



STRATHBOGIE SHIRE COUNCIL

Notice is hereby given that the Ordinary Meeting of the Strathbogie Shire Council will be held on Tuesday 18 August 2020, virtually via ZOOM, commencing at 6.00 p.m.

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|---------------------|-------------------------|--|
| Chair: | Amanda McClaren (Mayor) | <i>(Lake Nagambie Ward)</i> |
| Councillors: | Robert Gardner | <i>(Lake Nagambie Ward)</i> |
| | Malcolm Little | <i>(Hughes Creek Ward)</i> |
| | John Mason | <i>(Seven Creeks Ward)</i> |
| | Chris Raeburn | <i>(Honeysuckle Creek Ward)</i> |
| | Alistair Thomson | <i>(Mount Wombat Ward)</i> |
| | Graeme Williams OAM | <i>(Seven Creeks Ward)</i> |
| Officers: | Julie Salomon | Chief Executive Officer (CEO) |
| | Phil Howard | Director, Community and Planning (DCP) |
| | David Roff | Director, Corporate Operations (DCO) |
| | Dawn Bray | Executive Manager, Governance and Customer Service (EMGCS) |
| | Kristin Favaloro | Executive Manager, Communications and Engagement (EMCE) |

Until further notice, all meetings conducted by Strathbogie Shire Council will be virtually, using Zoom, and live streamed on our website at www.strathbogie.vic.gov.au. This ensures we are meeting the Victorian Government's social distancing requirements to slow the spread of coronavirus (COVID-19) and help keep our communities safe

We encourage all community members to watch the meeting online, given we have had to close the public gallery until further notice following legal advice around how to comply with COVID-19 social distancing rules.

Questions for the Ordinary Council Meeting can still be submitted, and will be read out by the Mayor during the Public Question Time component of the meeting and responded to in the usual way by Councillors and/or Officers. A modified version of the question form will be displayed on the screen during the virtual meeting. **Questions must be submitted by 12 noon on Tuesday 18 August 2020** by emailing info@strathbogie.vic.gov.au

BUSINESS

1. Welcome
2. Acknowledgement of Traditional Land Owners
'I acknowledge the Traditional Owners of the land on which we are meeting. I pay my respects to their Elders, past and present'
3. Apologies
4. Confirmation of Minutes of Special Meetings of Council held on Tuesday 14 July 2020 and Tuesday 4 August 2020, and the Ordinary Meeting of Council held on Tuesday 21 July 2020
5. Disclosure of Interests
6. Petitions
7. Reports of Mayor and Councillors and Delegates
8. Public Question Time

Public Question Time will be conducted as per Strathbogie Shire Council's Meeting Procedure Local Law No. 1, Clause 32. A copy of the required form for completion and lodgment, and associated Procedural Guidelines, are attached for information.

As the questions are a permanent public record and to meet the requirements of the Privacy Act, only the initials of the person asking the question will be used together with a Council reference number.

Response/s to Public Questions raised and responded to at the Ordinary Council meeting held on Tuesday 21 July 2020 were documented in the Minutes of the meeting.

9. Reports of Council Officers
 - 9.1 Climate Change
 - 9.2 Infrastructure
 - 9.3 Private Enterprise
 - 9.4 Public Institutions
 - 9.5 Housing and Recreation
 - 9.6 Tourism
 - 9.7 Organisation
10. Notices of Motion
11. Urgent Business
12. Closure of the Meeting to the Public
13. Confirmation of 'Closed Portion' Decision/s

Julie Salomon
CHIEF EXECUTIVE OFFICER

14 August 2020

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting, as per Local Law No. 1 - Meeting Procedure (2014) or as updated from time to time through Council Resolution

Council does not generally permit individuals to make audio recordings of meetings. Individuals are required to make a written request addressed to the Council (Director, Corporate Operations) should they seek to obtain permission to do so.

NEXT MEETING

The next Ordinary Meeting of the Strathbogie Shire Council is scheduled to be held on Tuesday 15 September 2020, virtually via ZOOM, commencing at 6.00 p.m.

Please Note: Due to the Local Government Elections Caretaker Period commencing on Wednesday 22 September 2020, there will not be an Ordinary Meeting of Strathbogie Shire Council held in October 2020.

Council elections are to be conducted on Saturday 24 October 2020, however, the date for the swearing in of the new Council is yet to be determined. Further meetings of Strathbogie Shire Council will be advised of in due course.



Council Ref. / 2020

Public Question Time Form Ordinary Council Meeting

Strathbogie Shire Council has allocated a time for the public to ask questions in the business of an Ordinary Meeting of the Council.

How to ask a question:

Questions submitted to Council must be:

- (a) in writing, state the name, address and telephone number of the person submitting the question and generally be on this form, approved by Council; and
- (b) submitted to Council in person or electronically.

The Chair may refrain from reading a question or having a question read if the person who submitted the question is not present in the gallery at the time when the question is due to be read. Please refer to the back of this form for procedural guidelines.

Question/s: (please print clearly with a maximum of 25 words)

1.....
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2.....
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.....
.....
.....

Name:

Address:

Telephone Number:

Signature: (signature not required if submitted by email)

Date of Ordinary Council Meeting:

Privacy Declaration: Personal information is collected on this form to allow Council to undertake follow-up / response and to confirm identity for future reference where necessary. The questioner's initials only, together with a question reference number, will be included in Council's Minutes. Council Minutes are a public document which will be published on Council's Website and are available for public scrutiny at any time. Other personal details included on this form will not be included in the Minutes and will be kept for Council reference only, unless disclosure is required for law enforcement purposes or under any other statutory requirement.

