regarding their responsibilities in regards to procurement they should seek advice from the Manager Financial Services.

**Threshold exemptions**

<b>Exemption Description</b>	<b>Explanation, including any limitations and responsibilities</b>
1. A contract made because of genuine emergency or hardship	<ul style="list-style-type: none"> <li>Where the Council has resolved that the contract must be entered into because of an emergency (e.g. to provide immediate response to a natural disaster, declared emergency, etc.)</li> </ul>
2. A contract made with, or a purchase from a contract made by another government entity, government-owned entity, or other approved third party	<ul style="list-style-type: none"> <li>This general exemption allows engagements:               <ul style="list-style-type: none"> <li>With another government entity or government owned entity. For example, Federal, State or Local Government or an entity owned by the Federal, State or Local Government; and/or</li> <li>In reliance on contracts and arrangements established by another government entity, local authority or local government group purchasing scheme, Municipal Association of Victoria (MAV) or National Procurement network members (e.g. Local Buy), Procurement Australia (PA).</li> </ul> </li> </ul>
4. Extension of contracts while Council is at market	<ul style="list-style-type: none"> <li>Allows Council to extend an existing contract where the procurement process to replace the contract has commenced, and where the tender process or negotiations will take or are taking longer than expected.</li> <li>This exemption may be used when the establishment of an interim short-term arrangement with an alternative supplier is considered not to be in the public interest, as it may be cost prohibitive and/or present a risk in the delivery of critical public services to the municipality.</li> </ul>
5. Professional services unsuitable for tendering	<ul style="list-style-type: none"> <li>Legal services</li> <li>Insurance</li> </ul>
5. Novated contracts	<ul style="list-style-type: none"> <li>Where the initial contract was entered into in compliance with this policy and due diligence has been undertaken in respect to the new party.</li> </ul>
6. Information technology resellers and software developers	<ul style="list-style-type: none"> <li>Allows Council to renew software licenses, maintenance and support, or upgrade existing systems. This includes situations where the barrier to change software providers is prohibitive.</li> </ul>
7. Regional Waste and Resource Recovery Groups	<ul style="list-style-type: none"> <li>Situations where a Regional Waste and Resource Recovery Group constituted under the <i>Environment Protection Act 1970</i> had already conducted a public tender for and on behalf of its member councils.</li> </ul>
8. Proven monopoly or specialised market	<ul style="list-style-type: none"> <li>Statutory compulsory monopoly insurance schemes, i.e. Workcover, motor vehicle compulsory third party.</li> <li>Other statutory bodies such as water supply, electricity connections.</li> <li>Landfill providers.</li> <li>Legislatively required services, such as Aboriginal Land Council.</li> <li>When supply of goods, services or works can only be sought from a monopoly supplier, for example the marketplace is restricted by a statement of licence, technology or third-party ownership of an asset.</li> <li>If there are few suppliers for the goods, services or works being sought or where the work is highly specialised.</li> </ul>
9. Operating leases	<ul style="list-style-type: none"> <li>Where a lessor leases an asset (generally a vehicle or plant and equipment) to the Council and assumes the residual value risk of the vehicle.</li> </ul>
10. Borrowings (loans)	<ul style="list-style-type: none"> <li>Borrowings are not within the scope of this policy as these are considered contracts of borrowings and not contracts of goods, services or the carrying out of works.</li> </ul>

In addition to the listed exemptions, the CEO or Director may grant an exemption from seeking responses via a competitive procurement process, such as tenders or multiple quotations, when it can be demonstrated that:

- it is in the public interest;
- Council is still obtaining value for money in the process adopted; and
- the process is defensible and able to withstand internal and external scrutiny – one which achieves both accountability and transparency.

#### **Variations to Council resolution**

Where Council has resolved to award a contract, a variation up to 10% of the resolution amount may be approved without requiring a Council resolution provided the variation:

- does not exceed \$150,000 for goods or services, and \$200,000 for works
- is within the allocated budget
- does not change the intended outcome(s) of the contracted works or services
- is approved by both the relevant Director and the CEO.

#### **Public tender requirements**

All public tenders will be published via Council's eTendering Portal and will be publicly advertised. Advertising will be appropriate to the offering, at a minimum this will include local papers. Information regarding current tenders will be placed on Council's website.

#### **Council Plan Objective/Strategy**

Council Plan 2021-25; Objective - to improve organisational effectiveness.

Strategies for effectiveness - streamline processes by reviewing internal processes to reduce red tape and increase efficiency.

#### **Legislation and standards**

##### **Local Government Act 2020 – s.108 Procurement Policy**

Section 108 of the Act requires Councils to prepare and approve a procurement policy which must include the principles, processes and procedures that will apply to all purchases of goods, services and works by the Council. Also, the policy must seek to promote open and fair competition and provide value for money

In addition, the policy must include:

- the contract value which Council must invite a tender or seek an expression of interest
- a description of the criteria to be used by the Council to evaluate whether a proposed contract provides value for money
- a description of how the Council will seek collaboration with other Councils and public bodies in the procurement of goods or services
- the conditions under which the Council may purchase goods or services without inviting a public tender or expression of interest
- a description of the process to be undertaken in inviting a public tender or expression of interest

##### **Local Government Act 2020 – s.109 Procurement**

Section 109 of the Act requires Councils to comply with its Procurement Policy before entering into a contract for the purchase of goods or services or the carrying out of works.

Also, this section requires the CEO to ensure that any report to the Council that recommends entering into a procurement agreement includes information in relation to any opportunities for collaboration with other Councils or public bodies which may be available.



### **Responsibilities**

The Director Corporate and Community Services is responsible for the good governance of Council's procurement practices. The Manager Financial Services is responsible for the development and management of this policy. The Contracts Officer is responsible for assisting delegated purchasing officers and facilitating compliant tender and contract processes and procedures.

Monitoring of the Policy will be through:

- day to day enforcement of the processes as defined in the Procurement Guidelines by the officer/s responsible for processing the final payments for purchases made on behalf of Council
- periodic scrutiny of the processes as defined in the Procurement Guidelines by the officer/s responsible for authorising the final payments for purchases made on behalf of Council; and
- Internal Audits.

### **Stakeholders**

Mayor, Councillors, Chief Executive Officer, Director Corporate and Community Services, Manager Financial Services, Contracts Officer, all delegated purchasing officers and all other Council staff, temporary employees, contractors and consultants while engaged by Council.

### **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 introduction of new systems or procedures.

### **Communication and implementation**

Northern Grampians Shire Council's EDRMS Procurement Guidelines  
Council induction and in-house training presentations

### **References**

Local Government Victoria Beyond Value for Money - Social Procurement for Victorian Councils – 3<sup>rd</sup> edition  
Victorian Local Government Best Practice Procurement Guidelines 2013  
MAV Model Procurement Policy (August 2011)  
Local Government Victoria Conflict of Interest Guidelines  
Procurement Guidelines  
Staff Code of Conduct  
Councillor Code of Conduct  
Public Interest Disclosures  
Fraud Policy and Fraud Awareness Training  
Council Purchasing Delegations  
Standard Tender and Contract documents  
Disciplinary Procedure

### **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. This policy includes relevant, identified security risks and governance arrangements in place to protect security across the domains of information, personnel, ICT and physical.

**Gender Equality compliance**

N/A

**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**

In this Policy, the following words and phrases have the meanings set out below:

Procurement/purchasing – to buy or acquire products, goods or services using Council's operational or capital works budgeted funds in order to deliver outcomes consistent with Council's objectives.

Category – an area of spending determined by market boundaries separating different products, services or industries.

Category management – recognising suppliers within certain markets that are likely to have similarities which enable a tailored approach to procurement.

Conflict of interest – an interest, pecuniary or otherwise, that could conflict with the proper performance of duties, or conflict or incompatibility between personal interests and the impartial fulfilment of public or professional duties.

Expression of interest – Public request for organisations to register their interest in the supply of goods or services but without providing details of pricing

Sustainable Procurement – a process whereby Council meets its needs for goods and services and works in a way that achieves value for money on a whole of life basis in terms of generating benefits not only to Council, but also to society and the economy, whilst minimising damage to the environment.

Tender/Request for Tender – Public request for organisations to submit a bid for the supply of goods or services, including pricing and other relevant information which demonstrates their ability to meet the specification and address the relevant selection criteria.

Procurement Australia/MAV Procurement – External contracting organisations that act on behalf of all Victorian Local Governments and establish various supply and service contracts at tendered rates.

**Review history**

<b>Date</b>	<b>Review details</b>	<b>Action</b>
7 November, 2013	Aligned to new format and updated to include information based on the Victorian Local Government Best Practice Guidelines 2013 and MAV Model Procurement Policy (Updated).	Presented to Audit Committee 12 November, 2013  Presented to Council Briefing 18 November, 2013  Presented to Council Meeting 2 December, 2013
18 November 2014	Increase the threshold levels that have remained constant for many years to recognise inflationary increases in costs.	Presented to Audit Committee 25 November, 2014  Presented to Council Briefing 23 November, 2014  Presented to Council Meeting 1 December, 2014
4 November 2015	Altered the review process of the policy to incorporate this statement, "If the policy is deemed to require only minor changes then the review process is to inform Councillors through the Councillor Bulletin. Significant alterations to the policy will require the Council to adopt the changes."	Submitted to the Councillor Bulletin on 4 November, 2015
29 June 2017	Aligned to new format and forwarded to civic support to include in next Councillor Bulletin	Submitted to the Councillor Bulletin on 29 June, 2017
22 August 2018	<i>New threshold limits:</i>  Threshold limit for going to public tender separated into 2 different dollar values being: <ol style="list-style-type: none"> <li>1. \$125,001 and above relating to contracts for the purchase of goods and services</li> <li>2. \$170,001 and above relating to contracts for the carrying out of works</li> </ol> Amended all NGSC thresholds from GST inclusive to GST exclusive.  Included an additional section under thresholds in relation to information on compliance with the policy.	Presented to Audit Committee 5 September 2018  Presented to Council Meeting 1 October 2018

	New wording around purchase order splitting added.	
29 July 2019	<i>Thresholds:</i> Paragraph 3 added for formal public tender to include cumulative spend per supplier and spend per project. <i>Officers Financial Delegations:</i> Paragraph 3 added whereby no employee should be purchasing/reimbursing their own training/conferences and associated costs.	Presented to Audit Committee 9 September 2019
7 October 2019	Presented to Council Meeting 7 October 2019	
31 August 2020	Panel of Contractors & Contractors Register now included	
7 September 2020	Presented to Council Meeting 7 September 2020	
6 December 2021	Presented to Council Meeting 6 December 2021	Adopted by Council
18 July 2022	Presented to Council Briefing 18 July 2022. Update the thresholds value requirements for panel of contractors from \$0 - \$50,000 to \$15,001 - \$50,000.	

#### 9.4.2. Community Loans Policy

**Author/Position:** **Graham Haylock, Manager Financial Services**

**Purpose**

To adopt the revised *Community Loans Policy*.

**Summary**

The *Community Loans Policy* provides a framework for the responsible and effective provision of loan finance to the community to undertake works that are beneficial to the community as a whole.

The policy was last revised October 2012 and is due for review. It is proposed that a few minor amendments be made to the policy.

**Recommendation**

**That Council adopts the revised *Community Loans Policy*.**

**RESOLUTION**

**That Council adopts the revised *Community Loans Policy*.**

**Moved:** **Cr Eddy Ostarcevic**

**Seconded:** **Cr Trevor Gready**

**Carried**

## Background/Rationale

Council recognises the importance of input by community organisations into the development of community facilities, and the difficulties faced by these organisations to secure appropriate finance to support capital works.

Council also has a commitment to the retention of heritage streetscapes throughout the shire and encourages the restoration of verandahs and heritage buildings, particularly in commercial areas, most of which are privately owned.

Whilst Council has very limited capacity to directly fund such works, alternative assistance may be made available by providing loan finance, subject to the terms of this policy.

The latest revised version of the policy was adopted in October 2012 and is due for review. It is proposed to make the following minor amendments:

- updated to latest policy template
- officer titles updated
- Community/Heritage Loan Reserve total lending updated to \$150,000 to match adopted *Financial Reserve Policy*.
- references to *Verandah and Heritage Streetscape Policy* removed as it ceased on 1 February 2018.

## Legislation, Council Plan, Strategy and Policy Implications

Not applicable

## Options

### Option 1

That Council adopts the revised *Community Loans Policy*. **[recommended]**

### Option 2

That Council does not adopt the revised *Community Loans Policy*. **[non recommended]**

## Implications

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

## Procurement

Not applicable.

## Community Engagement

Not applicable.

## Innovation and Continuous Improvement

Not applicable.

## Collaboration

Not applicable.

## Officer's Declaration of Interest

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

Graham Haylock, Manager Financial Services

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

## Attachments

1. Community Loans Policy July 2022 **[9.4.2.1 - 4 pages]**

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# Community Loans Policy



July 2022

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Northern Grampians Shire Council  
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# Community Loans Policy



## Council Policy

**Responsible director**  
**Responsible officer**  
**Functional area**  
**Date adopted by Council**  
**Review date**

Director Corporate Services  
Manager Financial Services  
Financial Services  
18 October 2012  
July 2022

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### Purpose

The purpose of this policy is to provide a framework for the responsible and effective provision of loan finance to the community to undertake works that are beneficial to the community as a whole.

### Background

Council recognises the importance of input by community organisations into the development of community facilities, and the difficulties faced by these organisations to secure appropriate finance to support capital works.

Council also has a commitment to the retention of heritage streetscapes throughout the shire and encourages the restoration of verandahs and heritage buildings, particularly in commercial areas, most of which are privately owned.

Whilst Council has very limited capacity to directly fund such works, alternative assistance may be made available by providing loan finance, subject to the terms of this policy.

It is important that this provision of loan funding is undertaken in a fair and responsible manner, in order that Council can continue to finance its operations and to ensure effective cash flow management.

### Policy

Council will consider applications to provide loan finance for specific programs and development opportunities as follows:

- to community organisations for undertaking capital works that will have ongoing benefit to the community; and
- to businesses or individuals for undertaking works to restore verandahs and heritage streetscapes in commercial areas of the shire.

### Principal Amount

Subject to a financial and needs analysis, Council may provide loan finance up to a maximum of \$100,000 to any one borrower. The principal amount will be determined with reference to:

- the funds required;
- up to 50% of total project costs for heritage streetscape applications; and
- analysis of financial records, to demonstrate capacity to meet repayments due.



## Community Loans Policy

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Council will not exceed total lending of \$150,000 at any one time and will maintain a general reserve called *Community/Heritage Loans Reserve* to hold the balance of any funds not loaned, for the purpose of providing future loans applied for under this policy.

### **Interest Rates**

Interest will be charged, fixed for the full term of the loan, based on the current weighted average interest rate of investments held, plus a margin depending on the length of the loan, as follows:

- 2 years or less 1.0%
- 3 years or less, but more than 2 years 1.5%
- 5 years or less, but more than 3 years 2.0%
- 8 years or less, but more than 5 years 2.5%

The term of the loan may be revised during the loan period, but may not extend past the original completion date.

### **Repayments**

Repayment periods will be negotiated with the applicant, but will be limited by the following:

- Less than \$10,000 2 years maximum period
- Between \$10,001 and \$20,000 3 years maximum period
- Between \$20,001 and \$50,000 5 years maximum period
- Greater than \$50,000 8 years maximum period

Repayments may be made either monthly or quarterly in advance, and a repayment schedule will be prepared by the Manager Financial Services, which must be agreed to and signed and dated by both Council's representative and an authorised representative for the borrower.

Extra repayments may only be made with prior permission from Council's Manager Financial Services, and will result in an amended schedule, which must be agreed to and signed and dated by both Council's representative and an authorised representative for the borrower.

Legal agreements will be entered into between Council and the borrower's authorised representative, and default options will be strictly enforced, including penalty interest and foreclosure.

Appropriate commercial security will be required to cover the full amount of loan funds.

Applications must be received on the appropriate application form and will be assessed as per the defined criteria contained within the relevant application form.

All applications will be presented to Council at an appropriate briefing session and may be referred to a full Council meeting if required.

### **Legislation and Standards**

Not applicable

### **Responsibilities**

The Manager Financial Services is responsible for the development and management of this policy.

### **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

## Community Loans Policy

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reduce Council's exposure to risk. Triggers for an earlier assessment include legislative changes and introduction of new systems or procedures.

### Communication and implementation

Northern Grampians Shire Council's website  
Community Organisation Loans Procedures  
Community Organisation Application for Loan Funding

### References

Financial Reserves Policy

### 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. This policy includes relevant, identified security risks and governance arrangements in place to protect security across the domains of information, personnel, ICT and physical.

### Gender Equality compliance

Not applicable

### 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*.

### Review history

Date	Review details	Action
30 September, 2013	Aligned to new Council Plan & amended review period to four years.	Presented to Strategic Council Briefing 14 October, 2013
6 July 2022	Policy updated to new template, officer position titles updated, total lending value changed to match Financial Reserves Policy	Present to Council Briefing 18 July 2022

### 9.4.3. Audit and Risk Committee Chair and Honorariums

**Author/Position:** **Graham Haylock, Manager Financial Services**

**Purpose**

To appoint the Audit and Risk Committee Chairperson and set committee members remuneration for the 2022/23 financial year.

**Summary**

Pursuant to the *Local Government Act 2020*, Council is required to establish an Audit and Risk Committee, appoint a chairperson who is not a councillor and pay remuneration to independent members of the committee.

**Recommendation**

**That Council:**

1. appoints Mr Peter Knights as the Audit and Risk Committee Chairperson for the 2022/23 financial year
2. sets the remuneration of the Audit and Risk Committee Chairperson from 1 July 2022 at \$2,544 per annum (indexed annually by the rate cap set by the Minister for Local Government)
3. sets the remuneration for the external independent Audit and Risk Committee members, excluding the Chairperson, from 1 July 2022 at \$255 per meeting attended (indexed annually by the rate cap set by the Minister for Local Government).

### RESOLUTION

**That Council:**

1. appoints Mr Peter Knights as the Audit and Risk Committee Chairperson for the 2022/23 financial year
2. sets the remuneration of the Audit and Risk Committee Chairperson from 1 July 2022 at \$2,544 per annum (indexed annually by the rate cap set by the Minister for Local Government)
3. sets the remuneration for the external independent Audit and Risk Committee members, excluding the Chairperson, from 1 July 2022 at \$255 per meeting attended (indexed annually by the rate cap set by the Minister for Local Government).

**Moved:** Cr Kevin Erwin

**Seconded:** Cr Eddy Ostarcevic

**Carried**

## Background/Rationale

The Audit and Risk Committee (ARC) is an independent advisory committee to Council, established to assist in the effective conduct of council's responsibilities for good governance, the management of risk, financial reporting and maintenance of reliable systems and internal controls in order to facilitate the achievement of its organisational objectives in an efficient, effective and ethical manner.

The ARC Charter sets out the appropriate authority, composition, meeting requirements and responsibilities of the committee to ensure good practice and compliance with the requirements of the *Local Government Act 2020* and is supported by the committee's guidelines.

The ARC comprises of three independent members:

- Mr Peter Knights, Chairperson, appointed until 30 June 2024
- Mr Tony Roberts, appointed until 1 September 2022
- Ms Lynn Jenz, appointed until 30 April 2025

Council is required to pay a fee to a member of an Audit and Risk Committee who is not a councillor of Council. The Audit and Risk Committee Guidelines provide that election of the chair and determination of remuneration for external independent members on the Audit and Risk Committee are to be considered annually by Council.

It is proposed to index future remuneration amounts annually by the rate cap set by the Minister for Local Government each year (1.75% for the 2022/23 financial year).

## Legislation, Council Plan, Strategy and Policy Implications

*Local Government Act 2020* - Sections 53 and 54.

## Options

### Option 1

That Council approves the reappointment of Mr Peter Knights as Chairperson, and sets the committee members remuneration for the 2022/23 financial year **[recommended]**

### Option 2

That Council does not approve the reappointment of Mr Peter Knights as Chairperson, and does not set the committee members remuneration for the 2022/23 financial year **[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

Not applicable.

## Innovation and Continuous Improvement

The Audit and Risk Committee Charter provides a comprehensive description of the functions of the Audit and Risk Committee.

## Collaboration

Not applicable.

## Officer's Declaration of Interest

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

Graham Haylock, Manager Financial Services

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

**Attachments**

Nil

#### 9.4.4. Place Naming - Lord Nelson Park Multipurpose Sporting Pavilion

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

##### **Purpose**

To consider the naming of the new multipurpose pavilion at Lord Nelson Park and to commence the formal process to name the place in accordance with geographic place names legislation.

##### **Summary**

The new multipurpose pavilion built at Lord Nelson Park was officially opened on 6 May 2022 and needs to be formally named. Council undertook a poll of three suggested place names and asked the community for their preference. The results of the poll are provided in this report and will assist Council to make a decision on an official name.