Public Question Time - Procedural Guidelines

Question Time

- (1) There must be a public question time at every Ordinary meeting to enable members of the public to submit questions to Council.
- (2) Sub-clause (1) does not apply during any period when a meeting is closed to members of the public in accordance with section 89(2) of the Local Government Act 1989 (the Act).
- (3) Public question time will not exceed in duration any time limit imposed by the Chairperson, in the Chairperson's discretion in order to ensure that Council has sufficient time in which to transact Council business.
- (4) Questions submitted to Council must be:
 - a) in writing, state the name and address of the person submitting the question and generally be in a form approved or permitted by Council; and
 - b) submitted to Council in person or electronically.
- (5) No person may submit more than 2 questions at any 1 meeting.
- (6) If a person has submitted 2 questions to a meeting, the second question:
 - a) may, at the discretion of the Chair, be deferred until all other persons who have asked a question have had their questions asked and answered; or
 - b) may not be asked if the time allotted for public question has expired.
- (7) The Chair, a Councillor or a member of Council staff nominated by the Chair may read to those present at the meeting a question which has been submitted in accordance with this clause.
- (8) Notwithstanding sub-clause (6), the Chair may refrain from reading a question or having a question read if the person who submitted the question is not present in the gallery at the time when the question is due to be read.
- (9) A question may be disallowed by the Chair if the Chair determines that it:
 - a) relates to a matter outside the duties, functions and powers of Council;
 - b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - c) deals with a subject matter already answered;
 - d) is aimed at embarrassing a Councillor or a member of Council staff;
 - e) relates to personnel matters;
 - f) relates to the personal hardship of any resident or ratepayer;
 - g) relates to industrial matters;
 - h) relates to contractual matters that are commercial in confidence;
 - i) relates to proposed developments;
 - j) relates to legal advice;
 - k) relates to matters affecting the security of Council property; or
 - l) relates to any other matter which Council considers would prejudice Council or any person.
- (10) Any question which has been disallowed by the Chair must be made available to any other Councillor upon request.
- (11) All questions and answers must be as brief as possible, and no discussion may be allowed other than by Councillors for the purposes of clarification.
- (12) Like questions may be grouped together and a single answer provided.
- (13) The Chair may nominate a Councillor or the Chief Executive Officer to respond to a question.
- (14) A Councillor or the Chief Executive Officer may require a question to be put on notice. If a question is put on notice, a written copy of the answer will be sent within 14 days to the person who asked the question.
- (15) A Councillor or the Chief Executive Officer may advise Council that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or Chief Executive Officer (as the case may be) 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.

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| 11.1 | <p>Notice of Motion (Ref. No. 3/2020) – Ordinary Council Meeting - 18 August 2020</p> <p>Notice of Motion – Lodged by Councillor John Mason and Councillor Amanda McClaren (Mayor) (Ref. No. 3/2020) - As a matter of urgency, write to State Government Department of Transport, the National Heavy Vehicle Regulator and the Westgate Tunnel Project to place a halt on the proposed use of Avenel Longwood and Alexandersons Roads for diversion of mass cargo transport until such time that a signed agreement between all parties has been reached</p> | 371 |

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9. REPORTS

9.6 TOURISM

9.6.1 Tourism Arts and Culture Advisory Group - Unconfirmed Minutes of the Meetings held in February and June 2020

Author: Manager Tourism, Arts and Culture

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

Attached are the draft minutes of the Tourism, Arts and Culture Advisory Group for the meetings held to date in 2020 – Thursday 6 February and Thursday 25 June 2020.

RECOMMENDATION

That Council:

- 1. Notes the minutes of the Tourism, Arts and Culture Advisory Group meeting held on Thursday 6 February, 2020.***
- 2. Notes the minutes of the Tourism, Arts and Culture Advisory Group meeting held on Thursday 25 June, 2020, noting that a quorum was not reached at this meeting, but minutes were taken to ensure that information as discussed was captured for reference purposes.***

PURPOSE AND BACKGROUND

The objectives of the Strathbogie Shire Council Tourism, Arts and Culture Advisory Group are:

- To provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation in the development and implementation of a Tourism, Arts and Culture Strategy Plan.
- Act as advocates and champions for Tourism, Arts and Culture programs and projects with the Shire that are of community benefit.
- Provide a forum for discussion of tourism, arts and culture industry trends and best practice in the Local Government sector.

The role of the Committee is to carry out the following functions:

- To assist with the development and implementation of a Tourism, Arts and Culture Strategy Plan.
- Respond to issues referred by Council to the committee.
- Assist Council to work strategically to encourage, foster, value and promote tourism, arts and culture.
- Provide a consultative mechanism for Council on tourism, arts and culture activities within the Shire.

9.6.1 Tourism Arts and Culture Advisory Group
- Unconfirmed Minutes of the Meetings held in February and June 2020 (cont.)

- Assist in identifying and responding to key issues relating to tourism, arts and culture in the Shire.
- Provide advice on the review and implementation of the future Tourism, Arts and Culture Strategy Plan.

The Tourism, Arts and Culture Advisory Group Charter was adopted by Council on 15th of August 2017 and reviewed and further adopted on 17th of September, 2019.

ISSUES, OPTIONS AND DISCUSSION

There are no actions requiring Council consideration within the attached minutes. The minutes are for Council and community information at this time.

COMMUNITY ENGAGEMENT

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

No community consultation required. The Tourism, Arts and Culture Advisory Committee provides specialist advice and enables community participation in developing and implementing a Tourism, Arts and Culture Strategy Plan which will help drive key tourism-related items in the Council Plan.

POLICY CONSIDERATIONS

Council Plans and Policies

The Tourism, Arts and Culture Advisory Group is an advisory group of Council and not a decision making body and are subject to the terms of the *Charter of the Tourism, Arts and Culture Advisory Group* as endorsed by Council on 17 September, 2019.

Regional, State and National Plans and Policies

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

There are no relevant reports applicable at this time.

LEGAL CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

9.6.1 Tourism Arts and Culture Advisory Group
- Unconfirmed Minutes of the Meetings held in February and June 2020 (cont.)

Transparency

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

Transparency goals are achieved by making the minutes of the minutes available as attached.

CONCLUSION

The minutes of the Tourism, Arts & Culture Advisory Committee are being presented to Council for information and in the interests of transparency. No further Council action is required at this time.

ATTACHMENTS

Attachment 1: Unconfirmed Minutes of the Tourism, Arts and Culture Advisory Committee Meetings of Thursday 6 February and Thursday 25 June, 2020.

ATTACHMENT 1:

TOURISM, ARTS AND CULTURE ADVISORY GROUP MEETING MINUTES



Thursday 6 February, 2020
Meeting Room 2 (Old SES Building), Council Offices, Euroa
2:00pm – 3:00pm

Attendees

| | | | |
|--------------------|---------------------------|--------------------------|----------------------------------|
| Cr Amanda McClaren | <i>Councillor (Chair)</i> | Kristen MacKenzie | <i>Community Representative</i> |
| Claire Taylor | <i>Strathbogie Shire</i> | Rosa Purbrick | <i>Community Representative</i> |
| Debra Ellis | <i>Strathbogie Shire</i> | Sissy Hoskin (via phone) | <i>Go Nagambie</i> |
| David Roff | <i>Strathbogie Shire</i> | Jill Hayes | <i>Euroa Chamber of Commerce</i> |

Apologies

| | | | |
|-------------------------|---------------------------------|------------------|---------------------------------|
| Kathi Clark-Orsanic | <i>Community Representative</i> | Tess Noonan Egan | <i>Community Representative</i> |
| Cr Robert 'Bob' Gardner | <i>Councillor</i> | | |

| ITEM | PERSON RESPONSIBLE |
|--|---------------------------|
| 1. WELCOME MEMBERS AND ACKNOWLEDGMENT OF COUNTRY | CHAIR |
| 2. APOLOGIES – as above | |
| 2a. ACCEPTANCE OF PREVIOUS MINUTES Acceptance of minutes from last meeting 28/11/19 Moved: Deb Ellis Seconded: Rosa Purbrick | |
| 3. DECLARATION OF CONFLICT OF INTEREST This will now be a standard agenda item for all meetings <ul style="list-style-type: none"> Query raised from the meeting that took place on 28/11/19 regarding the potential for a conflict of interest for suggested venue of the RAV in Residence program being The Euroa Butter Factory This has been addressed and identified that there is no conflict of interest present at this time, as the minutes of the November meeting reflect that the TACAG representative associated with The Butter Factory was not present when this venue suggestion was made and agreed to by the group | |

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| <p>4. UPDATE OF ONGOING MATTERS</p> <p>4.1 Update on Urban Planning projects</p> <p>4.1.1 Nagambie Water Tower</p> <ul style="list-style-type: none"> • Sissy indicated that possible options (including different lighting options) are being investigated, and she has also been liaising with GMW for further information around requirements • Have identified that there are grant funding options available through Creative Victoria once a suitable project has been researched and identified • Investigating a contact from White Night in Melbourne to format a quote for a lighting installation to get a benchmark cost • Will present this to the group once available • Query raised about presenting to VicRoads – all agreed that a written proposal needs to be developed before this step is taken <p>Actions:</p> <ul style="list-style-type: none"> • <i>Sissy to circulate to the TACAG once quote is available</i> <p>4.2 Update on Actions from previous minutes</p> <p>4.2.1 Update on TACAG membership</p> <ul style="list-style-type: none"> • Two vacancies still exist for community representation on the TACAG • No formal applications were received from the advertisement place in October 2019 • TACAG members were asked to communicate these vacancies to suitable people within their networks – no feedback received to date regarding suitable candidates • Identified that there is no representation from Violet Town • Suggestion to run another advertisement and also place information in the internal Council weekly Bulletin <p>Actions:</p> <ul style="list-style-type: none"> • <i>Claire to f/u with Tess regarding her ideas that she conveyed in November 2019 meeting for a suitable candidate, and also to organise another round of advertising</i> <p>4.2.2 RCV Summit</p> <ul style="list-style-type: none"> • The Boomerang Bag contact has the capacity to make enough required for the Summit • Logo patches for bags – Euroa Printers can do up a stencil, but there is a need to ascertain the intellectual property in the Boomerang Bags • Rosa spoke to her contact about the creation of a stencil – and yes they can do this • Sissy advised that white sheets to put the stencil on are available from Gouge for purchase at \$16.00 per bundle. • Cooler bags have been deleted due to conversations around environmental impact <p>Actions:</p> <ul style="list-style-type: none"> • <i>Claire to f/u re: intellectual property allowed on Boomerang Bags</i> | <p>Sissy</p> <p>Claire</p> <p>Claire</p> |
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| <p>4.2.3 RAV in Residence</p> <ul style="list-style-type: none"> • Claire sent the email regarding the RAV in Residence at Marysville to the TACAG group. • 1:1 meetings will be organised on day 1 • Networking evening 7 - 8.30pm • And then the second day half day. • Suggested Strathbogie Dates 24/25/26/27 March • March 2020 Jill advised that either of the dates the venue is available • Locked in Thursday 26th and Friday 27th March 2020 • All day Thursday and Thursday night and half a day on the Friday. <p>Actions:</p> <ul style="list-style-type: none"> • <i>Claire to advise RAV of dates and progress from there</i> | <p>Claire</p> |
| <p>5. ARTS AND CULTURE STRATEGY/ACTION PLAN</p> <p>5.1 Review of strategy and 12 month action plan priorities</p> <p>5.2 Review of key objectives that group has identified as significant</p> <ul style="list-style-type: none"> • Discussion about some of the ideas and projects that had been suggested and minuted at previous meetings. Kristen collated a summary for the group to review - copy attached to these minutes • Artists Directory/Platform and Council Assets Infrastructure data were two recurring themes that have been picked up in the action plan of the Arts and Culture Strategy <p>Action:</p> <ul style="list-style-type: none"> • <i>Claire will transpose this list against the 12 month action plan to ensure all is captured and will advise RAV before they come up re: some key questions to ask artists to ascertain their perspectives</i> | <p>Claire</p> |
| <p>6. EUROA CONTEMPORARY COMMUNITY ARTS (ECCArts)</p> <p>6.1 Development of a local contemporary arts network</p> <ul style="list-style-type: none"> • Euroa Contemporary Community Arts - ECCArts is a new network for local arts participants that will be about supporting artists, art exhibitions and more. • With the RAV visits it will be an opportunity to highlight this initiative and cross promote • Rosa also spoke about the group in Nagambie that meet regularly <p>Actions:</p> <ul style="list-style-type: none"> • <i>Claire to meet with ECCArts to gain more information about the group</i> | <p>Claire</p> |