##### **Recommendation**

**That Council determines a preferred name and gives public notice of its intention to name the newly built multipurpose facility at Lord Nelson Park.**

##### **RESOLUTION**

**That Council determines to name the newly constructed multipurpose facility at Lord Nelson Park as Lord Nelson Park Community Sports Centre and gives public notice of its proposal.**

**Moved:** Cr Kevin Erwin

**Seconded:** Cr Trevor Gready

**Carried**

## Background/Rationale

The multipurpose facility project was funded by the state and federal governments, AFL Victoria, Harness Racing Victoria and the Lord Nelson Park Fundraising Committee, and was officially opened by Federal Member for Mallee, Dr Anne Webster MP, State Member for Western Victoria, Jaala Pulford with Cr Emerson on 6 May 2022.

Council can develop a naming proposal for the building which is a feature considered to be of public interest and is required to submit the proposal to the Registrar of Geographic Place Names to determine whether or not to gazette and register or record the name in VICNAMES. Council has to determine that the proposed name conforms with naming principles and statutory requirements applied to features must follow set processes for naming features and consulting with the community.

## Legislation, Council Plan, Strategy and Policy Implications

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

## Options

### Option 1

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

### Option 2

To take no further action. **[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.

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

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

**Amenity** – a name will facilitate the booking of the facility by the community for functions

## Procurement

Not applicable.

## Community Engagement

The St Arnaud Recreation Advisory Group provided ideas on potential naming options for the poll, from those options councillors selected three to go out to the public with.

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

As part of the required community consultation, council polled for a new name for the facility with the intention of adopting the community's preferred name for the building at this meeting. Council made the poll available on social media and the council website and made paper copies of the surveys available from Customer Service offices. The findings of the poll are:

Name option	Votes
Lord Nelson Park Recreation Centre	12
Lord Nelson Park Community Centre	7
Lord Nelson Park Community Sports Centre	21
Objections	6
<b>Total submissions</b>	<b>46</b>

Council received six objections.

Objector	Comments
Objector 1	<p>Lord Nelson Park is named after a mine that was named after a British war figure. Many mines, streets etc at the time the mine was named were named after battles, people etc. of the Crimean war</p> <p>It is great that the Sporting ground continues the tradition of being named Lord Nelson.... But how about we name the building after one of our true hero's?</p> <p>Kew Ming. He was born in St. Arnaud, was an amazing athlete, fought in the First World War, volunteered to help train soldiers in the Second World War.</p> <p>Look up his history.</p> <p>It is very remiss that the town/shire has not done more to celebrate such a man, naming a track after him is not sufficient.</p> <p>I propose the new building be called the Kew Ming Community Centre.</p> <p>It would be nice to see some multiculturalism in our predominantly monoculture town.</p>
Objector 2	St Arnaud should appear as part of the name as people from outside our community do not relate to LNP.
Objector 3	Lord Nelson new name. St Arnaud "Sport Space".
Objector 4	<p>I feel all the proposed names are very plain, and do not speak to the local user bodies nor create a sense of culture connected to the building. I would rather see the "Frankie Evans" Pavillion, or the "Maurie Woods" facility be used, in paying homage to a local identity who has contributed a lot to their sport. In fact, I actually first thought this was the idea of "naming" the facility when I saw it on the Facebook page, and it generated a fun topic of conversation at my workplace.</p> <p>Giving a local feel to the name means more than a boring name.</p>
Objector 5	Get with the times. We are not an outpost of the British empire and it isn't the 1950s. What about honouring the Traditional Owners, an amazing woman, or both of those!!
Objector 6	I think Sports Centre is more applicable because it's obvious it's for sports.

#### **Innovation and Continuous Improvement**

Not applicable

#### **Collaboration**

Not applicable

#### **Officer's Declaration of Interest**

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

Mary Scully, Manager Governance & Civic Support

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

#### **Attachments**

Nil



#### 9.4.5. Adoption of Governance Rules

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

**Purpose**

Council will be asked to adopt its amended Governance Rules.

**Summary**

Amendments to the *Local Government Act 2020* concerning virtual meetings will take effect on 2 September 2022 and this mean that councils will be able to conduct virtual meetings in accordance with their relevant Governance Rules on a permanent basis.

By this date Council's Governance Rules will need to make express provision for requesting and approving attendance at Council meetings by electronic means of communication.

In developing or amending its Governance Rules Council must ensure that a process of community engagement is followed in accordance with section 60(4) of the *Local Government Act 2020*.

**Recommendation**

**That Council adopts its amended Governance Rules.**

**RESOLUTION**

**That Council adopts its amended Governance Rules.**

**Moved:** Cr Rob Haswell

**Seconded:** Cr Kevin Erwin

**Carried**

## Background/Rationale

Reforms relating to virtual council meetings in the *Local Government Act 2020* require Council to develop and keep in force Governance Rules relating to:

- The conduct of council (and delegated committee) meetings held by electronic means; and
- Requesting and approving attendance by electronic means.

The new provisions further provide that Councillors and members of delegated committees may attend and be present by electronic means of communication provided they comply with the Governance Rules.

Under section 66 of the *Local Government Act 2020* a council or delegated committee must keep a meeting “open to the public” except in specified circumstances. New provisions insert a definition of “open to the public” to mean:

- Either, attendance in person by a member of the public, or a meeting that is broadcasted live on the council internet site; or
- A recorded meeting that is published on the council internet site as soon as practicable after the meeting (in the case of a delegated or joint delegated committee only); or
- Any other prescribed means of meeting.

The revised Governance Rules (**attached**) include detailed provisions including:

1. whether meetings are to be wholly attendance meetings, wholly virtual meetings or partially attendance and partially virtual meetings;
2. the format, if a meeting is intended to be a wholly attendance meeting, for a Councillor to request that they attend by electronic means;
3. a decision by Council as to whether it accedes to such a request.

Officers are taking the opportunity to make the following miscellaneous changes to the existing Governance Rules:

- (a) made it clearer that the Mayor can only be elected with an absolute majority of votes;
- (b) provide for the acceptance of electronic petitions, joint letters and memorials;
- (c) reflect the repeal of certain provisions in the *Local Government Act 1989*;
- (d) make clearer when a lot in the election of the Mayor is required; and
- (e) adopt more gender-neutral language.

## Legislation, Council Plan, Strategy and Policy Implications

*Local Government Act 2020*

*Local Government Victoria Good Practice Guideline MCPG-3*

## Options

### Option 1

That Council adopts the amended Governance Rules. **[recommended]**

### Option 2

That Council does not adopt the amended Governance Rules. **[not recommended]**

## Implications

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

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**

In developing and amending its Governance Rules, Council must ensure that a process of community engagement is followed in accordance with section 60(4) of the *Local Government Act 2020*. A series of engagement was undertaken by giving public notice and information on the proposed amendments in the Council Meeting Bites in local newspapers and on the council website. The community was invited to comment by 22 July 2022 and at the time of writing this report no comments had been received. Any comments received by 22 July will be circulated to Councillors separately.

## **Innovation and Continuous Improvement**

Not applicable

## **Collaboration**

Not applicable

## **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**

1. Governance Rules 2022 [9.4.5.1 - 61 pages]

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# Governance Rules



September 2022

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Northern Grampians Shire Council  
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## INTRODUCTION

### 1. Nature of Rules

These are the Governance Rules of the Northern Grampians Shire Council, made in accordance with section 60 of the *Local Government Act 2020*.

### 2. Date of Commencement

These Governance Rules commence on 1 September 2022.

### 3. Contents

These Governance Rules are divided into the following Chapters—

Chapter 1	Governance Framework
Chapter 2	Meeting Procedure for <i>Council meetings</i>
Chapter 3	Meeting Procedure for <i>Delegated committees</i>
Chapter 4	Meeting Procedure for Community Asset Committees
Chapter 5	<i>Election period</i> Policy
Chapter 6	Disclosure of <i>Conflict of interest</i>
Chapter 7	Miscellaneous

### 4. Definitions

In these Governance Rules, unless the context suggests otherwise, the following words and phrases mean—

<i>Act</i>	<i>means the Local Government Act 2020</i>
<i>attend, attending and in attendance include attend, attending or in attendance by electronic means</i>	
<i>Chief Executive Officer</i>	<i>means the Chief Executive Officer of Council</i>
<i>Community Asset Committee</i>	<i>means a Community Asset Committee established under section 65 of the Act</i>
<i>Council</i>	<i>means the Northern Grampians Shire Council</i>
<i>Councillor</i>	<i>means a person who is an elected member of the Council as defined under the Act</i>
<i>Council meeting</i>	<i>means a meeting of the Council convened in accordance with these Governance Rules and includes a scheduled meeting and unscheduled meeting (whether held as face to face (in-person) attendance in a set location or via electronic means (virtual) or in a 'hybrid' or 'parallel' format that mixes in-person and electronic attendance</i>
<i>delegated committee</i>	<i>means a delegated committee established under section 63 of the Act</i>
<i>Mayor</i>	<i>means the Mayor of the Council</i>
<i>these Rules</i>	<i>means these Governance Rules</i>
<i>senior officer</i>	<i>means a member of the Executive Leadership Team</i>

## CHAPTER 1 - GOVERNANCE FRAMEWORK

### 1. Context

*These Rules* should be read in the context of and in conjunction with—

- 1.1 the overarching governance principles specified in section 9(2) of the *Act*; and
- 1.2 the following documents adopted or approved by *Council*—
  - 1.2.1 *Councillor Code of Conduct*
  - 1.2.2 *Election period Policy*
  - 1.2.3 *Conflict of interest Procedure*
  - 1.2.4 *Code of Conduct for Staff*
  - 1.2.5 *Audit and Risk Committee Charter*
  - 1.2.6 *Council Expenses Policy*
  - 1.2.7 *Public Transparency Policy*
  - 1.2.8 *Community Engagement Policy*
  - 1.2.9 *Audio Visual Recording Policy*
- 1.3 any relevant Ministerial Direction Guidelines prepared by the Minister for Local Government.

### 2. Decision Making

- 2.1 In any matter in which a decision must be made by a *Council* (including persons acting with the delegated authority of *Council*), *Council* must consider the matter and make a decision—
  - 2.1.1 fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
  - 2.1.2 on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations.
- 2.2 *Council* must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of *Council* is entitled to communicate their views and have their interests considered).
- 2.3. Without limiting anything in paragraph (b) of this sub-Rule—
  - 2.3.1 before making a decision that will directly affect the rights of a person, *Council* (including any person acting with the delegated authority of *Council*) must identify the person or persons whose rights will be directly affected, give notice of the decision which *Council* must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made;
  - 2.3.2 if a report to be considered at a *Council meeting* concerns subject-matter which will directly affect the rights of a person or persons, the report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered;

- 2.3.3 if a report to be considered at a *delegated committee meeting* concerns subject-matter which will directly affect the rights of a person or persons, the report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered; and
- 2.3.4 if a member of Council staff proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the member of Council staff must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such persons were provided with an opportunity to communicate their views and their interests considered.

## CHAPTER 2 - MEETING PROCEDURE FOR COUNCIL MEETINGS

### PART A - Introduction

#### 1. Title

This Chapter will be known as the "Meeting Procedure Chapter".

#### 2. Purpose of this Chapter

The purpose of this Chapter is to—

- 2.1 provide for the election of the *Mayor* and any Deputy *Mayor*;
- 2.2 provide for the appointment of any Acting *Mayor*;
- 2.3 provide for the procedures governing the conduct of *Council meetings*; and
- 2.4 set the rules of behaviour for those participating in or present at *Council meetings*.

#### 3. Definitions and Notes

3.1 In this Chapter, the following words—

<i>absolute majority</i>	<i>means the number of Councillors or members which is greater than half the total number of the members of a Council or committee</i>
<i>agenda</i>	<i>means the notice of a meeting setting out the business to be transacted at the meeting</i>
<i>amendment</i>	<i>means a proposed alteration to improve the terms of a motion, without being contradictory</i>
<i>Chair</i>	<i>means the Chairperson of a meeting and includes a Councillor who is appointed by resolution to chair a meeting under section 61(3) of the Act</i>
<i>delegated committee</i>	<i>means a delegated committee established by council under s.63 of the Act to exercise any power of a council</i>
<i>division</i>	<i>means a formal count and recording of the names of those for, and those against and abstaining from voting on a motion</i>
<i>minutes</i>	<i>means the collective record of proceedings of meetings</i>
<i>municipal district</i>	<i>means the municipal district of Council</i>
<i>notice of motion</i>	<i>means a notice setting out the text of a motion which it is proposed to move at the next relevant meeting</i>
<i>notice of rescission</i>	<i>means a notice of motion to rescind a resolution made by Council</i>
<i>point of order</i>	<i>means an objection made by a Councillor that any matter or situation currently before a Council meeting is contrary to these Rules, or is a defamatory, derogatory, irrelevant, or improper statement</i>
<i>quorum</i>	<i>means the minimum number of members of the Council or committee required by the Act and these Rules to be present in order to constitute a valid Council or committee meeting</i>
<i>resolution</i>	<i>means a formal decision made at a meeting of a delegated committee</i>
<i>unscheduled Council Meeting</i>	<i>means a meeting that is not part of the advertised existing schedule of meetings</i>

vote	means expression of opinion by a show of hands
written	includes duplicated, lithographed, photocopied, printed and typed, and extends to both hard copy and soft copy form, and writing has a corresponding meaning

- 3.2 Introductions to some Parts, headings and notes are explanatory notes and do not form part of this Chapter. They are provided to assist understanding.

## **Part B - Election of Mayor**

*Introduction: This Part is concerned with the annual election of the Mayor. It describes how the Mayor is to be elected.*

### **4. When Required**

The *Chief Executive Officer* must facilitate the election of the *Mayor* in accordance with the provisions of the Act.

### **5. Method of Voting**

The election of the *Mayor* must be carried out by a show of hands or such other visual or audible means as the *Chief Executive Officer* determines.

### **6. Determining the Election of the Mayor**

- 6.1 The *Chief Executive Officer* must open the meeting at which the *Mayor* is to be elected, and invite nominations for the office of *Mayor*.
- 6.2 Any nominations for the office of *Mayor* must be seconded by another *Councillor*.
- 6.3 Once nominations for the office of *Mayor* have been received, the following provisions will govern the election of the *Mayor* and confirm acceptance of the nomination with the nominee.

#### *Single Nomination*

- 6.4 where only one *Councillor* is a candidate for *Mayor* the meeting must declare that *Councillor* to be duly elected as *Mayor*;

#### *Multiple Nominations and Candidate Elected on First Vote*

- 6.5 If there is more than one nomination, the *Councillors in attendance* at the meeting must *vote* for one of the candidates.
- 6.6 In the event of a candidate receiving the *votes* of an *absolute majority* of *Councillors*, that candidate is declared to have been elected.

#### *Three or More Nominations and No Candidate Obtaining Absolute majority on First Vote*

- 6.7 In the event that:
- 6.7.1 there are three or more candidates;
  - 6.7.2 no candidate receives the *votes* of an *absolute majority* of *Councillors*; and
  - 6.7.3 it is not resolved to conduct a new election at a later date and time,
- the candidate with the fewest number of *votes* must be declared to be a defeated candidate. The *Councillors in attendance* at the meeting will then *vote* for one of the remaining candidates.

- 6.8 If one of the remaining candidates receives the *votes* of an *absolute majority* of Councillors, that candidate is duly elected. If none of the remaining candidates receives the *votes* of an *absolute majority* of Councillors and it is not resolved to conduct a new election at a later day and time, the process of declaring the candidates with the fewest number of *votes* a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives the *votes* of an *absolute majority* of Councillors. That candidate must then be declared to have been duly elected.
- 6.9 For the purposes of sub-Rules 6.7 and 6.8 if no candidate can be determined to have the fewest number of *votes* due to two or more candidates having an equality of *votes* then the candidate who is to be declared a defeated candidate will be determined by lot.
- 6.10 If a lot is conducted, the *Chief Executive Officer* will have the conduct of the lot and the following provisions will apply:
- 6.10.1 each candidate who has an equal number of *votes* with another candidate or candidates will draw one lot;
- 6.10.2 the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of *votes* except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
- 6.10.3 as many identical pieces of paper as there are Councillors who received an equal number of *votes* must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be *written* on one of the pieces of paper, and the *Councillor* who draws the paper with the word "Defeated" *written* on it must be declared the defeated candidate (in which event a further *vote* must be taken on the remaining candidates until one of those candidates receives the *votes* of an *absolute majority* of Councillors).

*Two Nominations or Two Remaining Candidates and No Candidate Obtaining an Absolute majority on First Vote*

- 6.11 In the event of two candidates being nominated or remaining, and neither candidate receiving the *votes* of an *absolute majority* of Councillors, the Councillors in *attendance* at the meeting will consider whether to resolve to conduct a new election at a later date and time.
- 6.12 If:
- 6.12.1 it is resolved to conduct a new election at a later date and time a new election will take place at on the date and at the time resolved upon. In that event the provisions of this Rule **Error! Reference source not found.** will continue to govern the election of the *Mayor*, and ultimately any candidate whose nomination is the sole nomination or any candidate who receives the *votes* of an *absolute majority* of Councillors will be declared duly elected; and
- 6.12.2 it is not resolved to conduct a new election at a later date and time Councillors must continue to *vote* until one of the candidates receives the *votes* of an *absolute majority* of Councillors, at which point that candidate will be declared duly elected. If, after two or more further *votes* are taken neither candidate receives the *votes* of an *absolute majority* of Councillors, the provisions of sub-Rule 6.11 and this sub-Rule 6.12 must again be followed.

**7. Election of Deputy Mayor and Chairs of Delegated committees**

Any election for—

- 7.1 any office of Deputy Mayor; or
- 7.2 Chair of a *delegated committee*

will be regulated by Rules 4-6 (inclusive) of this Chapter, as if the reference to the—

- 7.3 *Chief Executive Officer* is a reference to the Mayor; and
- 7.4 Mayor is a reference to the Deputy Mayor or the Chair of the *delegated committee* (as the case may be).

**8. Appointment of Acting Mayor**

- 8.1 If Council has not established an office of Deputy Mayor and there is a vacancy in the office of the Mayor or if the Mayor is unable for any reason to *attend* a Council meeting or part of a Council meeting or is incapable of performing the duties of the office of Mayor for any reason, including illness, the Council must—
  - 8.1.1 resolve that a specified Councillor be so appointed as the Acting Mayor for a specified period; or
  - 8.1.2 follow the procedure set out in Rules 5 and 6 (inclusive) of this Chapter, at its discretion.

**Part C - Meetings Procedure**

*Introduction: This Part is divided into a number of Divisions. Each Division addresses a distinct aspect of the holding of a meeting. Collectively, the Divisions describe how and when a meeting is convened, when and how business may be transacted at a meeting.*

**9. Purpose**

- 9.1 Council holds scheduled meetings and *unscheduled Council meetings* when required to conduct the business of the Council.
- 9.2 Council is committed to transparency in decision making and, in accordance with the Act, Council and *delegated committee meetings* are open to the public unless the Council or *delegated committee* considers it necessary to close the meeting to the public because of the following circumstances—
  - (a) the meeting is to consider confidential information; or
  - (b) for security reasons; or
  - (c) it is necessary to do so to enable the meeting to proceed in an orderly manner.
- 9.3 If the circumstances specified in sub-Rules 9.2(b) and (c) apply, the meeting can only be closed to the public if the Council or *delegated committee* has made arrangements to enable the proceedings of the meeting to be viewed by members of the public as the meeting is being held.
- 9.4 For the purposes of sub-Rule 9.3, the arrangements may include provision to view the proceedings on the internet or on closed circuit television.
- 9.5 If a meeting is to be closed to the public to consider confidential information, the Council or *delegated committee* must record in the *minutes* of the meeting that are available for public inspection—
  - (a) the ground/s for determining to close the meeting by reference to the grounds specified in the definition of *confidential information* in section 3(1); and



- (b) an explanation of why the specified ground/s applied.

## **10. Apologies and Absences**

- 10.1 A *Councillor* who is unable to *attend* a meeting may submit an apology—
  - (a) in writing to the *Chair*, who will advise the meeting;
  - (b) by seeking another *Councillor* to submit it at the meeting on their behalf;
- 10.2 An apology submitted to a meeting will be recorded in the *minutes*.
- 10.3 A *Councillor* intending to take a leave of absence should submit it in writing to the *Mayor*.
- 10.4 The *Mayor* will seek to have any leave of absence request received included in the *agenda* of the next *Council meeting*.
- 10.5 A leave of absence not included in a *Council meeting agenda* may still be considered by the *Council* if a *written* request has been received by the *Mayor* prior to the meeting.
- 10.6 *Council* will not necessarily withhold its approval of a leave of absence request.
- 10.7 A *Councillor* who has not submitted an apology or had a leave of absence approved who is not in *attendance* at a *Council meeting* will be recorded as absent.