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| <p>7. OTHER BUSINESS</p> <p>7.1 Discovery Military History Trail Map – originally produced by GRVT, query was raised about who is managing this now as Graytown wasn't included for the POW camps Is there a review of these given there is no GRVT group now? There is a point in the action plan that addresses this. Suggested link with Rushworth as well</p> <p>Actions:</p> <ul style="list-style-type: none">• Claire to follow up and find out more details | <p>Claire</p> |
| <p>8. MEETING CLOSED @3.05pm</p> | |
| <p>9. NEXT MEETING/S:</p> <p>Thursday 19 March 2020 – Meeting Room 2, Council Offices, Euroa April 2020 – TBC May 2020 – TBC June 2020 – TBC July 2020 – TBC August 2020 – TBC September 2020 – TBC October 2020 – TBC November 2020 – TBC</p> | |

TOURISM, ARTS AND CULTURE ADVISORY GROUP MEETING MINUTES



Thursday 25 June, 2020
Online Team Meeting
1:00pm – 2:00pm

Attendees

| | | | |
|--------------------|---|---------------|----------------------------------|
| Cr Amanda McClaren | <i>Councillor (Chair)</i> | Jill Hayes | <i>Euroa Chamber of Commerce</i> |
| Claire Taylor | <i>Strathbogie Shire</i> | Rosa Purbrick | <i>Community Representative</i> |
| Tiffany Nicholas | <i>Strathbogie Shire (minute taker)</i> | | |

Apologies

| | | | |
|--------------------------|---------------------------------|-------------------|---------------------------------|
| Kathi Clark-Orsanic | <i>Community Representative</i> | Tess Noonan Egan | <i>Community Representative</i> |
| Cr Robert 'Bob' Gardner | <i>Councillor</i> | Debra Ellis | <i>Strathbogie Shire</i> |
| Sissy Hoskin (via phone) | <i>Go Nagambie</i> | Kristen MacKenzie | <i>Community Representative</i> |
| David Roff | <i>Strathbogie Shire</i> | | |

| ITEM | PERSON RESPONSIBLE |
|--|--------------------|
| 1. WELCOME MEMBERS AND ACKNOWLEDGMENT OF COUNTRY | CHAIR |
| 2. APOLOGIES – as above | |
| 3. DECLARATION OF CONFLICT OF INTEREST This will now be a standard agenda item for all meetings <ul style="list-style-type: none"> No declarations | |
| 4. ACCEPTANCE OF PREVIOUS MINUTES AND UPDATE OF ONGOING MATTERS <ul style="list-style-type: none"> Not able to be passed due to not having enough for quorum – moved to be done at next meeting on 23/7/2020 Meeting proceeded without a quorum and minutes taken as a matter of record | CHAIR |
| 5. ARTS AND CULTURE STRATEGY/ACTION PLAN 5.1 Update on projects undertaken during lockdown The Tourism, Arts and Culture team have been busy working behind the scenes. 5.1.1 Tracks and Trails. 10 brochures are ready to be printed for tracks and trails within the Strathbogie Shire. Sean Matthews has been mapping and assisting with developing these maps. Out of 80 walks that were submitted 11 were picked and 10 of these have been | Claire |

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| <p>completed. Tourism, Arts and Culture team have worked with Walking Victoria to have maps put on their website and Facebook page which has resulted in many views and a lot of traffic to Melvilles Lookout. Brochures and maps have also been added to the tourism section of the website. AM asked if there was a brochure on Whroo, TN advised there was, AM advised that this is not within Strathbogie Shire and should discuss with Campaspe Shire Council about putting their logo on the brochure as well.</p> | |
| <p><u>5.1.2 Military Trail</u> Suggestion were taken on board from last meeting regarding updating the Military Trail brochure. The Tourism, Arts and Culture team has liaised with the other shires involved who have agreed to update. Drafts of the updated brochure have been sent to TACAG members for review. CT advised she received an email from a tourist who visited the Graytown POW site and advised he was disappointed with the lack of information there, CT advised she has discussed this further with him and gotten feedback regarding this. AM advised the POW camp is on Park Victoria land and there is little information there. CT advised she would like to update this and is hoping to have one of the Working For Victoria employees create some working groups and coordinate information available, as well as create ideas of what could be done with this information. AM suggested speaking to Graytown locals and getting some historical stories from their experiences. AM suggested that PNE has a lot of resources regarding this site as does the Immigration Museum in Melbourne.</p> | <p>Claire</p> |
| <p><u>5.1.3 Euroa Historical Society</u> CT advised she is meeting with the Euroa Historical Society next week to discuss any ideas they may have regarding tourism and how council may be able to support this.</p> | <p>Claire</p> |
| <p><u>5.1.4 Euroa Community Cinema</u> The Euroa Community Cinema management has been transferred to the Tourism, Arts and Culture team. The Cinema has been closed due to lockdown. There is money allocated to revamping the Cinema in the Draft Budget, the team is waiting to get confirmation of this. The team has been collating quotes for updating the Cinema facilities within the money allocated in the draft budget.</p> | <p>Claire</p> |
| <p><u>5.1.5 Water Tower</u> SH commented via email that Go Nagambie are currently working with a company to do an overall plan of the landscape of High Street. The tower and different finishes will be included in the project. This will give a better idea of the direction the town should take in developing a fresh new look away from the Highway town it has been</p> | <p>Claire</p> |
| <p><u>5.1.6 Event</u></p> | <p>Claire</p> |