## **Division 1 - Notices and Agendas**

*Overview: Council meetings are held regularly to conduct the ongoing business of the Council and unscheduled meetings may be held from time to time. It is important that the community is made aware of the times, dates and locations of Council and delegated committee meetings and the matters the Council will consider. The timing of this notice should give the community adequate time to make arrangements to attend the meeting or view via the livestream if available.*

*An agenda for each Council meeting must be provided to Councillors in advance so that they can prepare adequately for the Council meeting. The agenda contains the order of business and the professional advice of the organisation, with a recommendation for Council to consider.*

*The agenda is made available to the public via Council's website and at Customer Service Centres.*

## **11. Dates and Times of Meetings Fixed by Council**

- 11.1 The date, time and place of all *Council meetings* are to be fixed by the *Council* from time to time and reasonable notice (at least seven days unless urgent or extraordinary circumstances prevent *Council* complying with this minimum) of such meetings must be provided to the public.
- 11.2 Advertising of *Council meetings* can be done as a schedule of meetings either annually or at various times throughout the year, or just prior to each meeting unless extraordinary circumstances exist.
- 11.3 The *Council* may alter the date, time and place of any *Council meeting* which has been fixed by it and must provide reasonable notice (at least seven days unless urgent or extraordinary circumstances prevent *Council* complying with this minimum) of the change to the public.
- 11.4 The *Council* by *resolution* can determine the proposed or preferred format style of meetings (in-person, electronic including hybrid or parallel) noting the criteria and process available for a member who wishes to request approval to *attend* by electronic means.
- 11.5 The *Council* may determine certain meetings that must be held solely as face-to-face (in-person) meetings.

**12. Urgent or Extraordinary Circumstances**

- 12.1 If urgent or extraordinary circumstances prevent the *Council* from complying with the minimum of seven days' notice, the *Council* will—
  - 12.1.1 give such notice as is practicable via the *Council* website and social media streams as well as at each Customer Service Centre; and
  - 12.1.2 specify in the *minutes* the urgent or extraordinary circumstances which prevented the *Council* from complying.
- 12.2 In the case of an emergency, the *Chief Executive Officer* or, in the absence of both, a *senior officer*, may postpone a *Council meeting*, provided every reasonable attempt is made to notify every *Councillor* of the postponement.
- 12.3 The *Chief Executive Officer* or *senior officer* must submit a full *written* report of the circumstances requiring their action in respect of the emergency postponement at the next *Council meeting*.

**13. Unscheduled Council Meetings (meetings not fixed by Council)**

- 13.1 *Council* may by *resolution* call an *unscheduled Council Meeting*.
- 13.2 The *Mayor* or at least three *Councillors* may by a *written notice* to the *Chief Executive Officer* call an *unscheduled Council Meeting*.
- 13.3 A *written notice* to call an *unscheduled Council Meeting* must—
  - 13.3.1 specify the date and time of the *Council meeting* and the business to be transacted;
  - 13.3.2 be delivered to the *Chief Executive Officer* in sufficient time to enable at least 24 hours notice to be given to each *Councillor*.
- 13.4 The *Chief Executive Officer* must convene the *Council meeting* as specified in the *written note* and determine the time and date for the meeting, giving consideration to—
  - 13.4.1 the urgency of the business to be transacted;
  - 13.4.2 the availability of *Councillors*; and
  - 13.4.3 a reasonable notice period for persons whose rights or interests may be impacted by the business to be transacted.
- 13.5 The *Chief Executive Officer* must arrange for notice of the meeting on *Council's* website.
- 13.6 Any *resolution* of *Council* to call an *unscheduled meeting* must specify the date and time and place of the *unscheduled Council Meeting* and the business to be transacted. The date and time of the *unscheduled Council Meeting* must not be prior to 6pm on the day following the *Council meeting* at which the *resolution* was made.
- 13.7 The *Chief Executive Officer* must call an *unscheduled Council Meeting* to elect a *Mayor* following a *Council* election declaration, in accordance with the *Act*.
- 13.8 The *unscheduled Council Meeting* for the election of a *Mayor* following an election may also consider the role of *Deputy Mayor* and any other matters as determined by the *Chief Executive Officer*.
- 13.9 Only the business specified in the *Council resolution*, or *written notice*, may be considered at an *unscheduled Council Meeting*, unless all *Councillors* are *in attendance* and unanimously agree to deal with any other matter.

#### 14. Notices and Agendas

- 14.1 The notice for any *Council meeting*, incorporating or accompanied by an *agenda* of the business to be dealt with, must state the date, time and place of the meeting and the business to be dealt with and must be delivered or sent electronically to each *Councillor* for scheduled *Council meetings* at least five working days the week prior to the meeting. A period of less than five working days may be justified if exceptional circumstances exist.
- 14.2 The notice for any *unscheduled Council Meeting* must state the date, time and place of the meeting and the business to be dealt with and must be sent by electronic medium, post or otherwise delivered to each *Councillor* giving as much time as is reasonably practicable prior to the meeting.
- 14.3 An *agenda* for each *Council meeting* will be made available on Council's website—
  - (a) no less than 48 hours before the meeting for a *Council meeting*;
  - (b) no less than 24 hours before an *unscheduled Council Meeting*;
- 14.4 An *agenda* for an *unscheduled Council Meeting* must be made available electronically to every *Councillor* at least 48 hours before the meeting. A period of less than 48 hours may be justified if exceptional circumstances exist.
- 14.5 Reasonable notice of each *Council meeting* must be provided to the public. *Council* may do this:
  - 14.5.1 for meetings which it has fixed by preparing a schedule of meetings annually, arranging publication of such schedule in a newspaper generally circulating in the *municipal district*; and
  - 14.5.2 for any meeting by giving notice on its website; and
    - (a) in each of its Customer Service Centres; and/or
    - (b) in at least one newspaper generally circulating in the *municipal district*.

#### 15. Leave of Absence

Notices and other *Council meeting* papers will continue to be made available to *Councillors* electronically during the period of absence.

#### Division 2 - Quorums

*Overview: No business can be transacted at a Council meeting or a delegated committee meeting unless a majority of the Councillors or members of the delegated committee (as the case may be) is present (quorum). If there is no quorum at the commencement of a meeting or if a quorum cannot be maintained during a meeting, the meeting is to be adjourned to another date and/or time.*

#### 16. Inability to Obtain a Quorum

If after 30 *minutes* from the scheduled starting time of any *Council meeting*, a *quorum* cannot be obtained:

- 16.1 the meeting will be deemed to have lapsed;
- 16.2 the *Mayor* must convene another *Council meeting*, the *agenda* for which will be identical to the *agenda* for the lapsed meeting; and
- 16.3 the *Chief Executive Officer* must give all *Councillors* *written* notice of the meeting convened by the *Mayor*.

**17. Inability to Maintain a Quorum**

- 17.1 If during any *Council meeting*, a *quorum* cannot be maintained then Rule 16 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.
- 17.2 Sub-Rule 17.1 does not apply if the inability to maintain a *quorum* is because of the number of Councillors who have a *conflict of interest* in the matter to be considered.

**18. Adjourned Meetings**

- 18.1 *Council* may adjourn any meeting to another date or time but cannot in the absence of disorder or a threat to the safety of any *Councillor* or member of Council staff adjourn a meeting in session to another place.
- 18.2 The *Chief Executive Officer* must give *written* notice to each *Councillor* of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.
- 18.3 If it is impracticable for the notice given under sub-Rule 18.2 to be in *writing*, the *Chief Executive Officer* must give notice to each *Councillor* by telephone or in person.

**19. Cancellation or Postponement of a Meeting**

- 19.1 The *Chief Executive Officer* may, in the case of an emergency necessitating the cancellation or postponement of a *Council meeting*, cancel or postpone a *Council meeting*.
- 19.2 The *Chief Executive Officer* must immediately following a *Council meeting* present a *written* report on any exercise of the power conferred by sub-Rule 19.1.

**20. Time Limits for Meetings**

- 20.1 A *Council meeting* must not continue after 30 *minutes* unless a majority of Councillors who are *in attendance* vote in favour of it continuing.
- 20.2 A meeting cannot be continued for more than 30 *minutes* (or a further 30 *minutes* if a majority of Councillors has already *voted* to continue it for 30 *minutes*).
- 20.2 In the absence of such continuance, the meeting must stand adjourned to a time, date and place announced by the *Chair* immediately prior to the meeting standing adjourned. In that event, the provisions of sub-Rules 18.2 and 18.3 apply.

**Division 3 - Minutes**

*Overview: The minutes of a meeting must contain details of the proceedings and resolutions made, be clearly expressed, be self-explanatory and incorporate relevant reports or a summary of the relevant reports considered in the decision-making process. The minutes of a Council meeting must be submitted to the next appropriate Council meeting for confirmation.*

**21. Keeping of Minutes**

- 21.1 The *Chief Executive Officer* is responsible for the keeping of *minutes* of *Council meetings* on behalf of the *Council*.
- 21.2 The *Chief Executive Officer* is responsible for making the *minutes* of *Council meetings* available to Councillors and members of the public by—
  - 21.2.1 uploading *minutes* for Councillors to view electronically within seven business days;
  - 21.2.2 posting *minutes* on *Council's* website in the week following the *Council meeting*;
  - 21.2.3 providing electronic copies of *minutes* on request;
  - 21.2.4 providing hard copies of *minutes* at *Council* offices on request.

## 22. Confirmation of Minutes

- 22.1 At every *Council meeting*, the *minutes* of the preceding *Council meeting* must be dealt with as follows:
- 22.1.1 a copy of the *minutes* must be delivered to each *Councillor* no later than 48 hours before the meeting;
  - 22.1.2 if no *Councillor* indicates opposition, the *minutes* must be declared to be confirmed;
  - 22.1.3 if a *Councillor* indicates opposition to the *minutes*—
    - (a) they must specify the item or items with which they are dissatisfied;
    - (b) the objected item or items must be considered separately and in the order in which they appear in the *minutes*;
    - (c) the *Councillor* objecting must move accordingly without speaking to the motion;
    - (d) the motion must be seconded;
    - (e) the *Chair* must ask:  
"Is the motion opposed?"
    - (f) if no *Councillor* indicates opposition, then the *Chair* must declare the motion carried without discussion and then ask the second of the questions described in sub-Rule 22.1.3(k);
    - (g) if a *Councillor* indicates opposition, then the *Chair* must call on the mover to address the meeting;
    - (h) after the mover has addressed the meeting, the seconder may address the meeting;
    - (i) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the *Chair* must invite debate by calling on any *Councillor* who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;
    - (j) if, after the mover has addressed the meeting, the *Chair* invites debate and no *Councillor* speaks to the motion, the *Chair* must put the motion; and
    - (k) the *Chair* must, after all objections have been dealt with, ultimately ask:  
"The question is that the *minutes* be confirmed" or  
"The question is that the *minutes*, as amended, be confirmed".  
and then must put the question to the *vote* accordingly.
- 22.2 A *resolution* of *Council* must confirm the *minutes* and the *minutes* must, if practicable, be signed by the *Chair* of the meeting at which they have been confirmed.
- 22.3 The confirmed *minutes* will be recorded in the *Council's* electronic document records management system and the meeting *minutes* index updated.
- 22.4 Unless otherwise resolved or required by law, *minutes* of a *delegated committee* requiring confirmation by *Council* must not be available to the public unless confirmed by *Council*.

## 23. No Debate on Confirmation of Minutes

No discussion or debate on the confirmation of *minutes* is permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.

**24. Deferral of Confirmation of Minutes**

The *Council* may defer the confirmation of *minutes* until later in the *Council meeting* or until the next meeting as appropriate.

**25. Form and Availability of Minutes**

- 25.1 In keeping the *minutes* of any *Council meeting*, the *Chief Executive Officer* (or other person authorised by the *Chief Executive Officer* to attend the meeting and to take the *minutes* of such meeting) must keep *minutes* of each *Council meeting*, and those *minutes* must record—
- 25.1.1 the date, place, time and nature of the meeting and if was commenced, adjourned, resumed and concluded;
  - 25.1.2 the names of Councillors *in attendance* and the names of any Councillors who apologised in advance for their non-attendance;
  - 25.1.3 the names of members of Council staff *in attendance*;
  - 25.1.4 the arrival and departure times of Councillors during the course of the *Council meeting* (including any temporary departures or arrivals);
  - 25.1.5 disclosure of a *conflict of interest* made by a *Councillor*, including the explanation given by the *Councillor* under Chapter 6 and whether the *conflict of interest* was said by the *Councillor* to be a general *conflict of interest* or a material *conflict of interest*;
  - 25.1.6 every motion and *amendment* moved, including the mover of the motion or *amendment*;
  - 25.1.7 every motion and *amendment* seconded, including the seconder of the motion or *amendment*;
  - 25.1.8 the outcome of every motion and *amendment*, that is,
    - (a) whether it was put to the *vote*;
    - (b) if it was put to the *vote*, the result of the *vote* (namely CARRIED, LOST, WITHDRAWN, LAPSED OR AMENDED);
  - 25.1.9 procedural motions (which might be highlighted);
  - 25.1.10 where a valid *division* is called, a table of the names of every *Councillor* and the way their *vote* was cast, either FOR or AGAINST, and abstentions;
  - 25.1.11 the *vote* cast by any *Councillor* who has requested that their *vote* be recorded in the *minutes*;
  - 25.1.12 details of failure to achieve or maintain a *quorum* and any adjournment whether as a result of lack of a *quorum* or otherwise;
  - 25.1.13 details of any petitions made to the *Council*;
  - 25.1.14 the time and reason for any adjournment of the meeting or suspension of standing orders and resumption;
  - 25.1.15 when requested by a *Councillor*, a record of their support of, opposition to, or abstention from voting on any motion, noting that under s.61(5) of the *Act* that a *Councillor* present at the meeting who does not *vote* is taken to have *voted* against the question;
  - 25.1.16 a summary of any question asked and the response provided as part of public question time;
  - 25.1.17 inclusion in confidential reports the relevant ground or grounds designated Confidential under section 3(1) of the *Act* as to why the reports are deemed to be confidential; and

- 25.1.18 any other matter, which the *Chief Executive Officer* thinks should be recorded to clarify the intention of the meeting or assist in the reading of the *minutes*.
- 25.2 In addition, the *minutes* should—
  - 25.2.1 be page numbered;
  - 25.2.2 contain consecutive item numbers which are clearly headed with subject titles; and
  - 25.2.3 be indexed and be supplemented by an annual cumulative index.

## **26. Availability of Minutes**

- 26.1 The *Chief Executive Officer* must ensure that the *minutes* of any *Council meeting* are:
  - 26.1.1 published on the Council's website; and
  - 26.1.2 available for inspection at Council's office during normal business hours.
- 26.2 Nothing in Rule 26.1 requires *Council* or the *Chief Executive Officer* to make public any *minutes* relating to a *Council meeting* or part of a *Council meeting* closed to members of the public in accordance with section 66 of the *Act*.
- 26.1 A person in the gallery must not operate film, photograph or use tape-recording or other equipment to reproduce sound and/or images at any meeting without first obtaining the consent of the *Chair*.
- 26.2 The consent of the *Chair* may be revoked at any time during the course of a meeting by the *Chair* stating that consent has been revoked and ordering that the recording ceases.

## **Division 4 - Business of Meetings**

*Overview: The business to be transacted at a Council meeting is contained in the agenda provided to Councillors and available to the public on Council's website. The Chief Executive Officer oversees preparation of the agenda to determine the content and order of business to facilitate open, efficient and effective processes of government. The role of the Mayor includes providing advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings. Council can admit an item of urgent business if it has arisen after distribution of the agenda and cannot be reasonably deferred to the next meeting.*

## **27. Agenda and Order of Business**

- 27.1 The *agenda* for and the order of business for a *Council meeting* is to be determined by the *Chief Executive Officer* so as to facilitate and maintain open, efficient and effective processes of government.
- 27.2 The business of a *Council meeting* must be conducted in the following order unless the *Council* otherwise resolves.
  - 27.2.1 Opening of meeting and reading of Affirmation
  - 27.2.2 Apologies and requests for leave of absence
  - 27.2.3 Confirmation of *minutes*
  - 27.2.4 Business arising from previous *minutes*
  - 27.2.5 Disclosures of interest and declarations of *conflict of interest*
  - 27.2.6 Presentations/awards
  - 27.2.7 Items brought forward
  - 27.2.8 Presentations of petitions and joint letters
  - 27.2.9 Consideration of reports of officers
  - 27.2.10 Notices of motion or rescission
  - 27.2.11 Reports from committees/Councillors

- 27.2.12 Urgent business
- 27.2.13 Public question time
- 27.2.14 Closure of meeting pursuant to section 66 of the *Act*.
- 27.3 Notwithstanding sub-rule 27.2, the *Chief Executive Officer* may vary the order of business if they think it appropriate to do so.
- 27.4 Once an *agenda* has been sent to Councillors, the order of business for that meeting may only be altered by a *resolution* of the *Council*.
- 27.5 The *Chief Executive Officer* shall include any matter on an *agenda*, which they think should be considered by the meeting.
- 27.6 The *Council* may resolve to bring an item that appears later on the *agenda* forward to an earlier part of the meeting.
- 27.7 If the *agenda* for a *Council meeting* makes provision for urgent business, business can be admitted as urgent business by *resolution* of the *Council*.
- 27.8 *Council* must only admit business as urgent business if the business—
  - 27.8.1 cannot safely or conveniently be deferred to the next *Council meeting*;
  - 27.8.2 involves a matter of urgency, as determined by the *Chief Executive Officer*;
  - 27.8.3 cannot be addressed through an operational service request process;
  - 27.8.4 does not—
    - (a) substantially affect the levels of council service
    - (b) commit the *Council* to significant expenditure not included in the adopted budget
    - (c) establish or amend council policy
    - (d) commit the *Council* to any contractual arrangement.
- 27.9 The *Chief Executive Officer* will advise the *Mayor* of any matter they determine appropriate for *Council* to consider admitting as urgent business.

## Division 5 - Motions and Debate

*Overview: This part describes the procedure for introducing a motion or amendment, the rules of debate, foreshadowing a motion or amendment and the duty of the Chair in relation to accepting motions and amendments. It also describes the process for a Councillor to lodge a notice of motion for consideration and/or indicating they will raise a matter at the next Council meeting.*

*A Councillor may move any motion related to an item included in the agenda. In the interest of transparency and informed decision making, motions or amendments should not introduce new matters to a debate that have not been the subject of the report or background of the motion being considered by Council. Motions are required to be submitted in writing so they can be displayed to the meeting.*

*As a resolution must be able to be acted upon, a motion must clearly state what is intended and what its effect will be if it becomes the decision. This provides clarity for the implementation of Council decisions.*

*This Part also describes the circumstances and procedures under which a Council decision can be rescinded or altered.*

## 28. Chair's Duty

The *Chair* must not accept any motion, *amendment*, statement or question which—

- 28.1 is defamatory or embarrassing to any *Councillor*, member of Council staff or member of the public;



- 28.2 is abusive or objectionable in language or nature;
- 28.3 is vague or unclear in its intention;
- 28.4 is outside the powers of the *Council*;
- 28.5 is not relevant to an item of business on the *agenda* and has not been admitted as urgent business;
- 28.6 purports to be an *amendment* but is not; or
- 28.7 is a direct negative of the question before the meeting.

## **29. Introducing a Motion or an Amendment**

- 29.1 The procedure for moving any motion or *amendment* is—
  - 29.1.1 the mover must state the motion without speaking to it;
  - 29.1.2 the motion must be seconded by a *Councillor* other than the mover;
  - 29.1.3 if a motion is not seconded, the motion will lapse for want of a seconder; and
  - 29.1.4 if the motion or *amendment* is seconded, the *Chair* will then request—
    - (a) the mover to address the *Council* on the motion;
    - (b) the seconder to address the *Council* on the motion (who may, without speaking on the motion, reserve their address until later in debate);
    - (c) any *Councillor* opposed, to debate the motion; and
    - (d) any other *Councillors* for and against the motion to debate in turn;before putting the motion to a *vote*, declaring the result of that *vote*.
- 29.2 A *Councillor* may speak once on the motion except for the mover of a motion who has a right of reply in accordance with Rule 30, after which the motion must be put to the meeting for the *vote*.

## **30. Right of Reply**

- 30.1 The mover of a motion including an *amendment* may, once debate has been exhausted, exercise a right of reply to matters raised during debate but must not raise any new matters.
- 30.2 After any right of reply has been taken, but subject to any *Councillor* exercising their right to ask any question concerning or arising out of the motion, the motion must immediately be put to the *vote* without any further discussion or debate.