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| <p>During lockdown period all events were cancelled or postponed. The Tourism, Arts and Culture team have reviewed the current event processes and have updated these to make it easier for the community to understand. The website is also being updated to reflect this.</p> <p><u>5.1.7 Social Media</u></p> <p>The Tourism, Arts and Culture team have been working on social media campaigns specifically for Instagram as this page was not being managed. The campaign is centred around the new tracks and trails as people are looking for things to do outside. It is a great way to show people what they may see on their walks.</p> <p>AM advised she has received an email from ‘1 hour out’ which features places up to 2 hours out of Melbourne. AM asked if the Tourism, Arts and Culture team had thought about doing something in this space, CT advised the team would be happy to investigate it.</p> <p>Action:</p> <ul style="list-style-type: none"> • TN to consult with Campaspe Shire Council re Whroo Tracks and Trails Brochure • Tourism, Arts and Culture team to investigate promoting through ‘1 hour out’ | <p>Claire</p> <p>Tiffany Nicholas</p> |
| <p>6. ARTS & CULTURE INITIATIVES</p> <p><u>6.1 Arts Trail – Murals</u></p> <p>CT has spoken to TE who has had an idea of an art trail within the shire. TE proposed that instead of big murals or silo art the shire should do something unique such as smaller art, similar to Banksy, which is more like a treasure hunt. AM asked that CT and TE workshops this idea and present at next TACAG meeting.</p> <p><u>6.2 Creative Activation Fund – next round opens in August 2020</u> https://creative.vic.gov.au/grants-and-support/programs/creative-activation-fund CT to speak to SH about concrete ideas so they will be able to apply for these grants when they become available.</p> <p><u>6.3 Euroa Cinema</u></p> <p>As discussed above waiting on Draft Budget to be approved. Quotes have been obtained to revamp Cinema in line with the Draft Budget.</p> | <p>Claire</p> <p>Claire</p> <p>Claire</p> |
| <p><u>6.4 NAIDOC Week and Returning to our Ancestors</u></p> <p>NAIDOC week was postponed this year due to COVID-19. It was released this week that the new dates are 8-15 November</p> | <p>Claire</p> |

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| <p>2020. CT advised we would like to look at ways we can support this. AM advised to speak to the Taungurung to discuss further.</p> <p>CT advised COVID-19 restrictions came into force just before the release of 'Returning to Our Ancestors' at Federation Square. CT advised there was a plan to show a film at the Euroa Community Cinema in line with this. CT advised this should still be looked at to align when 'Returning to Our Ancestors' releases new launch dates.</p> <p>ACTIONS</p> <ul style="list-style-type: none"> • CT and TE to workshop art's trail idea to present at next meeting • CT to discuss with SH projects that can benefit from Creative Activation Fund • Tourism, Arts and Culture team to liaise with Taungurung people to discuss NAIDOC week activities | <p>Claire</p> |
| <p>7. OTHER BUSINESS</p> <p>7.1 Concerns raised over the town entry signs being outdated and needing to be more conformed. The Euroa entry sign labels Euroa a village which raises concern as the Euroa community does not refer to itself as a village. AM advised that there is allocation in the Draft Budget for town signage and requested this issue be put in the agenda for next meeting to be discussed so it can be presented to council. JH if there were any other ways this could be presented to council sooner, AM advised JH could write a letter to Council, AM and CEO and request this be bought up at AOC.</p> <p>7.2 AM requested that copies of brochures are sent to the committee members of TACAG to review before being printed. CT advised that tracks and trails brochures have been sent to Tracks and Trails Advisory Committee for review, but she will also send to TACAG committee to review. CT advised she has sent copies of Military Trail Brochure for TACAG committee to review</p> <p>Actions:</p> <ul style="list-style-type: none"> • JH to write letter to Council, Mayor and CEO re Town Signs and request this be bought up at AOC • CT to send through Tracks and Trails Brochures to TACAG committee members • All members to review Military Trail Brochures | <p>Jill</p> <p>Amanda</p> <p>Jill Hayes</p> <p>Claire</p> |
| <p>8. MEETING CLOSED @1.40pm</p> | |
| <p>9. NEXT MEETING/S: Thursday 23 July @ 1pm (online meeting)</p> | |

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9.7 ORGANISATION

9.7.1 Public Transparency Policy 2020

Author: Executive Manager, Governance & Customer Service

Responsible Director: Chief Executive Officer

EXECUTIVE SUMMARY

The Local Government Act 2020, which came into force on 6 April this year, has brought in a new mandatory requirement for all councils to prepare and adopt a public transparency policy by 1 September 2020.

The purpose of the policy is to give effect to the public transparency principles, which are focussed around transparent decision making, making as much information as possible publicly available, ensuring ease of access to the information and promoting its availability. These objectives are consistent with our existing ethos of maximising access to information and minimising the number of Freedom of Information requests the public have to make in order to gain the material they require.

Local Government Victoria (LGV) have released a draft model policy, which was used as a reference for the development of the draft policy attached to this report.

In accordance with Council's resolution of 16 June 2020, the draft policy was placed on public exhibition. One submission was received, highlighting the need for Council to ensure that corporate records are saved on the central document management system. An amendment has been made to clause 4 – Responsibilities, to address this issue.

This report seeks adoption of the draft policy, following amendments made in response to the submission received.

RECOMMENDATION

That Council:

- 1. Having received and considered the submission made during the community consultation period, adopt the Public Transparency Policy 2020.***
- 2. Send a letter to the submitter outlining the changes made to the policy in response to the issues raised and thanking them for taking the time to participate in the engagement process.***
- 3. Make the adopted policy available on Council's website.***

9.7.1 Public Transparency Policy 2020 (cont.)

PURPOSE AND BACKGROUND

Council must prepare and adopt a public transparency policy by 1 September 2020 under the new Local Government Act. This new Act introduced a series of principles which Council is bound to adopt and apply in its day to day decision making and operations.

A wide range of information is made available to our community through the website, Facebook and that can be obtained upon request, including a wide range of statutory information required by the *Local Government Acts 1989* and 2020 (elements of both are currently in operation).

Once the policy is adopted, further work will be undertaken to ensure that all the information identified that should be available on Council's website can be easily found and is in the one place.

ISSUES, OPTIONS AND DISCUSSION

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

An effort has been made to draft a comprehensive policy that meets the new requirements of the Act and provides maximum disclosure for our community. The policy's development has been supported through the following means:

- participation in an LGV workshops with other Councils
- using the draft model policy released by the Department following this sector feedback
- participation in an online workshop with local government governance legal expert and a Freedom of Information expert
- discussions about policy provisions through the North East Governance Officers Network.

COMMUNITY ENGAGEMENT

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

The draft policy was placed on public exhibition for a period of three weeks. The community was notified through the following means:

- several social media posts
- an advert in locally circulating newspapers
- a story under Top News Stories on the Shire website's home page.

One submission was received raising the following issues:

- it seems that council does not have a comprehensive filing system which records historic dealings with Council officers.
- It appears that emails sent to officers are held by the officer and not registered on any central system
- There is no file number available to search back through correspondence

9.7.1 Public Transparency Policy 2020 (cont.)

- When an officer leaves Council there is no history accessible for other officers, which means there is no continuity in dealing with issues.

The submitter asked the question as to whether this policy was the correct one to address this matter.

Further correspondence was had with the submitter, clarifying that record keeping practices are set out under the Chief Executive Officer's Directive – Records Management. It was acknowledged that there are issues in relation to ensuring corporate records are captured on our electronic document management system, but that there were current efforts underway to ensure officers across the organisation comply with their obligations under the CEO's Directive.

Having said that, it is considered prudent to reinforce the CEO's Directive by highlighting that it is every staff member's responsibility to ensure corporate records are captured accurately and in an efficient way so that there is reliable corporate memory around the matters we deal with each day.

To this end, the Responsibilities section of the policy has been amended to state:

All staff to ensure all corporate records are saved on Council's electronic document management system in accordance with the Chief Executive Officer's Directive – Records Management.

POLICY CONSIDERATIONS

Council Plans and Policies

Our Values and Council Plan highlight the need for openness, the highest ethical standards and transparency.

Our Community Engagement Strategy 2019 – 22 identifies the form of public consultation proposed for the draft policy as Consultation and is the second level of public participation on the IAP 2 Public Participation Spectrum.

The policy is consistent with the objectives of Council's Communications and Engagement Policy 2019 in that it:

- demonstrates Council's commitment to continually improve the way it communicates and engages with people internally and in our communities
- demonstrates Council's commitment to good governance
- provides direction to the Council's staff and elected members.

Council's Privacy and Data Protection Policy 2018 identifies how the organisation will comply with the Information Privacy Principles outlined by the Privacy and Data Protection Act 2014. The draft public transparency policy is aligned with protecting information that is classified under this act as a means of protecting private and confidential information.

9.7.1 Public Transparency Policy 2020 (cont.)

The policy is also aligned to Council's Part II Statement, which must be prepared under the *Freedom of Information Act 1982*.

Regional, State and National Plans and Policies

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

Both the State and Federal governments have endorsed legislation around freedom of information, information privacy and data protection and maximising access to material held by various levels of government.

LEGAL CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

The policy has been developed in accordance with the provisions of the Act and also the *Freedom of Information Act 1982*. As outlined previously, a workshop with local government lawyers and a freedom of information expert has also ensured the policy meets all legal requirements.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

The focus of this new policy is to explain to our community how Council will maximise transparency in decision making, its actions and the information it holds.

The policy outlines what information will be provided to our community through:

- Council's website
- a request to inspect or obtain a copy of a document
- a freedom of information request.

The Act does, however, provide exemption from public release of information under eleven categories, including confidential information as defined by the Act and other legislation such as the *Privacy and Data Protection Act 2014*.

SUSTAINABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

9.7.1 Public Transparency Policy 2020 (cont.)

Social

Access to Council held information is an important means through which our community can maximise its participation in our decision making and consultation processes. This draft policy, therefore, creates some social benefit.

INNOVATION AND CONTINUOUS IMPROVMENT

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is the pursuit of innovation and continuous improvement.

The draft public transparency policy aims to clarify and improve the way in which we provide information to our community, along with raising awareness within the organisation and the community as to what information is kept and how it can be accessed.

COLLABORATION

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that collaboration with other councils, levels of government and statutory bodies is to be sought.

Input was had by the author into the LGV policy template, while several conversations have been had through the North East Governance Network about the policy over recent months.

HUMAN RIGHTS CONSIDERATIONS

This policy has been reviewed against and complies with section 13 of the Charter of *Human Rights and Responsibilities Act 2006*, as this Policy aligns with and provides for the protection of an individual's right not to have their privacy unlawfully or arbitrarily interfered with. It is also in line with section 18 which recognises a person's right to participate in the conduct of public life.

CONCLUSION

The public transparency policy has been developed to ensure Council complies with new statutory requirements under the *Local Government Act 2020* and implements the overarching governance principles, and the supporting public transparency principles, outlined in the Act.