## **31. Moving an Amendment to a Motion**

- 31.1 With the leave of the *Chair*, both the mover and the seconder of a motion may agree to an alteration to a motion before the meeting proposed by another *Councillor* without the need to formally amend the motion.
- 31.2 Otherwise a motion having been moved and seconded may be amended by leaving out, inserting or adding words which must be relevant to the original motion and framed so as to complement it as an intelligible and consistent whole.
- 31.3 A motion to confirm a previous *resolution* of *Council* cannot be amended.
- 31.4 An *amendment* may be moved or seconded by any *Councillor*, other than the mover or seconder of the original motion.
- 31.5 A *Councillor* may speak on any *amendment* once, whether or not they have spoken to the original motion but debate must be confined to the terms of the *amendment*.
- 31.6 An *amendment* must not be directly opposite to the motion.

- 31.7 Any one *Councillor* cannot move more than two *amendments* in succession.

**32. How many Amendments may be Proposed**

- 32.1 Any number of *amendments* may be proposed to a motion but only one *amendment* may be accepted by the *Chair* at any one time.
- 32.2 No second or subsequent *amendment*, whether to the original motion or an *amendment* of it, can be taken into consideration until the previous *amendment* has been dealt with.

**33. An Amendment Once Carried**

- 33.1 If the *amendment* is carried, the motion as amended then becomes the question before the meeting (known as the 'substantive Motion') and the amended motion must then be put.
- 33.2 The mover and seconder of the *amendment* are deemed to be the mover and seconder of the motion before the meeting.
- 33.3 If the *amendment* is lost, the debate in respect of the original motion resumes from where it left off.
- 33.4 A *Councillor* who has already spoken on the original motion must not speak again unless to continue the debate as if the *amendment* had not been put.
- 33.5 The mover of the original motion retains the right of reply to that motion.

**34. Foreshadowing Motions**

- 34.1 At any time during debate a *Councillor* may foreshadow a motion so as to inform the *Council* of their intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- 34.2 A motion foreshadowed may be prefaced with a statement that, in the event that a particular motion before the meeting is resolved in a certain way, a *Councillor* intends to move an alternative or additional motion.
- 34.3 A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.
- 34.4 It is not required to have foreshadowed motions recorded in the *minutes* until the foreshadowed motion is formally moved.
- 34.5 The *Chair* is not obliged to accept foreshadowed motions.

**35. Withdrawal of Motions**

- 35.1 Once a motion or *amendment* is seconded it cannot be withdrawn, except with the leave of the *Chair* prior to the motion being put to the *vote*.
- 35.2 If the majority of *Councillors* object to the withdrawal of the motion, it may not be withdrawn.

**36. Separation of Motions**

- 36.1 Where a motion or *amendment* contains more than one part, a *Councillor* may at any time before a *vote* is taken request the *Chair* to put the motion to the *vote* in separate parts.
- 36.2 The *Chair* may decide to put any motion to the *vote* in several parts.
- 36.3 The *Chair* may consent to or refuse such a request in their absolute discretion.

**37. Motions moved in a Block**

The *Chair* may allow like motions to be moved, or request Councillors to move like items, in a block (en bloc), only if the motions note actions already taken and will not commit *Council* to further action, spending or changes to policy.

**38. Councillor Must Rise when Speaking**

38.1 A *Councillor* need not rise when moving a motion or *amendment* but except in the case of sickness or physical disability, must rise when addressing the meeting.

38.2 The *Chair* may remain seated when speaking at a meeting.

**39. Priority of Address**

In the case of competition for the right to speak, the *Chair* must decide the order in which the Councillors concerned will be heard.

**40. Motions in Writing**

40.1 The *Chair* may require any motion to be submitted in writing where it is lengthy or unclear or for any other reason.

40.2 The *Chair* may suspend the meeting while the motion is being *written* or *Council* may defer the matter until the motion has been *written*, allowing the meeting to proceed uninterrupted.

**41. Repeating Motion and/or Amendment**

The *Chair* may request the person taking the *minutes* of the *Council meeting* to read the motion or *amendment* to the meeting before the *vote* is taken.

**42. Debate Must be Relevant to the Motion**

42.1 Debate must always be relevant to the question before the meeting, and if not, the *Chair* must request the speaker to confine debate to the subject of the motion.

42.2 If after being requested by the *Chair* to confine debate to the motion before the meeting, the speaker continues to debate irrelevant matters, the *Chair* may direct the speaker to be seated and not speak further in respect of the motion. The speaker must immediately comply with any such direction.

42.3 A speaker to whom a direction has been given under sub-Rule 42.2 must comply with that direction.

**43. Notices of Motion**

43.1 Councillors may ensure that an issue is listed on an *agenda* by lodging a *notice of motion*.

43.2 A *notice of motion* cannot be accepted by the *Chair* unless it has been listed on the *agenda* for the meeting at which it is proposed to be moved.

43.3 A *notice of motion* must be in *writing* signed by a *Councillor* and be lodged with or sent to the *Chief Executive Officer* to allow sufficient time for the *Chief Executive Officer* to include the *notice of motion* in *agenda* papers for a *Council meeting* and to give each *Councillor* at least 48 hours' notice of such *notice of motion*.

43.4 The *Chief Executive Officer* must list the *notice of motion* on the *agenda* for the next *Council meeting* and, if more than one, in the order they were received.

- 43.5 The *Chief Executive Officer* at their discretion may provide comments to the *Council* on the motion to assist the *Council's* deliberation.
- 43.6 The full text of any *notice of motion* accepted by the *Chief Executive Officer* must be included in the *agenda* and outline the policy, financial and resourcing implications if the *notice of motion* is passed.

#### **44. Procedure**

- 44.1 A *notice of motion* must relate to the objectives, role and functions of *Council* as outlined in the *Act*.
- 44.2 A *Councillor* may give *notice of motion* on any matter they want discussed at a *Council meeting* by delivering a signed *notice of motion* outlining the subject and the motion proposed for discussion, to the *Chief Executive Officer*.
- 44.3 A *notice of motion* may be withdrawn by the *Councillor* who lodged it by a request *in writing* received prior to the publication of the *agenda* for which the *notice of motion* was intended. Otherwise, the item must be dealt with at the relevant *Council meeting*.

#### **45. Rejection of a Notice of motion**

- 45.1 The *Chief Executive Officer* may reject any *notice of motion* which—
  - 45.1.1 is vague or unclear in intention;
  - 45.1.2 is identical or substantially similar to a *notice of motion* that has been considered by the *Council* and lost in the preceding three months;
  - 45.1.3 is defamatory;
  - 45.1.4 may be prejudicial to any person or to the *Council*;
  - 45.1.5 is objectionable in language or nature;
  - 45.1.6 is beyond the powers of the *Council* to pass;
  - 45.1.7 is submitted during the *election period*;
  - 45.1.8 is a matter subject to a *Council* decision-making process which has commenced but is not yet complete; or
  - 45.1.9 if passed would result in *Council* otherwise acting invalidly.
- 45.2 The *Chief Executive Officer* may reject a proposed *notice of motion* that—
  - 45.2.1 relates to a matter than can be addressed through the operational customer request process;
  - 45.2.2 relates to a matter that has been previously resolved by *Council* or is acted upon.
- 45.3 If the *Chief Executive Officer* rejects a *notice of motion* under sub-Rule 45.1 they will inform the *Councillor* who lodged the *notice of motion* in writing of that rejection and the reasons for it no later than nine business days before the meeting at which it is intended to be considered. The *Councillor* may submit a revised motion within 24 hours from the time of rejection.
- 45.4 A *notice of motion* must call for a *Council* report if the *notice of motion* proposes any action that—
  - 45.4.1 impacts the levels of *Council* service;
  - 45.4.2 commits *Council* to expenditure that is not included in the adopted *Council* budget;
  - 45.4.3 proposes to establish, amend or extend *Council* policy;
  - 45.4.4 proposes to impact the rights of any person who has not had the opportunity to contribute their views;

- 45.4.5 commits *Council* to any contractual arrangement;
- 45.4.6 concerns any litigation in respect of which *Council* is a party.
- 45.5 The motion moved must not be substantially different to the motion published in the *agenda*, however, may be amended by *resolution* of the *Council*.

**46. Register of Notices**

The *Chief Executive Officer* must cause every *notice of motion* received to be sequentially numbered, dated and maintained in a register in the order in which they were received.

**47. May be Moved by any Councillor and Amended**

A *notice of motion* listed on an *agenda* may be moved by any *Councillor in attendance* and, except where the *notice of motion* is to confirm a previous *resolution* of the *Council*, may be amended.

**48. If Motion is not Moved**

If a *notice of motion* is not moved at the *Council meeting* at which it is listed lapses.

**49. Confirmation of Previous Resolution**

If a *notice of motion* to confirm a previous *resolution* of the *Council* cannot be carried in its original form, it is lost.

**50. If Lost**

Unless the *Council* resolves to re-list at a future meeting a *notice of motion* which has been lost, a similar motion cannot be put before the *Council* for at least three months from the date it was last lost.

**Division 6 - Rescission Motions**

**51. Procedure**

- 51.1 A *notice of rescission* is a form of *notice of motion*. Accordingly, all provisions in this Chapter regulating *notices of motion* equally apply to *notices of rescission*.
- 51.2 A *Councillor* may propose a *notice of rescission* provided—
  - 51.2.1 it has been signed and dated by at least three *Councillors*;
  - 51.2.2 the *resolution* proposed to be rescinded has not been acted on; and
  - 51.2.3 the *notice of rescission* is delivered to the *Chief Executive Officer* within 24 hours of the *resolution* having been made setting out—
    - (a) the *resolution* to be rescinded;
    - (b) the meeting and date when the *resolution* was carried.
- 51.3 A *resolution* will be deemed to have been acted upon if—
  - 51.3.1 its contents have or substance has been formally communicated to a person whose interests are materially affected by it; or
  - 51.3.2 statutory process has commencedso as to vest enforceable rights in or obligations on the *Council* or any other person.

- 51.4 The *Chief Executive Officer* or an appropriate member of Council staff must defer implementing a *resolution* which—
- 51.4.1 has not been acted on; and
  - 51.4.2 is the subject of a *notice of rescission* which has been delivered to the *Chief Executive Officer* in accordance with sub-Rule 51.2.3;
- unless deferring implementation of the *resolution* would have the effect of depriving the *resolution* of efficacy.
- 51.5 The *Chief Executive Officer*, or a member of Council staff with responsibility for the subject matter of a *resolution*, may implement a *resolution* of Council at any time after the close of the meeting at which it was made.

**52. If Lost**

If a motion for rescission is lost, a similar motion may not be put before Council for at least one month from the date it was last lost, unless Council resolves that the *notice of rescission* be re-listed at a future meeting.

**53. If Not Moved**

If a *notice of motion* to rescind or amend a previous *resolution* of the Council is not moved at the meeting for which it is listed, it will lapse and will be treated for the purposes of these Rules as a *notice of motion* which has been lost.

**54. May be Moved by Any Councillor**

A motion for rescission listed on an *agenda* may be moved by any *Councillor in attendance* but be moved in the form it was listed and must not be amended.

**55. When not required**

- 55.1 Unless sub-Rule 55.2 applies, a motion for rescission is not required where Council wishes to change policy.
- 55.2 The following standards apply if Council wishes to change policy—
- 55.2.1 if a policy has been in force in its original or amended form for less than 12 months, a *notice of rescission* must be presented to Council; and
  - 55.2.2 any intention to change a Council policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

**56. Speaking Times**

- 56.1 Unless a motion for an extension of speaking time has been carried, the maximum speaking times are—
- 56.1.1 the mover of a motion – five *minutes*;
  - 56.1.2 the mover of a motion when exercising a right of reply – two *minutes*;
  - 56.1.3 any other speaker – three *minutes*.

**57. By Resolution of the Council**

- 57.1 An extension of speaking time may be granted by *resolution* of the Council but only one extension is permitted for each speaker on any question.

57.2 A motion for an extension of speaking time cannot be accepted by the *Chair* if another speaker has commenced a debate.

57.3 Any extension of speaking time must not exceed three *minutes*.

#### 58. Right to ask Questions

58.1 A *Councillor* may, when no other *Councillor* is speaking, ask any question concerning or arising out of the motion or *amendment* before the *Chair*.

58.2 The *Chair* has the right to limit questions and direct that debate be commenced or resumed.

#### 59. Interruption for Point of order

A *Councillor* who has the floor must not be interrupted unless called to order or given notice by the *Chair* that their speaking time has elapsed or is about to elapse, or when they must sit down and remain silent until the *Councillor* raising the *point of order* has been heard and the *point of order* dealt with.

### Division 7 - Procedural Motions

#### 60. Procedural Motions

60.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the *Chair*.

60.2 A procedural motion may not be moved or seconded by the *Chair*.

60.3 A procedural motion requires a seconder.

60.4 Notwithstanding any other provision in *these Rules*, a procedural motion must be dealt with in accordance with the procedures set out in the following Procedural Motions Table.

**Procedural Motions Table**

Procedural Motion	Form	Mover and Secunder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate permitted on Motion
Deferral of a matter to a future meeting	That the debate on this matter be deferred until (insert meeting/date) to allow (purpose of deferral)	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of the Mayor/Deputy Mayor (b) During the election of a Chair (c) When another Councillor is speaking	Consideration/debate on the motion and/or any <i>amendment</i> is postponed to the stated date and the item is re-listed for consideration at the resolved future meeting, where a fresh motion may be put and debate(d)	Debate continues unaffected	Yes
Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Council who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking; or (c) When the motion would have the effect of causing <i>Council</i> to be in breach of a legislative requirement	Motion and any <i>amendment</i> postponed but may be resumed at any later meeting if on the <i>agenda</i>	Debate continues unaffected	Yes

Procedural Motion	Form	Mover and Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate permitted on Motion
Closure (of debate)	That the motion be now put	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	During the nominations for <i>Chair</i>	Motion or <i>Amendment</i> in respect of which the closure is carried is put to the <i>vote</i> immediately without debate, subject to any Councillor exercising their right to ask any question concerning or arising out of the motion	Debate continues unaffected	No
Laying a motion on the Table (pausing debate)	That the motion be laid on the table	Any Councillor who has not spoken for/against the motion	During the election of the Mayor/Deputy Mayor.	Motion and/or any <i>amendment</i> is not further discussed or <i>voted</i> on until: (a) Council resolves to take the question from the table at the same meeting; or (b) The matter is placed on a subsequent <i>agenda</i> and Council resolves to take the question from the table	Debate continues unaffected	No
Taking a motion from the table (resume debate on a matter)	That the motion in relation to xx be taken from the table	Any Councillor	When no motion is on the table	Debate on the item resumes	Debate of the item remains paused	No
Alter the order of business	That the item listed as xx on the <i>agenda</i> be considered before/after the item listed as xy	Any Councillor	(a)At a meeting to elect the Mayor/Deputy Mayor or (b)During any debate	Alters the order of business for the meeting	Items are considered in the order as listed in the <i>agenda</i>	No
Suspension of Standing Orders	That Standing Orders be suspended to (reason must be provided)	Any Councillor		(a)The rules of the meeting are temporarily suspended for the specific reason given in the motion.  (b) No debate or decision on any matter, other than a decision to resume Standing Orders is permitted	The meeting continues unaffected	No
Resumption of Standing Orders	That Standing Orders be resumed	Any Councillor	When standing Orders have not been suspended	The temporary suspension of the rules of the meeting is removed	The meeting cannot continue	No



Procedural Motion	Form	Mover and Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate permitted on Motion
Consideration of confidential matter(s) (Close the meeting to members of the public)	That in accordance with section 66(2)(a) of the <i>Local Government Act 2020</i> the meeting be closed to members of the public for the consideration of Item x.x is confidential as it relates to [insert reason]	Any Councillor	During the election of the Mayor/Deputy Mayor	The meeting is closed to members of the public	The meeting continues to be open to the public	Yes
Re-open the meeting	That the meeting be reopened to members of the public	Any Councillor		The meeting is reopened to the public	The meeting remains closed to the public	No

### Division 8 - Points of Order

*Overview: A point of order is taken when a Councillor draws the attention of the Chair to an alleged irregularity in the proceedings. Valid points of order, the process for raising and ruling on a point of order, and the procedure if there is dissent on the Chair's ruling are described in this section.*

#### 61. Chair to Decide

The *Chair* must decide all points of order by stating the provision, rule, practice or precedent which they consider applicable to the point raised without entering into any discussion or comment.

#### 62. Procedure for Point of order

62.1 A Councillor raising a *point of order* must—

62.1.1 state the *point of order*; and

62.1.2 state any section, Rule, paragraph or provision relevant to the *point of order* before resuming their seat.

62.2 The *Chair* may request a Councillor provide an explanation in respect of the *point of order* raised.

#### 63. Valid Points of Order

63.1 A *point of order* may be raised in relation to—

63.1.1 an act that is contrary to *these Rules*;

63.1.2 a motion which has not been accepted by the *Chair*;

63.1.3 a question of procedure or clarification of fact;

63.1.4 a Councillor who is or appears to be out of order;

- 63.1.5 any act of disorder; or conduct in contravention of the *Councillor Code of Conduct*;
  - 63.1.6 abusive or objectionable language or comments;
  - 63.1.7 a matter that is outside the powers of *Council*; and
  - 63.1.8. any debate which is irrelevant to the motion before the meeting.
- 63.2 A *point of order* takes precedence over all other business, including procedural motions.

**64. Chair May Adjourn to Consider**

- 64.1 The *Chair* may adjourn the meeting to consider a *point of order* but otherwise they must rule on it as soon as it is raised.
- 64.2 No *Councillor* may debate a *point of order* or the merits of a *point of order*.
- 64.3 All other matters before the meeting are to be suspended until the *point of order* is decided.

**65. Dissent from Chair's Ruling**

- 65.1 A *Councillor* may move a motion to the effect that the meeting disagree with the *Chair's* ruling by moving:  
"That the *Chair's* ruling [setting out that ruling or part of that ruling] be dissented from".
- 65.2 A motion of dissent in the *Chair's* ruling shall, if seconded, be given priority to all other items of business.
- 65.3 When a motion in accordance with this Rule is moved and seconded, the following process must be followed—
  - 65.3.1 the *Chair* must leave the *Chair* and the Deputy Mayor (or, if there is no Deputy Mayor or the Deputy Mayor is not *in attendance*, temporary *Chair* elected by the meeting) must take their place;
  - 65.3.2 the temporary *Chair* must invite the mover of the motion of dissent to outline the reasons for their dissent and the *Chair* must reply.
- 65.4 The Deputy Mayor or temporary *Chair* must invite the mover to state the reasons for their dissent and the *Chair* may then reply.
- 65.5 The Deputy Mayor or temporary *Chair* must put the motion in the following form:  
"That the *Chair's* ruling be dissented from".
- 65.6 If the *vote* is in the negative, the *Chair* resumes the Chair and the meeting proceeds.
- 65.7 If the *vote* is in the affirmative, the *Chair* must then resume the Chair, reverse or vary (as the case may be) their previous ruling and proceed.
- 65.8 The defeat of the *Chair's* ruling is in no way a motion of censure or no-confidence in the *Chair*, and should not be so regarded by the meeting.

**66. Contradiction of Opinion**

Rising to express a mere difference of opinion or to contradict a speaker will not be treated as a *point of order*.

## **Division 9 - Voting at Meetings**

*Overview: At the conclusion of debate on a matter before the meeting, the Chair must put the question, motion or amendment to the vote. Each Councillor is entitled to one vote and voting must be able to be seen by those participating in the meeting and those observing the meeting. The vote is determined by a majority of the Councillors present at the meeting at the time the vote is taken voting in favour of the motion. If a vote is tied, the Chair generally has a casting vote. A Councillor can abstain from voting.*

*Sometimes a Councillor may want their vote recorded; this is provided for in this section, along with the procedure when a Councillor calls for a division on a vote which is when how each Councillor voted is recorded.*

*Provision is made for the introduction of an electronic voting system as long as Council has resolved to implement the system and all participants in the meeting and those observing a meeting are able to see which way Councillor has voted on a matter at the time the vote is taken.*

### **67. How Motion is Determined**

To determine a motion before a meeting, the *Chair* must first call for those in favour of the motion or *amendment* and then those opposed to the motion or *amendment* before declaring the result to the meeting.

### **68. Silence**

Subject to Rule 71, voting must take place in silence.

### **69. Recount**

The *Chair* may direct that a *vote* be recounted to satisfy himself or herself of the result.

### **70. Casting Vote**

70.1 In the event of a tied *vote*, the *Chair* must exercise a casting *vote*.

70.2 The *Chair* may adjourn a meeting to consider how their casting *vote* will be cast.

### **71. How Votes are Cast**

Voting on any matter is by show of hands or such other visible or audible means as the *Chair* determines.

### **72. Procedure for a Division**

72.1 Immediately after any question is put to a meeting and before the next item of business has commenced, a *Councillor* may call for a *division*.

72.2 When a *division* is called for, the *vote* already taken must be treated as set aside and the *division* shall decide the question, motion or *amendment*.

72.3 When a *division* is called for, the *Chair* must—

72.3.1 first ask each *Councillor* wishing to *vote* in the affirmative to raise a hand and, upon such request being made, each *Councillor* wishing to *vote* in the affirmative must raise one of their hands or otherwise signify their support in a manner recognised by the *Chair*. The *Chair* must then state, and the *Chief Executive Officer* or any authorised officer must record the names of those *Councillors* voting in the affirmative.

72.3.2 then ask each *Councillor* wishing to *vote* in the negative to raise a hand and, upon such request being made, each *Councillor* wishing to *vote* in the negative must raise one of their hands or otherwise signify their opposition in a manner recognised by the *Chair*. The *Chair* must then state, and the *Chief Executive Officer* or any authorised officer must record, the names of those *Councillors* voting in the negative.

### 73. No Discussion Once Declared

Once a *vote* on a question has been taken, no further discussion relating to the question is allowed unless the discussion involves—

73.1 a *Councillor* requesting, before the next item of business is considered, that their opposition to a *resolution* be recorded in the *minutes* or a register maintained for that purpose; or

73.2 foreshadowing a *notice of rescission* where a *resolution* has just been made, or a positive motion where a *resolution* has just been rescinded.

## Division 10 - Community Participation and Behaviour

*Overview: As outlined in the purpose of these Governance Rules, Council meetings are held for Council to make its decisions. There are provisions for Council to respond to questions from the community and for the public to make submissions to Council. At each meeting there is an opportunity for members of the public to ask questions of the Council. Assistance will be available for any community member seeking or requiring support to write their question(s).*

*Petitioning is a long-established process for members of the community to demonstrate community support for a request or views on a matter, and for that request or view to be presented directly to Council.*

*This Part sets out the procedures to be followed to submit a question or petition and to address the meeting including the behaviours expected of Councillors, members of Council staff and members of the public at Council meetings.*

*Community members may only participate in Council meetings in accordance with these Governance Rules that include addressing how the community can participate if the meeting is electronic, or a 'hybrid' or 'parallel' style meeting.*

*Council may suspend standing orders to have the opportunity to discuss issues outside the ordinary constraints of these Rules.*

*This Part provides for the adoption of policies, guidelines and procedures to ensure opportunities exist for community input, beyond formal consultation processes, including live stream or broadcast and recording of meetings to improve public participation.*

**74. Addressing the Meeting**

- 74.1 *Council* may allocate time to enable any member of the community to address the *Council* at a *Council meeting* or other alternative time in accordance with any *Council meeting* policy.
- 74.2 Sub-Rule 74.1 does not apply where the *Council* has resolved to close the meeting in respect of a matter under section 66 of the *Act*.
- 74.3 Except for the *Chair* and *Chief Executive Officer*, any *Councillor* or person who addresses the meeting must, except in the case of sickness or physical disability, stand and direct all remarks through the *Chair*.
- 74.4 The *Chair* may permit any *Councillor* or person to remain seated while addressing the *Chair*.
- 74.5 Any person, including a *Councillor* and member of Council staff, addressing the *Chair* must refer to the *Chair* as—
  - 74.5.1 Madam Mayor;
  - 74.5.2 Mr Mayor;
  - 74.5.3 Madam Chair; or
  - 74.5.4 Mr Chair.as the case may be.
- 74.6 All Councillors, other than the *Mayor*, must be addressed as Cr ..... (surname).
- 74.7 All members of Council staff and members of the public, as appropriate, must be addressed as Mrs, Ms, Miss or Mr ..... (surname).

**75. Conduct at Meetings by Visitors**

- 75.1 Any member of the public addressing the *Council* must extend due courtesy and respect to the *Council* and the processes under which it operates and must take direction from the *Chair* whenever called on to do so.
- 75.2 Silence must be preserved by visitors in the gallery (other than by a person in the gallery who is invited to address the meeting) at all times during a meeting.
- 75.3 A member of the public *in attendance* at a *Council meeting* must not interject, jeer, call a *point of order*, *vote* or take part in the debate or disrupt the meeting and must behave in a respectful and appropriate manner that allows the meeting to proceed without disruption.

**76. Chair May Adjourn a Disorderly Meeting**

If the *Chair* is of the opinion that disorder at the *Council* table or in the gallery makes it desirable to adjourn the *Council meeting*, the *Chair* may adjourn the meeting to a later time on the same day or to some later day as they think proper. In that event, the provisions of sub-Rules 18.2 and 18.3.

**77. Chair may Remove**

- 77.1 The *Chair* must call to order any person, including a *Councillor*, who—
  - 77.1.1 is disruptive, or unruly during any meeting; or
  - 77.1.2 who says anything which is defamatory, abusive or objectionable in language or nature, and may direct that person to remain silent and/or to resume their seat.
- 77.2 The *Chair* may order and cause the removal from the gallery of any person, other than a *Councillor*, who disrupts any *Council meeting* or fails to comply with a direction.
- 77.3 In causing a person's removal, the *Chair* may ask the *Chief Executive Officer*, an *Authorised Officer* or a member of Victoria Police to remove the person.

- 77.4 The *Chair* who is the *Mayor* can direct a *Councillor* to leave a *Council meeting* if the behaviour of the *Councillor* is preventing the *Council* from conducting its business.

## **78. Suspension of a Councillor**

- 78.1 The *Council* may by *resolution* suspend a *Councillor* from a *Council meeting* for the balance of that meeting.
- 78.2 A *Councillor* cannot be suspended unless—
- 78.2.1 the *Chair* has warned the *Councillor* that they are engaging in improper or disorderly conduct, or that their actions are disrupting the business of *Council*; and
- 78.2.2 the *Council* resolves that the *Councillor's* conduct following the *Chair's* warning is continuing and that the *Councillor* should be suspended.
- 78.3 The *Chair*, or the *Council*, in the case of a suspension of a *Councillor*, may ask the *Chief Executive Officer* or a member of Victoria Police to remove from the Chamber any person who breaches *these Rules* and who has been suspended or ordered to leave the gallery.

## **79. Suspension of Standing Orders**

*Overview: Standing orders are the rules made to govern the procedure at Council meetings contained in these Rules. The standing orders cover a range of matters including the order of business, rules of debate, procedural motions and election procedures.*

- 79.1 *Council* may decide to suspend standing orders at a *Council meeting* to discuss the issues surrounding an item on the *agenda* without the ordinary constraints of *these Rules*.
- 79.2 The provisions of *these Rules* may be suspended for a particular purpose by *resolution* of the *Council*—
- 79.2.1 to enable full discussion of any issue without the constraints of formal meeting procedure; or
- 79.2.2 to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.
- 79.3 The provisions of *these Rules* must not be suspended purely to dispense with the processes and protocol of the government of the *Council*. An appropriate motion would be:  
"That standing orders be suspended to enable discussion on ....."
- 79.4 Once the discussion has taken place and before any motions can be put, the *Council* must resolve to resume the provisions of *these Rules*. An appropriate motion would be:  
"That standing orders be resumed."
- 79.5 No substantive or procedural motion may be accepted by the *Chair* or be lawfully dealt with during any suspension of standing orders, other than a motion to resume standing orders.

## **80. Public Question Time**

- 80.1 There must be a Public Question Time at every *Council meeting* fixed under Rule 9 to enable members of the public to submit questions to *Council*.
- 80.2 Sub-Rule 80.1 does not apply during any period when a meeting is closed to members of the public in accordance with section 66(2) of the *Act*.
- 80.3 This Rule only applies to *Council meetings* listed in the schedule of meetings set by *Council* annually and, for the avoidance of doubt, does not apply to *unscheduled Council Meetings*.
- 80.4 Question time shall not exceed 15 *minutes*.

- 80.5 A person can ask a maximum of three questions at any one meeting and the presentation of each question shall not exceed two *minutes*.
- 80.6 The *Chair* may accept or reject a question related to the formal question put to the meeting.
- 80.7 Questions will not pre-empt debate on a matter listed on the *agenda*.
- 80.8 Questions with notice can be submitted by 12 noon on the Monday one week prior to a *Council meeting*, online, electronically to the *Council's* designated email address or in writing by mail or hand delivery to one of the Council offices.
- 80.9 Questions without notice can be submitted on a Questions Without Notice form which must be handed to the *Chair* before the start of each *Council meeting*. Copies of the form will be made available at the *Council meeting*.
- 80.10 If the person asking the question cannot *attend* the *Council meeting* for which their question has been submitted personally, they may nominate another person to ask their question on their behalf.
- 80.11 The *Chair* may refrain from reading a question or having a question read if the person who submitted the question is not *in attendance* at the time when the question is due to be read.
- 80.12 The person asking the question shall, if able, stand and direct their question to the *Chair*. Prior to asking the question the person must state their name and address. If necessary, they may provide a very brief background to their question (30-50 seconds).
- 80.13 The *Chair* may summarise a question before putting it to the *Council meeting*.
- 80.14 The *Chair* may disallow a question if it—
  - 80.14.1 is phrased as a statement, rather than a question;
  - 80.14.2 relates to matters outside the duties, functions and powers of *Council*;
  - 80.14.3 is defamatory, abusive or offensive;
  - 80.14.4 deals with a subject matter already answered; or
  - 80.14.5 is aimed at embarrassing a *Councillor* or member of Council staff.
- 80.15 The *Chair* or *Councillor* or member of Council staff to whom a question is referred may—
  - 80.15.1 decline to answer the question;
  - 80.15.2 have the question put on notice for the next *Council meeting*;
  - 80.15.3 advise that it is their opinion that the reply to a question should be given in a meeting closed to members of the public. They must state briefly the reason why the reply should be so given, and, unless *Council* resolves to the contrary, the reply to such question must be so given;
  - 80.15.4 agree to provide the questioner with a *written* response after the *Council meeting*.
- 80.15 During the allocated time questions will be accepted on topics that need not relate to the *agenda*.
- 80.16 Answers to questions shall be confined to the substance of the question asked and its relationship to matters of concern to the *Council*.
- 80.17 A question will not be debated.
- 80.18 Subject to this Rule 80, Public Question Time will be conducted in accordance with any policy adopted by the *Council* from time to time.
- 80.19 Details of question time must be minuted.
- 80.20 Questions without notice will be taken on notice unless the *Chair* determines a response can be provided at the meeting.
- 80.21 A *written* response will be given for all public questions.

- 80.22 Council will facilitate the reading of questions on notice at virtual meetings where technology allows.

## **81. Petitions and Joint Letters**

- 81.1 This Rule does not apply to *unscheduled Council Meetings*.
- 81.2 A petition or joint letter received by the Council or an individual Councillor must be lodged with the *Chief Executive Officer* at least ten days before a *Council meeting* to ensure sufficient time to include the item on the *agenda*.
- 81.3 The petition or joint letter must—
- 81.3.1 be in writing;
  - 81.3.2 contain the request of the petitioners or signatories;
  - 81.3.3 be signed by at least 12 people;
  - 81.3.4 not be defamatory, indecent, abusive or objectionable in language or content; and
  - 81.3.5 not relate to matters beyond the powers of *Council*.
- 81.4 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.
- 81.5 Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by *Council*.
- 81.6 Any petition or joint letter that does not comply with sub-rules 81.2 or 81.3 will not be tabled at a *Council meeting* and will be forwarded directly to the appropriate member of *Council* staff for action.
- 81.7 Where the petition or joint letter relates to a current planning or subdivision application, the petition will be considered as an objection in accordance with the *Planning and Environment Act 1989* and will not be tabled at a *Council meeting* as a separate matter.
- 81.8 Any Councillor presenting a petition or joint letter will be responsible for ensuring that they are familiar with the contents and purpose of the petition or joint letter and that it does not contain language disrespectful towards *Council*.
- 81.9 Every Councillor presenting a petition or joining letter to *Council* must:
- 81.9.1 write or otherwise record their name at the beginning of the petition or joint letter; and
  - 81.9.2 confine themselves to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of the prayer or request.
- 81.10 The *Chief Executive Officer* must arrange for petitions and joint letters to be submitted to the next practicable *Council meeting* following their receipt.
- 81.11 Unless *Council* determines to consider it as an item of urgent business, no motion (other than a motion to receive the same) may be made on any petition, joint letter, memorial or other like application until the next fixed *Council meeting* after that at which it has been presented.
- 81.12 If a petition or joint letter relates to an operational matter, *Council* must refer it to the *Chief Executive Officer* for consideration.
- 81.13 Where a petition or joint letter has been allowed to lay on the table, the *Chief Executive Officer* may refer it to the appropriate member of *Council* staff for a report prior to it next being considered by the *Council*, as deemed appropriate by the *Chief Executive Officer* in their discretion.



- 81.14 A copy of the text of the petition or joint letter must be included in the *minutes* of the *Council meeting* at which it was tabled.
- 81.15 A petition or joint letter may nominate a person to whom a reply may be sent, but if no person is nominated the *Council* will reply to the first person whose signature appears on the petition or joint letter.
- 81.16 Only the text of the petition or joint letter and the number of signatories will be included in the *agenda* for the *Council meeting* at which it will be considered.
- 81.17 Nothing in this Rule shall prevent the *Chief Executive Officer* from determining that an electronic or online petition will be submitted to a *Council meeting* or the *Council* resolving to consider a petition as urgent business.
- 81.18 Electronic or online petitions, joint letters, memorials or like applications must contain the name and email address of each petitioner or signatory, which details will, for the purposes of this Rule, qualify as the address and signature of such petitioner or signatory.

## **82. Engagement of Public**

*Council* may adopt policies, guidelines and procedures from time to time relating to public participation, including live streaming or broadcasting and recording of meetings and the use of available technology and systems, to ensure the smooth and efficient conduct of and representation by members of the public at *Council meetings*.

## **83. Joint Meetings of Councils**

*Overview: Regional collaboration provides benefits through collective procurement, increased advocacy and alignment for major projects. While on some matters that are worked on in partnership it is possible for the participating councils to make their own decisions and determinations, in some circumstances, it may be beneficial to hold joint Council meetings as are provided for in the Act.*

- 83.1 The *Council* may resolve to participate in a joint meeting of councils to consider—
  - 83.1.1 collaborative projects;
  - 83.1.2 collaborative procurement.
- 83.2 If the *Council* has resolved to participate in a joint meeting, the *Chief Executive Officer* will agree on governance rules with the participating councils.
- 83.3 Where the *Council* is the lead council on a matter to be brought for consideration at a joint meeting, the *Mayor* will be nominated to Chair the joint meeting.
- 83.4 At least a majority of Councillors will be appointed to represent *Council* at a joint meeting.
- 83.5 Consistent information will be provided to Councillors prior to any joint meeting and every endeavour will be made by the *Chief Executive Officer* to facilitate a joint briefing.
- 83.6 A joint briefing arranged in accordance with sub-Rule 83.1 may be held electronically.
- 83.7 The provisions of the *Act*, except section 61(3), (4) and (5)(d) apply accordingly.
- 83.8 Subject to subsections 62(2) and (6) of the *Act*, the procedures for conducting a joint meeting are to be determined by the councils holding the joint meeting.

## Division 11 – Physical and Remote Attendance

### 84. Mode of Attendance

- 84.1 Each notice of meeting must indicate whether the relevant *Council meeting* is to be conducted:
  - 84.1.1 wholly in person;
  - 84.1.2 wholly by electronic means; or
  - 84.1.3 partially in person and partially by electronic means.
- 84.2 The indication in the notice of meeting must be consistent with any *Resolution of Council* that has expressed a preference for, or otherwise specified, when *Council meetings* are to be conducted:
  - 84.2.1 wholly in person;
  - 84.2.2 wholly by electronic means; or
  - 84.2.3 partially in person and partially by electronic means.
- 84.3 If a *Council meeting* is to be conducted wholly in person a *Councillor* may nonetheless request to *attend* by electronic means.
- 84.4 Any request made under sub-Rule 84.3 must:
  - 84.4.1 be in writing;
  - 84.4.2 be given to the *Chief Executive Officer* no later than 24 hours prior to the commencement of the relevant *Council meeting*;
  - 84.4.3 specify the meeting(s) that will be *attended* via electronic means; and
  - 84.4.4 specify the reasons why the *Councillor* is unable or does not wish to *attend* the *Council meeting* in person.
- 84.5 The *Chief Executive Officer* must ensure that any request received in accordance with sub-Rule 84.4 and any other request received from a *Councillor* to *attend* by electronic means is made known at the commencement of the relevant *Council meeting*.
- 84.6 *Council* may approve and must not unreasonably refuse any request.
- 84.7 A *Councillor* who is *attending* a *Council meeting* by electronic means is responsible for ensuring that they are able to access such equipment and are in such an environment that facilitates participation in the *Council meeting*.
- 84.8 Without detracting from anything said in sub-Rule 84.7, a *Councillor* who is *attending* a meeting by electronic means must be able to:
  - 84.8.1 hear the proceedings;
  - 84.8.2 see all Councillors and members of Council staff who are also *attending* the *Council meeting*, at least while a *Councillor* or member of Council staff is speaking;
  - 84.8.3 be seen by all Councillors, members of Council staff and members of the public who are physically present at the *Council meeting*; and
  - 84.8.4 be heard when they speak.
- 84.9 If the conditions of sub-Rule 84.8 cannot be met by one or more Councillors *attending* a *Council meeting*, whether because of technical difficulties or otherwise:
  - 84.9.1 the *Council meeting* will nonetheless proceed as long as a *quorum* is *in attendance*; and
  - 84.9.2 the relevant *Councillor* (or Councillors) will be treated as being absent from the *Council meeting* or that part of the *Council meeting*;unless the *Council meeting* has been adjourned in accordance with *these Rules*.

- 84.10 Nothing in this Rule 84 prevents a *Councillor* from joining (or re-joining) a *Council meeting* at the time that they achieve compliance with sub-Rule 84.8 even if the *Council meeting* has already commenced or has continued in their absence.

**85. Quorum**

It should be noted that under section 61(6A) of *the Act*, for the purposes of these meetings, a *Councillor in attendance* by electronic means of communication is deemed *in attendance* for the purposes of a *quorum*.

**86. Public Question Time**

At each meeting there is an opportunity for members of the public to ask questions of the *Council*. If the meeting is to be held in a single electronic or hybrid/parallel format then the general public will follow the set procedures to submit a question or petition as set out in Rule 80 and Rule 81.

**87. Meetings Conducted Remotely**

If a *Council meeting* is conducted wholly or partially by electronic means, the *Chair* may, with the consent of the meeting, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the meeting.

**Division 12 - Miscellaneous**

**88. Criticism of members of Council Staff**

- 88.1 The *Chief Executive Officer* may make a brief statement at a *Council meeting* in respect of any statement by a *Councillor* made at the *Council meeting* criticising them or any member of *Council staff*.
- 88.2 A statement under sub-Rule 88.1 must be made by the *Chief Executive Officer*, through the *Chair*, as soon as is practicable after the *Councillor* who made the statement has resumed their seat.

**89. Procedure not provided in this Chapter**

In all cases not specifically provided for by this Chapter, resort must be had to the Standing Orders and Rules of Practice of the Upper House of the Victorian Parliament (so far as the same are capable of being applied to *Council proceedings*).

## CHAPTER 3 - MEETING PROCEDURE FOR DELEGATED COMMITTEES

*Overview: Council may establish delegated committees as part of its governance framework. Delegated committees can comprise Councillors, members of Council staff and others and must be chaired by a Councillor. As Council may delegate specific powers, duties and functions to delegated committees, their meeting procedures need to be formal.*

*Delegated committees have specific powers (delegations) and to ensure public transparency in their operations, members must declare interests. They operate under a delegation of the Council (albeit for limited purposes) and members are subject to many of the same requirements as Councillors, such as conflict of interest, personal interest returns and standards of conduct.*

*Members are subject to many of the same requirements as Councillors, such as conflict of interest, personal interest returns and standards of conduct.*

### 1. Purpose

The purpose of this Chapter is to—

- (a) provide for the procedures governing the conduct of *delegated committee meetings*; and
- (b) set the rules of behaviour for those participating in or present at *delegated committee meetings*.