The community engagement undertaken around the draft policy has highlighted an important issue that needs to be reinforced to all staff in terms of the need to ensure record keeping is a focus during their day to day work.

ATTACHMENTS

Attachment 1: Public Transparency Policy 2020

ATTACHMENT 1:



PUBLIC TRANSPARENCY POLICY

| COUNCIL POLICY | |
|------------------------|--|
| Document ID: | 636592 |
| Effective Date: | 19 August 2020 |
| Last Review: | - |
| Current Review: | - |
| Adopted by Council: | 18 August 2020 |
| Next Review Date: | August 2022 |
| Responsible Officer/s: | Executive Manager, Governance & Customer Service |

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1. INTRODUCTION

Council must adopt and maintain a public transparency policy under section 57 of the *Local Government Act 2020* (the Act). Section 57(2) states:

A public transparency policy must

- (a) give effect to the public transparency principles
- (b) describe the ways in which Council information is to be made publicly available; and subject to section 58(b)
- (c) specify which Council information must be publicly available, including all policies, plans and reports required under this Act or any other Act
- (d) include any other matters prescribed by the regulations.

This policy has been developed with these requirements in mind, along with giving effect to the Public Transparency Principles outlined in section 58 of the Act.

The public transparency measures outlined in this document support Council's ongoing efforts to achieve the highest standards of good governance and underlines our commitment to be open and accountable to our community.

2. POLICY POSITION

Our Values and Council Plan highlight the need for openness, the highest ethical standards and transparency. Accordingly, this policy applies to Councillors and Council staff of the Council.

Having ease of access to a broad range of Council information is a key way in which we will support all sections of our community in being part of our decision making and engagement processes.

Council will, through this policy, abide by and implement the following public transparency principles, as outlined by section 57(2) of the Act:

- (a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act
- (b) Council information must be publicly available unless:
 - (i) the information is confidential under the Act or any other Act; or
 - (ii) public availability of the information would be contrary to the public interest
- (c) Council information must be understandable and accessible to members of the municipal community
- (d) public awareness of the availability of Council information must be facilitated.

3. DEFINITIONS

Closed Council Meetings

means when Council resolves to close the meeting to the general public to consider a confidential matter regarding issues of a legal, contractual or personnel nature and other issues

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| | deemed not in the public interest to discuss in a public forum. |
| Communication | means a process of reaching mutual understanding, in which participants not only exchange information, news, ideas and feelings, but also create a shared meaning. |
| Community | <p>means the term used to define groups of connected people. We use it to describe people of a municipality generally, including individuals or groups who live, work, play, study, visit, invest in or pass through the municipality.</p> <p>A real or online group of people united by at least one common characteristic such as geography, shared interests, experiences, values or attitudes.</p> <p>Different types of communities often overlap and extend beyond municipal boundaries. Communities may be structured, as in clubs or associations or unstructured, such as teens. Communities are flexible and temporary, subject individual identity and location.</p> |
| Confidential information | is defined in section 3 of the <i>Local Government Act 2020</i> and includes the types of information listed in clause 10 of this policy. |
| Consultation | means the process of seeking input on a matter or issue. |
| Engagement | means the many ways in which a council connects with community, and the community connects with a council to exchange views, ideas and information in the development and implementation of strategy, policies, programs and services. |
| Local Law/Governance Rules | means the Strathbogie Shire Council's Meetings Procedures Local Law No 1 2014, which is to be superseded by the adoption of Governance Rules as required by <i>the Local Government Act 2020</i> on 1 September 2020. |
| Public interest | means the test set out under section 36(2) of the <i>Freedom of Information Act 1982</i> , which states documents are exempt from disclosure if that the disclosure would be reasonably likely to have a substantial adverse effect on the economy of the municipal district or it would disclose instructions issued to, or provided for the use of guidance of, officers of a council on the procedures to be followed or the criteria to be applied in negotiation, including financial, commercial and labor negotiation, in the execution of contracts, in the defense, prosecution and settlement of cases, and in |

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| | similar activities relating to the financial property or personnel management and assessment interests of the council. |
| Stakeholder | means a person, group or organisation that may be affected by, have a specific interest in, or influence over, a council decision or issue under consideration. |
| the Act | means the <i>Local Government Act 2020</i> . |
| Transparency | means a lack of hidden agendas or conditions and the availability of all information needed for the community to collaborate, cooperate and make decisions effectively. Transparency also means the right to have the opportunity, without discrimination, to participate in public affairs (s58 of The Act). |

4. RESPONSIBILITIES

It is everyone's role within Council to promote and facilitate access to council information in accordance with the public transparency policy, as outlined by the table below:

| Party/parties | Roles and responsibilities |
|---|---|
| Council | Champion the commitment and principles for public transparency through leadership, modelling practice and decision-making. |
| Audit and Risk Committee | To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement. |
| Executive Leadership Team | Champion behaviours that foster transparency and drive the principles through policy, process and leadership. Monitor implementation of this policy. |
| Management Team | Manage areas of responsibility to ensure public transparency, good governance and community engagement is consistent with this policy. |
| Executive Manager Governance & Customer Service | To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement. |
| All Staff | Public transparency is the responsibility of all employees as appropriate to their role and function. All staff are to respond to requests for information and facilitate provision of information in consultation with their manager and in alignment with the Policy. All staff to ensure all corporate records are saved on Council's electronic document management system in accordance with the Chief Executive Officer's Directive – Records Management. |

5. EXTERNAL REFERENCES

Charter of Human Rights and Responsibilities Act 2006

Equal Opportunity Act 2010.