### 2. Definitions and Notes

In this Chapter—

<i>committee meeting</i>	<i>means a meeting of a delegated committee convened in accordance with these Governance Rules and includes a scheduled or unscheduled meeting (whether held as a face-to-face attendance in a set location or via electronic means (virtual) or in a 'hybrid' or 'parallel' format that mixes in-person and electronic attendance</i>
<i>delegated committee</i>	<i>means a delegated committee established by council under s.63 of the Act to exercise any power of a council</i>
<i>Instrument of Delegation</i>	<i>means an Instrument of Delegation made by the Council under section 11(1(a) of the Act</i>
<i>joint delegated committee</i>	<i>means a delegated committee of two or more councils that have resolved to establish the joint delegated committee under s.64 of the Act, to exercise any power of a council</i>

### 3. Meeting Procedure Generally

- 3.1 A *delegated committee* exercises the powers, duties or functions of the Council, therefore is subject to the same governance rules as Council.
- 3.2 Except as provided in this Chapter, and unless the contrary intention appears, if the Council establishes a *delegated committee* all the provisions of Chapter 2 apply to meetings of *delegated committees*.
- 3.3 A reference in Chapter 2 to—
  - 3.3.1 a *Council meeting* is to be read as a reference to a meeting of a *delegated committee*;
  - 3.3.2 a Councillor is to be read as a reference to a member of the *delegated committee*;
  - 3.3.3 the Mayor is to be read as a reference to the Chair of the *delegated committee*.
- 3.4 A *delegated committee* must also act in accordance with its *Instrument of Delegation* by Council.

#### 4. Meeting Procedure Can be Varied

Notwithstanding sub-Rule 3.2, if *Council* establishes a *delegated committee* that is not composed solely of Councillors—

4.1 *Council* may; or

4.2 the *delegated committee* may, with the approval of *Council*

resolve that any or all of the provisions of Chapter 2 are not to apply to a meeting of the *delegated committee*, in which case the provision or those provisions will not apply until *Council* resolves, or the *delegated committee* with the approval of *Council* resolves, otherwise.

#### 5. Election of Committee Chair

5.1 The *Chair* of a *delegated committee* must be a *Councillor*.

5.2 The procedure outlined in Rule 15 of *these Rules* will be used to elect the Chair for all *delegated committees* of *Council* unless their *Instrument of Delegation* states otherwise.

5.3 The *Chief Executive Officer* will conduct the election of the *delegated committee Chair*.

#### 6. Meetings to be Open to the Public

6.1 *Delegated committee meetings* are open to the public unless the *Chair* of the *delegated committee* considers it necessary to close the meeting to the public because of the following circumstances—

6.1.1 the meeting is to consider confidential information; or

6.1.2 for security reasons; or

6.1.3 it is necessary to do so to enable the meeting to proceed in an orderly manner.

6.2 If the circumstances in sub-Rule 6.1(b) and (c) apply, the meeting can only be closed to the public if the *delegated committee* has made arrangements to enable the proceedings of the meeting to be viewed by members of the public as the meeting is being held.

6.3 For the purposes of sub-Rule 6.2, the arrangements may include provision to view the proceedings on the internet or on closed circuit television.

6.4 If the *delegated committee* determines that a meeting is to be closed to the public to consider confidential information, the *delegated committee* must record in the *minutes* of the meeting that are available for public inspection—

6.4.1 the ground or grounds for determining to close the meeting to the public;

6.4.2 an explanation of why the specified ground or grounds applied.

#### 7. The Order of Business

The business of a *delegated committee meeting* must be conducted in the following order unless the committee otherwise resolves—

7.1 Opening

7.2 Apologies

7.3 Confirmation of *Minutes*

7.4 Business arising from previous *minutes*

7.5 Disclosures of interest and declarations of *conflict of interest*

7.6 General Business

7.7 Close

## 8. Apologies and absences

- 8.1 Members of a *delegated committee* who are unable to *attend* a meeting may submit an apology—
  - (a) in writing to the *Chair*, who will advise the meeting; or
  - (b) by seeking another member of the committee to submit it at the meeting on their behalf.
- 8.2 An apology submitted to a meeting will be recorded in the *minutes*.
- 8.3 A member who has not submitted an apology who is not in *attendance* at a meeting will be recorded as absent.

## 9. Voting at Meetings

- 9.1 A *delegated committee* established by a *Council*—
  - 9.1.1 must include at least two Councillors; and
  - 9.1.2 may include any other persons appointed to the *delegated committee* by the *Council* who are entitled to *vote*.
- 9.2 A question before a *delegated committee meeting* is to be determined as follows—
  - 9.2.1 each member present who is entitled to *vote* is entitled to one *vote*;
  - 9.2.2 voting at a meeting must not be in secret, but if the meeting is closed to the public, a committee member is not required to divulge their *vote* to the public;
  - 9.2.3 the question is determined in the affirmative by a majority of the committee members present at a meeting at the time the *vote* is taken voting in favour of the question;
  - 9.2.4 if the number of *votes* in favour of the question is half the number of committee members present at the meeting at the time the *vote* is taken, the *Chair* has a second *vote*;
  - 9.2.5 for the purpose of determining the result of a *vote*, a committee member present at the meeting who does not *vote* is to be taken to have *voted* against the question.
- 9.3 Voting on any matter will be by a show of hands.
- 9.4 At any meeting a committee member may immediately after the *Chair* has put any motion or *amendment* to the *vote* and has announced the result of that *vote*, ask that their opposition to the motion be recorded in the *minutes*.

## 10. Meeting Procedure

- 10.1 A meeting of a *delegated committee* must be chaired by a *Councillor* appointed by the *Council* or the *Mayor*.
- 10.2 If the member who is appointed *Chair* is not present at the meeting, a member who is present at the meeting and is appointed by the members of the committee who are present at the meeting, must take the *Chair*.
- 10.3 A *quorum* at a meeting of a *delegated committee* is an *absolute majority*.
- 10.4 A member of a *delegated committee* to whom a delegation is given under section 11(1)(a) of the *Act* can only exercise the delegation while acting as a member of the *delegated committee* at a meeting of the *delegated committee*.
- 10.5 The *Chair* of a *delegated committee* may change the date, time and place of any *committee meeting* and must provide reasonable notice to members of the committee.

- 10.6 The *Chair* of a *delegated committee* may call a special *committee meeting* and must give 48 hours' notice to members of the committee and must specify the purpose of the meeting.
- 10.7 Meeting *minutes* will be recorded and provided to members of the committee.
- 10.8 Members of a *delegated committee* are subject to the same *conflict of interest* requirements as Councillors and must declare interests as set out in Chapter 7.
- 10.9 Members of a *delegated committee* are subject to the same conduct rules as Councillors.
- 10.10 A *resolution* of a *delegated committee* holds the same weight as a *resolution* of *Council*, provided it falls within the committee's delegated powers.
- 10.11 Meetings of a *delegated committee* can be held remotely using available technology.

#### **11. Joint Delegated committees**

- 11.1 The provisions of the *Act*, with the exception of section 61(3), (4) and (5)(d), apply for meetings of a *joint delegated committee*.
- 11.2 A meeting of a *joint delegated committee* must be chaired by a Councillor from one of the councils that has resolved to establish the *joint delegated committee* who is present at the meeting and is appointed by the members of the *joint delegated committee* who are present at the meeting.
- 11.3 A *joint delegated committee* must include at least one Councillor from each of the councils that has resolved to establish the *joint delegated committee*.
- 11.4 A *quorum* at a meeting of a *joint delegated committee* is constituted by the number of members that is equal to at least a majority of the members constituting the *joint delegated committee*.
- 11.5 Unless anything in the *Instrument of Delegation* provides otherwise, the conduct of a meeting of a *joint delegated committee* is to be determined by the councils that have resolved to establish the *joint delegated committee*.

#### **12. Reporting Requirements**

- 12.1 A *delegated committee* must report the *minutes* of all *committee meetings* to the next practicable *Council meeting*.
- 12.2 All other reporting requirements for a *delegated committee* are to be specified by the *Council* in the *Instrument of Delegation*.

## CHAPTER 4 - MEETING PROCEDURE FOR COMMUNITY ASSET COMMITTEES

*Overview: The Act provides for Council to establish a Community Asset Committee for the management of a community asset such as a hall. Council may appoint members of the community to the committee. These committees receive delegation of Council's powers, duties and functions from the Chief Executive Officer and the powers delegated must be limited in the amount and purpose of any financial delegation.*

*Community asset committees have specific powers (delegations) and to ensure public transparency in their operations, members must declare interests. They operate under delegation of the council (albeit for limited purposes) and members are subject to many of the same requirements as Councillors, such as conflict of interest, personal interest returns and standards of conduct.*

### 1. Purpose

The purpose of this Chapter is to provide for the procedures governing the conduct of *community asset committee meetings*.

### 2. Definitions and Notes

In this Chapter—

<i>community asset committee</i>	<i>means a committee appointed under section 65 of the Act for the purpose of managing a community asset</i>
<i>Instrument of Delegation</i>	<i>means an Instrument of Delegation made by the Chief Executive Officer under section 47(1)(b) of the Act</i>

### 3. Application Generally

Unless anything in the *Instrument of Delegation* provides otherwise, the conduct of a meeting of a *Community Asset Committee* is at the discretion of the *Community Asset Committee*.

### 4. Appointment of Committee

- 4.1 Council may establish a *community asset committee* and appoint as many members to the committee as they consider necessary to enable the committee to achieve the purpose of managing a community asset.
- 4.2 The *Chief Executive Officer* may by *Instrument of Delegation* delegate any power, duty or function of the *Council* that has been delegated to him or her to a *community asset committee*.
- 4.3 A delegation to members of the *community asset committee* is to be exercised subject to the terms and conditions specified by the *Chief Executive Officer* which must include—
  - 4.3.1 the specified limit on any financial delegation and the specified purpose for which the financial delegation may be used;
  - 4.3.2 compliance with specified governance requirements to ensure appropriate standards of probity are met;
  - 4.3.3 specified monitoring and reporting of the activities and performance of the community asset committee.
- 4.4 Meetings of a *community asset committee* do not have a requirement to be chaired by a *Councillor* or *Mayor* and any member can be elected as *Chair* from the membership unless the *Instrument of Delegation* states otherwise.



**5. Meetings**

- 5.1 Meetings of a *community asset committee* are not open to the public unless the *Council* provides for in the committee *Instrument of Delegation*.
- 5.2 Meetings of a *community asset committee* can be held remotely using available technology.
- 5.3 A member of a *community asset committee* to whom a delegation is given under section 11(1)(a) of the *Act* can only exercise the delegation while acting as a member of the *community asset committee* at a meeting of the *community asset committee*.
- 5.4 An exercise of a power or the performance of a duty or function of the *Council* by a member of a *community asset committee* is a '*resolution of Council*'.
- 5.5 Members of a *community asset committee* are subject to the same *conflict of interest* requirements as Councillors and must declare interests as set out in Chapter 7.
- 5.6 Members of a *community asset committee* are subject to the same conduct rules as Councillors.

**6. Reporting Requirements**

- 6.1 A *community asset committee* must report the *minutes* of all *committee meetings* to the next practicable *Council meeting*.
- 6.2 All other reporting requirements including the level of spend, for a *community asset committee* are specified by the *Chief Executive Officer* in the *Instrument of Sub-Delegation*.
- 6.3 The *Chief Executive Officer* must submit an annual report on the activities of a *community asset committee* to the *Council*.

## CHAPTER 5 - ELECTION PERIOD POLICY

### 1. Purpose

A *Council* must include an *election period* policy in its Governance Rules under section 69 of the *Act*.

The purpose of this Chapter is to set out the *Council's* policy to govern decision making in the lead up to Council elections, the use of council resources and publications, media and communications issues and Councillor behaviour. The policy will ensure the transparency and accountability of the Councillors, members of Council staff and candidates during an *election period* and compliance with the *Act*.

### 2. Definitions and Notes

In this Chapter—

<i>election candidates</i>	<i>means all sitting Councillors who will be considered as being election candidates until the close of nominations</i>
<i>electoral matter</i>	<i>means matter which is intended or likely to affect voting in an election, but does not include any electoral material produced by or on behalf of the election manager for the purposes of conducting an election. It includes matter that contains an express or implied reference to, or comment on the election, a candidate in the election or an issue submitted to, or otherwise before, the voters in connection with the election</i>
<i>electoral material</i>	<i>means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting</i>
<i>election period</i>	<i>means the legislative 'caretaker' period for a general election that— (a) starts at 12 noon the time that nominations close on nomination day; and (b) ends at 6pm on election day.</i>

### 3. Policy

#### 3.1 Council's Election period Policy:

- 3.1.1 governs decision making during a local government *election period*, including what may be considered at a *Council meeting* and what *Council* decisions are prohibited;
- 3.1.2 prohibits any *Council* decision during the *election period* that would enable the use of *Council* resources in a way that is intended to influence or is likely to influence voting at the election, including Federal, State or *Council* elections;
- 3.1.3 sets out the conditions for any community engagement required to be undertaken during an *election period*, including consultations, civic events and activities of *delegated committees* established by the *Council*;
- 3.1.4 sets out the requirements for any *Council* publications during a local government *election period* – including the website, social media, newsletters and advertising – to ensure the *Council* does not publish materials that relate to issues that are the subject of election campaigns;
- 3.1.5 defines roles and responsibilities in relation to who is the spokesperson for *Council* during an *election period*;
- 3.1.6 sets out the requirements for a *Councillor* or member of *Council* staff who is a candidate in an election including a Federal, State or Council election.

- 3.2 At least once in each *Council* term and, not later than 12 months prior to the commencement of an *election period*, *Council* will review its *election period* policy.
- 3.3 The *Election period Policy* forms part of *these Rules*.
- 3.4 The operation of any *delegated committee* and *community asset committee* shall be suspended upon the commencement of the *election period* ahead of a general *Council* election.
- 3.5 Any outstanding committee reports/*minutes* may still be reported to a *Council meeting* during the *election period*.
- 3.6 *Council* committees shall resume meeting following the election and the appointment by the incoming Councillors to each committee.

#### 4. Candidates

- 4.1 A person is not qualified to be a *Councillor* if the person is a member of the Victorian or Commonwealth Parliament.
- 4.2 A member of Council staff who has not taken leave to stand is not qualified to nominate as a candidate.
- 4.3 A member of Council staff who wishes to nominate as a candidate at a Federal, State or Local election can seek approval in writing from the *Chief Executive Officer* for the duration of the *election period* for that election to:
  - 4.3.1 take leave from their office or position; and
  - 4.3.2 not perform any of the duties of their position.
- 4.4 A person who is a *Councillor* of a *Council* cannot nominate as a candidate for an election as a *Councillor* of any council unless at the time of the nomination the person will cease to hold office as a *Councillor* on or before the election day for that election.
- 4.5 A person who has nominated as a candidate for an election as a *Councillor* of a council cannot nominate as a candidate for any other election as a *Councillor* unless at the time of the nomination the person has withdrawn the previous nomination.
- 4.6 A person must not nominate as a candidate for more than one election of Councillors to be held on the same day.
- 4.7 A person cannot nominate as a candidate for an election as a *Councillor* unless the person has completed the prescribed training.
- 4.8 If a *Councillor* becomes aware they have ceased to be qualified to be a Councillor of the *Council* under section 34 of the *Act*, the *Councillor* must immediately give notice in writing to the *Chief Executive Officer*.

#### 5. Decision Making

- 5.1 *Council* may at its discretion decide to implement 'caretaker arrangements' earlier than nomination day.
- 5.2 Given the relatively short *election period*, the *Council* will reschedule most decisions until after the new *Council* commences its term, or if that is not appropriate, bring decisions forward so they are determined before the *election period* starts.
- 5.3 *Council* will continue to hold *Council meetings* during the *election period*.
- 5.4 *Council* **is prohibited** from making any *Council* decision during the *election period* for a general election that—
  - (a) relates to the appointment or remuneration of a *Chief Executive Officer* but not to the appointment or remuneration of an Acting Chief Executive Officer;

- (b) commits the *Council* to expenditure exceeding one percent of the *Council's* income from general rates, municipal charges and service rates and charges in the preceding financial year; or
  - (c) the *Council* considers could be reasonably deferred until the next *Council* is in place; or
  - (d) the *Council* considers should not be made during an *election period*.
- 5.5 *Council* is prohibited from making any *Council* decision during the *election period* for a general election that would enable the use of *Council* resources in a way that is intended to influence, or is likely to influence, voting at the election. (s.69(3) LGA)
- 5.6 Other types of decisions that the *Council* will not make during an *election period* are—
  - 5.6.1 Allocating community grants or other forms of direct funding to community organisations.
  - 5.6.2 Major planning scheme *amendments*.
  - 5.6.3 Changes to strategic objectives or strategies in the Council Plan.
  - 5.6.4 Any decisions of a significant nature and which would unnecessarily bind an incoming council.
- 5.7 *Council* commits that any other decision will be considered only if absolutely necessary for council operational purposes or pursuant to a statutory requirement.
- 5.8 It is noted that to avoid making certain decisions during an election (other than decisions prohibited under section 69(2) of the *Act* is not legally binding; however, if it becomes important to make a decision contrary to this policy during the *election period*, the necessity will need to be demonstrated to the community.
- 5.9 Should the *Council* make any decision in contravention of sub-Rules 5.4 (a) and (b), the decision is invalid. [s.69(2)(a) and (b) LGA]
- 5.10 Any person who suffers any loss or damage as a result of acting in good faith on a *Council* decision that is invalid by virtue of section 69(4) of the *Act* is entitled to compensation from the *Council* for that loss or damage.
- 5.11 Papers prepared for *Council meetings* during the *election period* will be carefully vetted by the *Chief Executive Officer* to ensure that no *agenda* item is included that could potentially influence *voters'* intentions at the forthcoming election or could encourage *Councillor* candidates to use the item as part of their electioneering.
- 5.12 *Council* commits that all *Councillors* will refrain from moving motions or raising matters at a meeting that could potentially influence voting at the election.

## 6. Use of Council resources

- 6.1 Public resources must not be used in any way that is intended to; or is likely to affect the result of any Federal, State or Local Council election.
- 6.2 A *Councillor* or member of Council staff must not use Council resources in any way that would influence the way people vote in elections or give a *Councillor* any inappropriate real or perceived electoral advantage.
- 6.3 A *Councillor* will be treated in the same way as any other candidate with respect to access to Council resources.

- 6.4 The following guidelines will ensure that due propriety is observed in the use of and access to staff, property, equipment and other resources during the *election period*—
- 6.4.1 A *Councillor* or member of Council staff must not use Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorised to be printed, published or distributed any *electoral material* during the *election period* on behalf of, or purporting to be on behalf of, the *Council* unless the *electoral material* only contains information about the election process or is otherwise required.
- 6.4.2 A *Councillor* will continue to be provided with resources during the *election period* to continue to perform their elected role.
- 6.4.3 *Council* resources, including officers, support staff, email services, equipment (ipads, photocopiers, motor vehicles), branding and stationery, are only to be used for normal *Council* business and are not to be used for any election campaign activities.
- 6.4.4 Members of Council staff must—
- (a) avoid assisting any *Councillor* in ways that are or could create a perception that they are being used for electoral purposes;
  - (b) report any interest in being involved privately in the election campaign of any candidate to the *Chief Executive Officer*;
  - (c) not provide any information to any candidate or prospective candidate other than information that is available to the general public and will direct all election enquiries to the Returning Officer;
  - (d) report to the *Chief Executive Officer* when the use of resources might be construed as being related to a candidate's election campaign;
  - (e) not make any public statement that relates to an election issue unless such statements have been approved by the *Chief Executive Officer*.
- 6.4.5 A *Councillor* must—
- (a) not use Council resources for any election campaign activities except as provided for under this policy;
  - (b) not use Council funded mobile phones or email addresses or Council provided photographs for electioneering;
  - (c) not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign;
  - (d) not ask Councillor support staff to undertake any tasks indirectly or directly connected with a *Councillor* candidate's election campaign;
  - (e) not exert undue influence over the timing of works or the delivery of Council services that may result in political gain for electoral purposes.

## 7. Public Consultation

- 7.1 Consultation is an integral part of the *Council's* policy development process and operations, however there are concerns that consultation undertaken close to a general election may become an election issue in itself and influence voting, issues raised through the consultation and decisions that follow may also unreasonably bind the incoming *Council*.
- 7.2 Normal *Council* events are not prohibited in the *election period*; however, *Council* will keep these events to a minimum. *Council* will continue with normal community consultation and scheduling of Council events during the *election period*, but consultations and events will avoid express or implicit links to the election.

- 7.3 Where events occur and whether or not a *Councillor* is to make a speech, each *Councillor* will be reminded that they are representing the *Council* and are not to use the opportunity for electioneering.
- 7.4 Functions or events for the purpose of electioneering must not be resourced or publicised by the *Council*.

## 8. Equitable Access to Council Information

Each *Councillor* will be treated in the same way as other candidates with respect to access to *Council* held information. The following guidelines will ensure that due propriety is observed in the use of and access to information during the *election period*—

- 8.1 A *Councillor* may continue to automatically access Council held documents during the *election period*, but only as is necessary for them to perform their elected role and functions.
- 8.2 Information and briefing material prepared and provided to a *Councillor* must be necessary to the carrying out of their role and must not be used for election purposes.
- 8.3 Any document made available to a *Councillor* will also be made available to candidates.
- 8.4 Applications for access to Council information by all parties will be processed by the Manager Governance & Civic Support who will ensure that information made available to one candidate is accessible to all candidates.

## 9. Prohibitions on Publications

- 9.1 *Council* will not publish any material with public funds that might influence or be seen to influence people's voting decisions.
- 9.2 All publications including Council newsletters, advertisements and notices, media releases, leaflets, letters, reports, publicity for a Council function or event and brochures and mail outs during the *election period* **will not** contain *electoral matter*. This also applies to the publication of such material on the Council website.
- 9.3 A *Councillor* or member of Council staff will not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, *electoral material* unless the name and address of the person who authorised the *electoral material* is clearly displayed on its face.
- 9.4 A *Councillor* or member of Council staff will not print, publish or distribute, or cause, permit or authorise to be printed, published or distributed any matter or thing that they know, or should reasonably be expected to know, is likely to mislead or deceive a voter in relation to the casting of the vote of the voter.
- 9.5 Council staff will avoid all publication activity, including updated or new information added to the Council's website during the *election period* except where printing, publishing or distributing a document is essential for the conduct of Council operations.
- 9.6 *Council* will not publish material which links *Councillor* candidates with particular Council achievements, commitments or programs.
- 9.7 All requests for publications during the *election period* will be decided on a case by case basis by the Manager Governance & Civic Support to ensure compliance with the *Act* and this policy. Relevant matters to be considered when undertaking an assessment to determine whether or not the publication complies are:
  - 9.7.1 Who wants the material published?
  - 9.7.2 What is the content of the material?
  - 9.7.3 In what form is it to be published?
  - 9.7.4 In what context is it to be published?

- 9.7.5 At what time is it to be published?
- 9.7.6 What does the publication seek to achieve?
- 9.8 *Council* can publish materials on electoral processes or availability of Council services.

## 10. Media and communications

- 10.1 All official media statements will only be made by the *Chief Executive Officer*.
- 10.2 Media Releases, social media posts or other media statements will not refer to a specific *Councillor* or feature any photograph, quote or name of any incumbent *Councillor* during the *election period*.
- 10.3 Where it is necessary to make or clarify any public statement, comment on sensitive or political issues or identify a spokesperson in relation to an issue, the matter must be referred to and approved by the *Chief Executive Officer*.
- 10.4 Media statements dealing with their election campaign must be issued by a *Councillor* privately. Statements must be clearly communicated as personal opinion and not undermine the standing of the *Council* in the community.
- 10.5 Members of Council staff will not provide advice or assistance in the preparation of media releases, social media posts or other media statements that contain *electoral material*.
- 10.6 Members of Council staff must not make any public statement that can be interpreted as a political comment or have influence on the electoral process.
- 10.7 The Media and Communications Officer will undertake constant monitoring of social media sites during the *election period* to ensure no *electoral matter* is posted.
- 10.8 The Council website will not be used to convey information that could be regarded as *electoral matter* but will contain information about the election process.
- 10.9 The *Council* website will be checked at the start of the *election period* to ensure that any information prominently displayed that might be regarded as likely to influence how people vote will be removed. Profiles of each *Councillor* will also be removed but contact details and photos will remain.

## 11. Other

- 11.1 A 'Caretaker Statement' will be included in every report submitted to the *Council* for a decision.
- 11.2 *Electoral material*, including pamphlets, posters and notices will not be visible or available at any Council premises, including libraries, during the *election period*. The only exception to this is material issued by the Victorian Electoral Commission for the purpose of conducting the election.
- 11.3 A *Councillor* may use the title 'Councillor' in their election material as they continue to hold the position in the *election period*; however, to avoid confusion a *Councillor* must ensure that any election publication using the title 'Councillor' clearly indicates that it is their own material and does not represent *Council*.
- 11.4 Requests for information which require significant resources to be devoted to making a response or which might be perceived to support an election campaign will be referred to the *Chief Executive Officer* for consideration.
- 11.5 Claims for the reimbursement of expenses incurred during the *election period* shall only relate to expenditure incurred whilst conducting *Council* business in accordance with the *Council Expenses Policy* and not election activities.

## CHAPTER 6 - DISCLOSURE OF CONFLICT OF INTEREST

*Overview: The Act defines general and material conflicts of interest and provides exemptions for remoteness and interests in common with a substantial proportion of ratepayers along with other specific circumstances.*

*This Chapter sets out how and when conflicts of interest are to be disclosed at a meeting of the Council, a delegated committee, a community asset committee or a meeting under the auspices of the Council and that are not Council meetings such as a Councillor Briefing, an informal meeting of Councillors or a meeting of an advisory committee.*

### 1. Purpose

The purpose of this Chapter is to set out the procedure for the disclosure of a *conflict of interest* by—

- 1.1 a *Councillor*, member of a *delegated committee* and a member of a *community asset committee* under sections 130 and 131 of the Act;
- 1.2 a member of Council staff when providing information in respect of a matter within the meaning of section 126(1) of the Act.
- 1.3 a *Councillor*, member of a committee or member of staff *attending* a *Council-auspiced meeting*.

### 2. Definitions and Notes

In this Chapter—

<i>conflict of interest</i>	<i>as defined in section 126 of the Act</i>
<i>Council-auspiced meeting</i>	<i>means a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in Rule 1 of Chapter 8 (whether such a meeting is known as a 'Councillor Briefing' or by some other name)</i>
<i>delegated committee</i>	<i>a member of a delegated committee includes a Councillor</i>
<i>family member</i>	<p><i>means—</i></p> <ol style="list-style-type: none"> <li>(a) <i>a spouse or domestic partner of the relevant person; or</i></li> <li>(b) <i>a parent, transparent, sibling, child, grandchild, step-parent, step sibling or step-child of the relevant person or of their spouse or domestic partner;</i></li> <li>(c) <i>any other relative that regularly resides with the relevant person</i></li> </ol>
<i>general conflict of interest</i>	<i>the person's private interests could result in that person acting in a manner that is contrary to their public duty</i>
<i>material conflict of interest</i>	<i>if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter, directly or indirectly</i>
<i>matter</i>	<p><i>means a matter with which a council, delegated committee, community asset committee or a member of council staff is concerned and that will require—</i></p> <ol style="list-style-type: none"> <li>(a) <i>a power to be exercised, or a duty or function to be performed, or a decision to be made, by the council, delegated committee or community asset committee in respect of the matter; or</i></li> <li>(b) <i>a power to be exercised, or a duty or function to be performed, or a decision to be made by a member of council staff in respect of the matter</i></li> </ol>



<i>private interests</i>	<i>means any direct or indirect interest of a relevant person that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief</i>
<i>public duty</i>	<i>means the responsibilities and obligations that a relevant person has to members of the public in their role as a relevant person</i>
<i>relevant person</i>	<i>means a person who is a-</i> <i>(a) Councillor; or</i> <i>(b) member of a delegated committee who is not a Councillor; or</i> <i>(c) member of council staff</i> <i>and for the purposes of these Rules includes a person who is a member of a community asset committee and a Council-aided committee, including the Audit and Risk Committee.</i>

### 3. Obligations

- 3.1 A relevant person is required to—
  - 3.1.1 avoid all situations which may give rise to a *conflict of interest*;
  - 3.1.2 identify any *conflict of interest*; and
  - 3.1.3 disclose or declare any *conflict of interest*.
- 3.2 A relevant person is required to disclose the *conflict of interest* in the manner required by these Rules.

### 4. Disclosure of Conflict of Interest

- 4.1 This Chapter applies to a *conflict of interest* in respect of a *matter*—
  - 4.1.1 to be considered at a *Council meeting*; or
  - 4.1.2 to be considered at a meeting of a *delegated committee*; or
  - 4.1.3 to be considered at a meeting of a *community asset committee*; or
  - 4.1.4 to be considered at a *Council-aided meeting*; or
  - 4.1.5 that arises in the course of the exercise of a power of delegation by a member of Council staff; or
  - 4.1.6 that arises in the course of the exercise of a statutory function under the Act or any other Act.

### 5. 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 they:

- 5.1 are in *attendance* must disclose that *conflict of interest* by explaining the nature of the *conflict of interest* to those in *attendance* at the *Council meeting* immediately before the *matter* is considered and indicating whether it is a *general conflict of interest* or a *material conflict of interest*; or
- 5.2 intend to ~~be present~~ *attend* must disclose that *conflict of interest* by providing to the Chief Executive Officer before the *Council meeting* commences a written notice—
  - 5.2.1 advising of the *conflict of interest*;
  - 5.2.2 explaining the nature of the *conflict of interest* and indicating whether it is a *general conflict of interest* or a *material conflict of interest*; and

- 5.2.3 detailing, if the nature of the *conflict of interest* involves a *Councillor's* relationship with or a gift from another person, the—
- (a) name of the other person;
  - (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
  - (c) nature of that other person's interest in the *matter*;

and then immediately before the *matter* is considered at the meeting announcing to those *in attendance* that they have a *conflict of interest* and that a *written* notice has been given to the *Chief Executive Officer* under this sub-Rule.

The *Councillor* must, in either event, 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.

## **6. Disclosure of Conflict of Interest at a Delegated committee meeting**

A member of a *delegated committee* who has a *conflict of interest* in a *matter* being considered at a *delegated committee meeting* at which they—

- 6.1 are *in attendance* must disclose that *conflict of interest* by explaining the nature of the *conflict of interest* to those *in attendance* at the *delegated committee meeting* immediately before the *matter* is considered and indicating whether it is a *general conflict of interest* or a material *conflict of interest*; or
- 6.2 intend to *attend* must disclose that *conflict of interest* by providing to the *Chief Executive Officer* before the *delegated committee meeting* commences a *written* notice—
  - 6.2.1 advising of the *conflict of interest*;
  - 6.2.2 explaining the nature of the *conflict of interest* and indicating whether it is a *general conflict of interest* or a material *conflict of interest*; and
  - 6.2.3 detailing, if the nature of the *conflict of interest* involves a member of a *delegated committee's* relationship with a gift from another person the:
    - (a) name of the other person;
    - (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
    - (c) nature of that other person's interest in the *matter*,

and then immediately before the *matter* is considered at the meeting announcing to those *in attendance* that they have a *conflict of interest* and that a *written* notice has been given to the *Chief Executive Officer* under this sub-Rule.

The member of a *delegated committee* must, in either event, leave the *delegated committee 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.

## **7. Disclosure of Conflict of Interest at a Community Asset Committee meeting**

A *Councillor* who has a *conflict of interest* in a *matter* being considered at a *community asset committee meeting* at which they:

- 7.1 are *in attendance* must disclose that *conflict of interest* by explaining the nature of the *conflict of interest* to those *in attendance* at the *community asset committee meeting* immediately before the *matter* is considered and indicating whether it is a *general conflict of interest* or a material *conflict of interest*; or

- 7.2 intends to *attend* must disclose that *conflict of interest* by providing to the *Chief Executive Officer* before the *community asset committee meeting* commences a *written* notice—
- 7.2.1 advising of the *conflict of interest*;
  - 7.2.2 explaining the nature of the *conflict of interest* and indicating whether it is a *general conflict of interest* or a *material conflict of interest*; and
  - 7.2.3 detailing, if the nature of the *conflict of interest* involves a member of a *Councillor's* relationship with a gift from another person the:
    - (a) name of the other person;
    - (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
    - (c) nature of the other person's interest in the *matter*,
- and then immediately before the *matter* is considered at the meeting announcing to those *in attendance* that they have a *conflict of interest* and that a *written* notice has been given to the *Chief Executive Officer* under this sub-Rule.

The *Councillor* must, in either event, leave the *community asset committee 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.

**8. Disclosure at a Meeting Conducted Under the Auspices of Council**

A *Councillor* who has a *conflict of interest* in a *matter* being considered by a meeting under the auspices of *Council* at which they are *in attendance* must—

- 8.1 disclose that *conflict of interest* by explaining the nature of the *conflict of interest* to those *in attendance* at the meeting immediately before the *matter* is considered and indicating whether it is a *general conflict of interest* or a *material conflict of interest*;
- 8.2 absent themselves from any discussion of the *matter*; and
- 8.3 as soon as practicable after the meeting concludes, provide to the *Chief Executive Officer* a *written* notice recording that the disclosure was made and accurately summarising the explanation given to those *in attendance* at the meeting.

**9. Disclosure by Members of Council Staff Preparing Reports for Meetings**

- 9.1 A member of Council staff who, in their capacity as a member of Council staff, has a *conflict of interest* in a *matter* in respect of which they are preparing or contributing to the preparation of a report for the consideration of a—
  - 9.1.1 *Council meeting*;
  - 9.1.2 *delegated committee meeting*;
  - 9.1.3 *community asset committee meeting*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 the nature of the *conflict of interest* and indicating whether it is a *general conflict of interest* or a *material conflict of interest*.
- 9.2 The *Chief Executive Officer* must ensure that the report referred to in sub-Rule 9.1 records the fact that a member of Council staff disclosed a *conflict of interest* in the subject matter of the report.

- 9.3 If the member of Council staff referred to in sub-Rule 9.1 is the *Chief Executive Officer*—
  - 9.3.1 the *written* notice referred to in sub-Rule 9.1 must be given to the *Mayor*; and
  - 9.3.2 the obligation imposed by sub-Rule 9.2 may be discharged by any other member of Council staff responsible for the preparation of the report.

**10. Disclosure of Conflict of Interest by Member of Council Staff in the Exercise of Delegated Power**

- 10.1 A member of Council staff who has a *conflict of interest* in a *matter* requiring a decision to be made by the member of Council staff as delegate must, immediately upon becoming aware of the *conflict of interest*, provide a *written* notice to the *Chief Executive Officer* explaining the nature of the *conflict of interest* and indicating whether it is a *general conflict of interest* or a *material conflict of interest*.
- 10.2 If the member of Council staff referred to in sub-Rule 10.1 is the *Chief Executive Officer* the *written* notice must be given to the *Mayor*.

**11. Disclosure by a Member of Council Staff in the Exercise of a Statutory Function**

- 11.1 A member of Council staff who has a *conflict of interest* in a *matter* requiring a statutory function to be performed under an Act by the member of Council staff must, upon becoming aware of the *conflict of interest*, immediately provide a *written* notice to the *Chief Executive Officer* explaining the nature of the *conflict of interest* and indicating whether it is a *general conflict of interest* or a *material conflict of interest*.
- 11.2 If the member of Council staff referred to in sub-Rule 11.1 is the *Chief Executive Officer* the *written* notice must be given to the *Mayor*.

**12. Retention of Written Notices**

The *Chief Executive Officer* must retain all *written* notices received under this Chapter for a period of three years.

**13. Recording**

*Conflict of interest* disclosures are recorded in the meeting *minutes*. For any *written* disclosure to the *Chief Executive Officer* it will be recorded in the *minutes* that a *written* disclosure was also provided. The record will be reported to a *Council meeting* and incorporated in the *Council minutes*.

**14. Exemptions**

A *conflict of interest* does not arise if any of the following applies—

- 14.1 the *conflict of interest* is so remote or insignificant that it could not be reasonably regarded as capable of influencing the actions or decisions of the *relevant person* in relation to the *matter*;
- 14.2 the interest that would give rise to a *conflict of interest* is held in common with a substantial proportion of the residents, ratepayers or electors of the *municipal district* and does not exceed the interest held by the other residents, ratepayers or electors;
- 14.3 the *relevant person* does not know the circumstances that give rise to the *conflict of interest*, and could not be reasonably expected to know those circumstances;
- 14.4 the interest only arises because the *relevant person* is the representative of the *Council* on a not-for-profit organisation that has an interest in the *matter* and the relevant person receives no personal advantage from the not-for-profit organisation;
- 14.5 the interest only arises because a *family member* of the *relevant person* is a member but not an office-holder of a not-for-profit organisation;

- 14.6 the interest only arises because the *relevant person* is a member of a not-for-profit organisation that has expressed an opinion or advocated for an outcome in regard to the *matter*;
- 14.7 the interest arises in relation to a decision by a *Councillor* on a *matter* or in a circumstance that is prescribed to be exempt by the regulations.

## CHAPTER 7 - MISCELLANEOUS

### 1. Purpose

The purpose of this Chapter is to provide for various matters not already designated in other Chapters.

### 2. Definitions

In this Chapter—

*advisory committee* means a committee established by the council, that provides advice to—

(a) the council; or

(b) a member of council staff who has been delegated a power, duty or function of the council;

that is not a delegated committee

### 3. Advisory Committees

*Advisory committees* provide advice to Council but any final decision for action or expenditure is taken by Council in a Council meeting. An *advisory committee* can comprise Councillors, members of Council staff and others; however, the *Chair* does not necessarily have to be a *Councillor*. Less formal procedures will apply to *advisory committee meetings* than *delegated committees*. Members are not subject to the same requirements as Councillors such as conflicts of interest, personal interest returns and standards of conduct.

The meeting procedure in Chapter 2 in *these Rules* may apply for an *advisory committee* with any necessary modifications.

### 4. Other Committees

*Overview: Council can establish any other committee that meets its needs, provided it has no delegated powers of council and does not manage a community asset on behalf of the council.*

Unless anything in the Charter or Terms of Reference provides otherwise, the conduct of other *committee meetings* is at the discretion of each committee.

Other committees include but are not limited to—

4.1 Portfolio *advisory committees* to provide advice to a specific area of policy or service. Examples include:

(a) disability;

(b) transport;

(c) reconciliation action plan;

(d) environmental management;

(e) economic development;

(f) sport and recreation;

(g) public art.

4.2 Project *advisory committees* that may be time-limited.

4.3 Program or grant *advisory committees* that advise Council on the awarding of grants or program funding but are not responsible for the final decision.

4.4 Program funding committees that are not responsible for the final decision.

- 4.5 Reference committees or groups to provide input into a decision where members are representative of the community that will be affected by decisions or actions. Examples include:
  - (a) older persons;
  - (b) youth;
  - (c) disability inclusion.
- 4.6 Steering committees to provide advice to inform a Council decision on a project. Examples include—
  - (a) activity/community centre steering committee;
  - (b) special events;
  - (c) providing advice on reserves or parks (not directly managing them).

## 5. Informal Meetings of Councillors

If there is a meeting of Councillors that—

- 5.1 is scheduled or planned for the purpose of discussing the business of *Council* or briefing Councillors;
- 5.2 is *attended* by at least one member of Council staff; and
- 5.3 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:
  - 5.3.1 tabled at the next convenient *Council meeting*; and
  - 5.3.2 recorded in the *minutes* of that *Council meeting*.

## 6. Confidential Information

- 6.1 If the *Chief Executive Officer* is of the opinion that information relating to a meeting is confidential information within the meaning of the *Act*, they may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.
- 6.2 Information which has been designated by the *Chief Executive Officer* as confidential information within the meaning of the *Act*, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.
- 6.3 Nothing in sub-Rule 6.2 will, without more, mean that information designated by the *Chief Executive Officer* under sub-Rule 6.1 satisfies the definition of 'confidential information' contained in section 3(1) of the *Act*.
- 6.4 The provisions in *the Act* regarding confidential information continue to apply to electronic meetings. Confidential information must not be intentionally or recklessly disclosed. Councillors should be able to demonstrate to the satisfaction of the *Chair* that their location is secure to ensure the deliberations are confidential.

**7. Review of Governance Rules**

- 7.1 *Council* may amend *these Rules*.
- 7.2 A review of *these Rules* will be undertaken every four years to align with the Council term to ensure they remain current with legislative changes and introduction of new systems or procedures.
- 7.3 *Council* must ensure that a process of community engagement is followed in amending *these Rules*.
- 7.4 Sub-Rule 7.3 does not apply if the *Council* is developing and adopting or amending a Governance Rule that only adopts a Ministerial good practice guideline.



#### 9.4.6. Child Safety and Wellbeing Policy

**Author/Position:** Daryl Clifton, Manager People and Culture

**Purpose**

To advise Council of the changes that have occurred to the Child Safe Standards and consequently Council's *Child Safety and Wellbeing Policy*.

**Summary**

The Victorian Government has announced that new Child Safe Standards will commence on 1 July 2022.

The Standards require organisations to have policies and procedures in place that promote safe environments for children and young people and ensure organisations are prepared to respond to allegations of abuse and misconduct.

**Recommendation**

**That Council notes the updated requirements and approves the revised *Child Safety and Wellbeing Policy*.**

**RESOLUTION**

**That Council notes the updated requirements and approves the revised *Child Safety and Wellbeing Policy*.**

**Moved:** Cr Eddy Ostarcevic  
**Seconded:** Cr Lauren Dempsey

**Carried**

### **Background/Rationale**

The new Standards will more closely align Victoria's Standards with the National Principles for Child Safe Organisations, while retaining Victoria's focus on Aboriginal cultural safety and empowering children and young people.

Key changes include new requirements:

- to involve families and communities in organisations' efforts to keep children and young people safe
- for a greater focus on safety for Aboriginal children and young people
- to manage the risk of child abuse in online environments
- for greater clarity on the governance, systems and processes to keep children and young people safe
- to regularly review and improve child safe practices

The new Child Safe Standards are compulsory minimum standards for organisations that provide services for children and young people to help protect them from harm.

### **Legislation, Council Plan, Strategy and Policy Implications**

Compliance with latest Regulatory Changes

### **Options**

#### **Option 1**

That Council notes the updated requirements and approves the revised Child Safety and Wellbeing Policy.  
**[recommended]**

As this is a legislative requirement there are no other options.

### **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**

Not applicable

### **Innovation and Continuous Improvement**

This change will bring council in to line with contemporary practice.

### **Collaboration**

Not applicable

### **Officer's Declaration of Interest**

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

Daryl Clifton, Manager People and Culture

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

### **Attachments**

1. Child Safety and Wellbeing Policy **[9.4.6.1 - 8 pages]**

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# Child Safety and Wellbeing Policy



June 2022

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Northern Grampians Shire Council  
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# Child Safety and Wellbeing Policy



## Council Policy

**Responsible director**

**Responsible officer**

**Functional area**

**Date adopted by Council**

**Review date**

Corporate and Community Services

Manager People and Culture

People and Culture

August 2017

June 2025

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### Purpose

Council is committed to creating and maintaining a child safe organisation where protecting children and preventing and responding to child abuse is embedded in the everyday thinking and practice of all Councillors, employees, contractors and volunteers. This policy reflects Council's legislative responsibility in meeting the requirements of the Child Safe Standards and our commitment to the community to create and sustain an environment where children are safe and protected from abuse.

### Statement of commitment to child safety and wellbeing

Northern Grampians Shire Council has zero tolerance for child abuse.

Northern Grampians Shire Council is a committed Child Safe organisation. Our commitment is to ensure that a culture of child safety is embedded into our practices and processes.

Every child and young person accessing Northern Grampians Shire Council has the right to feel and be safe.

This Council embraces diversity and inclusion. All children and young people, regardless of their gender, race, religious beliefs, age, disability, sexual orientation, family background or social background, have equal rights to protection from abuse.

We firmly commit to the cultural safety of Aboriginal and Torres Strait Islander children and young people and children and young people from culturally and/or linguistically diverse backgrounds, and to the provision of a safe environment for children and young people with a disability, as well as other vulnerable groups of children and young people.

All Northern Grampians Shire Councillors, employees, volunteers, contractors and community representatives have a responsibility to understand and activate their role in preventing, detecting, responding and reporting any suspicions of child abuse to the relevant authorities, and maintaining a child safe culture.

### Background

In recent years we have had the benefit of learning from many survivors and multiple inquiries, including the Victorian Parliament's Betrayal of Trust inquiry<sup>1</sup> and the Royal Commission into Institutional Responses to Child

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<sup>1</sup> Family and Community Development Committee, Victorian Parliament, Betrayal of Trust: inquiry into the handling of child abuse by religious and other non-government organisations, Victoria 2013, 2: p 262.

Sexual Abuse<sup>2</sup> (the Royal Commission). These have shown the devastating extent of harm done to children when organisations do not have the right culture, systems, processes and understanding to prevent abuse.

A child safe organisation takes deliberate steps to safeguard children from physical, sexual, emotional and psychological abuse and neglect. It puts children's safety and wellbeing first and embeds a commitment to child safety in every aspect of the organisation.

Victoria's mandatory Child Safe Standards (the Standards) have been in effect since 2016.

Following the Royal Commission, the Victorian Government reviewed the Standards.<sup>3</sup> The review found strong support for the Standards and recommended several changes to better align the Standards with the National Principles for Child Safe Organisations, and to strengthen administration of the Standards.

In line with these recommendations, the new Standards were released by the Victorian Government in 2021. They consist of 11 updated Standards and apply from 1 July 2022 and this policy reflects those recommendations.

### Scope

This policy applies to all activities in the organisation which involve, result in or relate to contact with children.

This policy applies to all councillors and people employed directly by Northern Grampians Shire Council, whether full time, part time, casual or temporary. It also applies to people engaged as a contractor, agency staff, volunteers and students over the age of 18 on placement.

### Policy Objective

This policy aligns with Northern Grampians Shire Council's goal to Enhance Lifestyle and Community and Council Plan 2021-2025 pillar of Wellness and Welfare.

### Policy

This policy outlines Northern Grampians Shire Council's commitment to the health, safety and wellbeing of all children and to protecting them from child abuse.

Council does not tolerate child abuse and all allegations and safety concerns will be treated seriously, reported and investigated.

Council will always listen to children respectfully and advocate for their right to feel safe, valued and protected.

Council will work in partnership with local organisations and services to protect children in our community from child abuse regardless of their age, gender, race, ability, sexual orientation, social, cultural or linguistic background or their family's religious beliefs or affiliations.

The policy is supported by the [Child Safe Standards Action Plan](#) to deliver the 11 Child Safe Standards.

#### **Child Safe Standard 1**

*Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued*

#### **Child Safe Standard 2**

*Child safety and wellbeing is embedded in organisational leadership, governance and culture*

#### **Child Safe Standard 3**

*Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously*

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<sup>2</sup> Commonwealth of Australia, Royal Commission into Institutional Responses to Child Sexual Abuse, 2017

<sup>3</sup> Department of Health and Human Services, Review of the Victorian Child Safe Standards, 2019

<b>Child Safe Standard 4</b> <i>Families and communities are informed and involved in promoting child safety and wellbeing</i>
<b>Child Safe Standard 5</b> <i>Equity is upheld and diverse needs respected in policy and practice</i>
<b>Child Safe Standard 6</b> <i>People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice</i>
<b>Child Safe Standard 7</b> <i>Processes for complaints and concerns are child focused</i>
<b>Child Safe Standard 8</b> <i>Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training</i>
<b>Child Safe Standard 9</b> <i>Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed</i>
<b>Child Safe Standard 10</b> <i>Implementation of the Child Safe Standards is regularly reviewed and improved</i>
<b>Child Safe Standard 11</b> <i>Policies and procedures document how the organisation is safe for children and young people</i>

### Legislation and Standards

*Child Wellbeing and Safety Act 2005 (Vic)*

*Charter of Human Rights and Responsibilities Act 2006 (Vic)*

*Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015*

National Principles for Child Safe Organisations

### Responsibilities

<b>Role</b>	<b>Responsibilities</b>
<b>Councillors</b>	<ul style="list-style-type: none"> <li>Familiarise themselves with this policy and the Child Safe Standards</li> <li>Provide leadership for the good governance of Council by acting as a responsible partner in fostering and developing an organisational culture that has zero tolerance for child abuse.</li> <li>Advocate in the best interests of children to create and sustain a community in which children are safe and protected from abuse.</li> </ul>
<b>Chief Executive Officer</b>	<ul style="list-style-type: none"> <li>Lead the embedding of child safety and wellbeing through the implementation and maintenance of the Child Safe Standards.</li> <li>Ensure Council has effective mechanisms in place to: <ul style="list-style-type: none"> <li>empower children and young people to participate in decision-making;</li> <li>support and respond to their diverse needs; and</li> <li>provide access to complaint processes.</li> </ul> </li> </ul>
<b>Executive Leadership Team</b>	<ul style="list-style-type: none"> <li>Support the Chief Executive Officer to embed and deliver the Child Safe Standards.</li> </ul>

	<ul style="list-style-type: none"><li>• Ensure the organisation has in place and implements robust child safety procedures that protect children from child abuse and suspected or alleged instances of child abuse are reported, fully investigated and communicated to relevant stakeholders.</li><li>• Provide support to employees, contractors and volunteers in undertaking their child protection responsibilities.</li></ul>
<b>Senior Leadership Team</b>	<ul style="list-style-type: none"><li>• Identify and embed Child Safe Standards in council procedures to ensure the safety of children in council-led activities and council-owned premises where activities involving children and young people occur.</li><li>• Eradicate or minimise risks to children and young people in delivery of services, amenities or programs through assessment and development of management plans.</li><li>• Ensure complaints and concerns of child safety are managed in line with council policies and procedures</li><li>• Ensure employees are educated about child safety and wellbeing, including the prevention and detection of child abuse, and attend any relevant training when it is provided.</li><li>• In the case of a complaint, offer support to the child, the parents, the person who reports and the accused staff member, contractor or volunteer.</li></ul>
<b>People and Culture</b>	<ul style="list-style-type: none"><li>• Embed the principles of the Child Safe Standards in Council procedures including recruitment and pre-employment screening processes</li><li>• Provide education to employees and volunteers in the Child Safe Standards, Child Safety and Wellbeing Policy, including incorporation of child safety in Council's induction and learning and development programs.</li><li>• Ensure staff and volunteers understand and promote child safety strategies and promote how to raise safety concerns through council procedures.</li><li>• Monitor the organisation's strict adherence to procedures as they apply to Child Safe Standards and take appropriate action when a non-compliance arises.</li><li>• Manage Council's disciplinary procedure as it applies to the Child Safe Standards.</li><li>• Support employees who have been impacted by a child abuse incident and make appropriate referrals to the Employee Assistance Program.</li></ul>
<b>Child Safety Officers</b>	<ul style="list-style-type: none"><li>• Act as the first point of contact for employees who have a child safety concern or allegation of abuse within Council.</li><li>• Support the notification of child safety concerns or allegations to relevant authorities (Police or Child Protection).</li></ul>
<b>All council staff and volunteers</b>	<ul style="list-style-type: none"><li>• Understand and champion a child safe culture.</li><li>• Participate in relevant training and understand their obligations regarding information sharing and record keeping.</li><li>• Report any suspicion or reasonable belief that a child's safety may be at risk to their supervisor or designated Child Safety Officers.</li><li>• Provide support and culturally safe environments to children and young people in delivery of services and programs.</li></ul>

**Contractors, labour hire and agency employees**

- Processes are in place by council to ensure the same standards that apply to Council also apply through contractual obligations of contractors, labour hire and agency employees.
- Induction and training to understand their obligations regarding information sharing and record keeping are completed.

**Licensee / Lessor**

- Sporting associations and not-for-profit entities are required to comply with Child Safe Standards.
- Council, as their licensee or lessor, notes this requirement in the Occupancy Licence Agreement between Council and individual groups with the aim to raise awareness of the legislation and compliance requirements.

**Review**

Assessment of the policy will be undertaken every four years to ensure it remains current legislative requirements. Triggers for an earlier assessment include legislative changes and introduction of new systems or procedures.

**Communication and implementation**

The policy will be communicated to all stakeholders via the EDRMS, senior leadership team activities and information, posters, newsletters, induction and/or training.

**References**

Council Plan 2021-2025  
Complaints Policy  
Charter of Human Rights and Responsibilities Act 2006  
Victorian Child Safe Standards  
National Principles for Child Safe Organisations  
Child Wellbeing and Safety Act 2005  
Local Government Act 2020  
Creating a Child Safety and Wellbeing Policy - CCYP  
Short Guide to the Child Safe Standards - CCYP

**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*
- ☐ *Climate Change Act 2017*
- ☒ Other – Child Wellbeing and Safety Act 2005

**Privacy and Data Protection compliance**

This policy is developed in line with the Privacy and Data Protection Act 2014 and the Victorian Protective Data Security (VPDSS) Framework which adopts a risk-based approach to privacy and protective data security.

**Gender Equality compliance**

Gender Impact Assessment GNDASS5 reviews the compliance of this policy to the *Gender Equality Act 2020*.



### Charter of Human Rights compliance

This policy has a positive impact on the following Human Rights, as outlined in the *Charter of Human Rights and Responsibilities Act 2006*:

**8 Recognition and equality before the law**

Every person is equal before the law and is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.

**17 Protection of families and children**

Every child has the right, without discrimination, to such protection as is in the child's best interests and is needed by the child by reason of being a child.

**19 Cultural rights**

All persons with a particular cultural, religious, racial or linguistic background must not be denied the right, in community with other persons of that background, to enjoy their culture, to declare and practise their religion and to use their language.

Aboriginal persons hold distinct cultural rights and must not be denied the right, with other members of their community—

- (a) to enjoy their identity and culture; and
- (b) to maintain and use their language; and
- (c) to maintain their kinship ties; and
- (d) to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs

### Definitions

**The Act:** *Child Safety and Wellbeing Act 2005*

**Child:** a person who is under the age of 18 years.

**Child safety:** in the context of the child safe standards, child safety means measures to protect children from abuse.

**Aboriginal child:** a person under the age of 18 who is of Aboriginal or Torres Strait islander descent, identifies as Aboriginal or Torres Strait islander, and is accepted as Aboriginal or Torres Strait islander by an Aboriginal or Torres Strait Islander community.

**Child safe organisation:** in the context of the child safe standards, a child safe organisation is one that meets the child safe standards by proactively taking measures to protect children from abuse.

**Child abuse:** any act committed against a child involving physical violence, sexual offences, serious emotional or psychological abuse and serious neglect.

**Children from culturally and / or linguistically diverse backgrounds:** a child or young person who identifies as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language, or language spoken at home, or because of their parents identification on a similar basis.

**Children with a disability:** a disability can be any physical, sensory or neurological disability, acquired brain injury or intellectual disability or developmental delay that affects a child's ability to undertake everyday activities. Some disabilities can be obvious while others are hidden.

**Child Protection Authority:** the Victorian Child Protection Service is specifically targeted to those children and young people at risk of harm or where families are unable or unwilling to protect them.

### Review history

Date	Review details	Action
August 2017	New policy	Endorsed by ELT

Child Safety and Wellbeing Policy

June 2022	Revised policy – new standards	

## 10. Notices of Motion or Rescission

Nil

## 11. Reports from Councillors/Committees

Walkers Lake Advisory Group Meeting Minutes – 15 June 2022

Cr Gready provided a brief report on his attending a Cities in Nature webinar that was interesting; he will circulate information gathered to councillors.

## RESOLUTION

**That the reports be received.**

**Moved: Cr Kevin Erwin**  
**Seconded: Cr Rob Haswell**

**Carried**

# Northern Grampians Shire Council

## Walkers Lake Advisory Group Meeting Minutes

The scheduled meeting was held at 5.30 pm on Wednesday 15 June 2022 at St Arnaud Town Hall

**Chair:** Cr Kevin Erwin

**Attendees:** Cr Driscoll (Mayor), Cr Kevin Erwin, Carol Campbell, Russell Steel, Steve Jesse, Debra Meagher, Andrew Borg (Landcare), David Hwang (NGSC), Tony Dark (NGSC), Shawna Dominelli (NGSC)

*Acknowledgement of Dja Dja Wurrung the Traditional Owners of the land on which we met. Paid respects to their elders, past, present and emerging*

**Apologies:** Haviva Perkal, Austin Freeman, Tony Hand (Dept Education), Rob Loats (VR Fish), Mark Costello (Dja Dja Wurrung), Chad Frost

1. Previous meeting minutes: Nil
2. Business arising from the previous meeting: Nil
3. General Business:

Item	Topic	Discussion	Action/ Outcome
3.1	Terms of Reference	Terms of reference had been forwarded to members in 2021 however due to today's meeting being the first official meeting of the group (outside the on-site meeting with Ecology and Heritage Partners in November) the terms of reference were outlined to the group in detail.	<b>Action:</b> Tony Dark to re-send a copy to the group.
3.2	Environmental and Heritage Management Advice	Ecology and Heritage Partners documented advice for the management of Walkers Lake and was read and discussed at different points: <ol style="list-style-type: none"><li>1. Introduction</li><li>2. Methods</li><li>3. Consultation</li><li>4. Report Review</li><li>5. Walkers Lake Management Plan</li></ol>	<b>Action:</b> Tony Dark to circulate the action plan

		<p>6. Biodiversity and Heritage Legislation and Policy Context  7. Walkers Lake Action Plan  8. References, figures and appendixes</p> <p>A submission was received by Haviva Perka s she could not attend the meeting and it was as follows:  Below are some ideas about the immediate priorities that need to be addressed. These priorities involve control of the area to satisfy obligations to protect Indigenous Cultural Heritage and to protect Environmental Values, while still enabling the current recreational activities.</p> <p>1. To protect the local Indigenous Cultural Heritage, input from representatives of the Dja Dja Wurrung Traditional Owners is essential. Ideally a member of their Clan group should be on the Advisory Group. In particular, I would like to see a meeting this year devoted to exploring, with the Traditional Owners, their past and present involvement with the area. There should be a discussion about how best to preserve their Cultural Heritage and promote an understanding of this.  2. A plan needs to be established for a designated campsite area with appropriate infrastructure (eg barriers, tables, fire pits, number of toilets, planting). The number of campsites and length of stay needs to be regulated.  3. A plan to limit vehicle access to the camping sites, day visitor area and boat ramps is also needed. The remaining areas around Walkers Lake should be protected from private vehicle access by use of fencing and bollards. Signage and tree planting would also be necessary.</p> <p>Further submissions were sought from the group to ensure we capture what is needed in the document.</p>	
3.3	Action Plan	<p>Review the action plan for implementation was discussed and some key items came from discussion items:</p> <p>Item 3. Maintaining levels for recreation and biodiversity management – Discussed that there is no environmental officer at NGSC and we would need to contact the CMA or other LGA's with this type of role for some direction for biodiversity management</p>	

	<p>Item 4. Fish stocking and aquatic environment – Discussed the blue green algae events and what options and support have been available. Whilst the lake had no outbreak this last season there have been events in each year over the last 3. From Council's investigations there is no clear solution at this stage but Council will continue to pursue this. Discussed the cause which includes grey water from campers and upstream farming methods which sees nutrients flow to the lake during flood events.</p> <p>Item 6. Fire management – Discussed the rules and the need for signage, annual slashing regime and controlled burns as a part of the management, constructed fireplaces to ensure fires were lit in a more controlled way (fire management and environment).</p> <p>Item 9. Damage caused by camping and vehicles – Track work requires attention to manage access and erosion. Discussed protection of grassed areas as mention in 3 particular sites (south west corner, next to sugar gums and lunette on north eastern side. Discussed fencing but was suggested that bollards and rope rather than fencing except for the lunette area which could see fencing installed.</p> <p>Item 11. Illegal removal of wood – Signage required and increased monitoring if possible from Council. Council also has an app called snap-send-solve which could be utilised to report items requiring attention.</p> <p>Item 13. Adequate infrastructure for recreational fishing – Discussed the slippery boat ramp and also options for a platform to assist. This would require a lot of planning and approvals as well as funding and council is looking at options to mitigate the slippery ramp.</p> <p>Item 14. Managing pests and weeds – Past rabbit controls to be more regular and to work with Landcare and State departments including Parks Victoria. Weeds have also been identified particularly horehound and african boxthorn are to be targeted for removal through assistance from Landcare and professional contractors.</p>	
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	<p>Item 15. Managing Flora and Fauna - Discussed seed collection for future plantings and Landcare have a local source and there are others in the regional including Greenfingers and Project Platypus. Managing specific areas would form part of the actions.</p> <p>Item 16. Managing Cultural heritage Values – All activities recommended will be discussed with Dja Dja Wurrung and they will be engaged to provide advice in managing cultural heritage values, agreements and monitoring activities.</p> <p>Item 21. - Management of Growling Grass Frog – Well known that there is a population at the lake and managing their habitat will be a part of the actions.</p> <ul style="list-style-type: none"> <li>• Signage was highlighted in many priorities including visitor experience, fire management, managing increased visitor numbers, illegal removal of wood, managing flora and fauna, managing cultural heritage values, visitors not aware of rules for the reserve and visitors not informed of the history of Walkers Lake.</li> <li>• Shawna suggested we capture the data points from the mapping for Council's GIS team to use for future information.</li> <li>• Mapping campsites will be required to assist in the location of campfires.</li> <li>• QR codes can be used for surveying visitors and provide ongoing feedback about Walkers Lake and its environs.</li> <li>• Council has a budget of \$75,000 for the 2022/23 financial year and allocations for key targeted items will be delivered.</li> </ul> <p>The action plan will be consolidated by Tony Dark and circulated to the group and Council will be provided with the report for noting.</p>	
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## 2. Other items discussed:

## 3. Close: 7.36pm

**4. Next Meeting: TBC**



**12. Urgent Business**

Nil

**13. Public Question Time**

Nil

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

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

The circumstances are-

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

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

**15. Close**

There being no further business the Mayor declared the meeting closed at 1.27pm.

Confirmed

A handwritten signature in black ink, appearing to be 'CR Murray Emerson', written on a light blue background.

CR MURRAY EMERSON  
MAYOR

Date: 5 September 2022