Freedom of Information Act 1982

<https://www.legislation.gov.au/Details/C2012C00231>

Local Government Act 2020

<https://www.legislation.vic.gov.au/as-made/acts/local-government-act-2020>

Privacy and Data Protection Act 2014

<https://www.legislation.vic.gov.au/in-force/acts/privacy-and-data-protection-act-2014/025>

6. RELATED COUNCIL DOCUMENTS

Communications and Engagement Policy 2019

https://www.strathbogie.vic.gov.au/images/Communications_and_Engagement_Policy.pdf

Community Engagement Strategy 2019 – 2022

https://www.strathbogie.vic.gov.au/images/20190826-community_engagement_strategy- endorsed august 2019.pdf

Customer Service Charter

https://www.strathbogie.vic.gov.au/images/Plans_policies_Strategies_reports/2019%20Customer%20Service%20Charter%20FINAL.pdf

Privacy & Data Protection Policy 2018

https://www.strathbogie.vic.gov.au/images/Plans_policies_Strategies_reports/2018%20Policy-Privacy%20and%20Data%20Protection%20Policy.pdf

Part II Statement (*Freedom of Information Act 1982*) - Publication of Certain Documents and Information

https://www.strathbogie.vic.gov.au/images/Documents/20130105v2_Strathbogie_Shire_Part_II_Statement.pdf

7. POLICY OBJECTIVES

Council is committed to transparent decision making and involving our community in making those decisions.

We understand that our community needs access to a wide range of information so enable people to participate in the wide range of decision making and community engagement processes we undertake.

We also know that promoting awareness across the community as to the availability of Council information is an important part of this engagement process.

The objectives of this policy are to promote:

- accountability around how Council is allocating and spending public money
- increased confidence and trust in the community through greater understanding and awareness
- enhanced involvement in Council's decision making process by the community in line with our Community Engagement Strategy and Policy
- greater clarity in Council's decision-making processes
- improved Council's performance and service delivery to our community

- access to information that is current, reliable, easily accessible and disseminated in a timely manner
- the protection of information that is identified as being sensitive or confidential under the Act and other legislation.

8. REVIEW OF THIS POLICY

This policy will be reviewed every 2 years unless the Chief Executive Officer or Council determines that an earlier review is required.

9. HOW WE WILL BE TRANSPARENT

9.1 Decision Making at Council Meetings

- will maximise opportunities for public participation and the expression of all viewpoints on a matter, particularly from those whose rights will be directly affected by Council's decision, to assist Council in making informed decisions
- will be undertaken in accordance with the Act, Council's Meeting Procedures Local Law 2014 or Governance Rules
- will be conducted in an open and transparent forum, unless in accordance with the provisions in the Act and the local law or Governance Rules
- will be informed through community engagement, in accordance with the Act's Community Engagement Principles, our Community Engagement Strategy and Communications and Engagement Policy
- will ensure decisions are made fairly and on the individual merits of the matter.

9.2 Being open about what information we store

A list information retained by Council is outlined in our Part II Statement, as required by the *Freedom of Information Act 1982*. The Statement is designed to help our community understand the broad range of information it holds and how it can be accessed and can be accessed through Council's website using the following link:

https://www.strathbogie.vic.gov.au/images/Documents/20130105v2_Strathbogie_Shire_Part_II_Statement.pdf

In summary, the information Council holds includes (but is not limited to):

Documents such as:

- plans and reports adopted by Council such as the Council Plan and Annual Report
- Council Policies and Chief Executive Officer Directives
- draft and adopted budgets
- asset management plans
- project and service plans
- emergency management plans
- planning strategies, reports and studies
- grant application, tenders and tender evaluation material
- service agreements, contracts, leases and licences

- council leases, permits and notices of building and occupancy
- relevant technical reports and / or research that informs decision making
- general correspondence and documents submitted by third parties
- building and planning applications and associated documents
- local law permit applications and associated documents
- databases for roads, rates, contacts, customer service requests and mailing lists

Process information such as:

- operating procedures and forms
- application processes for approvals, permits, grants, access to Council services
- decision making processes
- guidelines and manuals
- community engagement processes
- public interest disclosure processes
- complaints handling processes.

Council records such as

- Council and Committee minutes and agendas
- registers required under various Acts
- information relating to allowances, salaries and interests of Councillors and our Executive Leadership Team
- delegation instruments for decision making powers by the Council and Chief Executive Officer
- details of Council appointed committees.

9.3 Making it easy for our community to access information

We want to facilitate public access to the information we hold that is not subject to confidentiality under the Act or other Acts. To achieve this, we will maximise the information provided through our website or that can be obtained by an informal request to inspect the information held by Council.

Council's website will provide easy access to the following, as a minimum:

- public agendas and minutes of ordinary and special Council meetings
- public reports from Advisory Committees to the Council (through Council minutes and agendas)
- Audit and Risk Committee Performance Reporting (through Council minutes and agendas)
- terms of reference or charters for delegated Council Committees and the Audit Committee (to be known as the Audit and Risk Committee by 1 September 2020)
- quarterly reports on reimbursements to Councillors

- quarterly reports on any expenditure on the Chief Executive Officer's corporate purchasing card
- register of Election campaign donations
- details of current allowances fixed for the Mayor and Councillors
- details of total annual remuneration for all senior officers in respect of the current and previous financial year, including ranges set out as specified and the number of senior officers within those ranges
- details of overseas or interstate travel (excluding interstate travel by land for less than 3 days) undertaken in an official capacity by Councillors or any member of Council staff in the previous 12 months, including name, date, destination, purpose and total cost of the travel
- names of Councillors who submitted returns of interest during the financial year and the dates the returns were submitted
- a list of special committees, delegated committees or community asset committees established by Council under the Act, and the purpose for which each committee was established
- a list of all special committees established by Council which were abolished or ceased to function during the financial year
- minutes of public meetings of special committees established by Council and held in the previous 12 months
- registers of Delegations and Authorised Officers
- details of all property, finance and operating leases involving land, buildings, plant or vehicles entered into by the Council as lessor or lessee, including the name of the other party to the lease, the terms and the value of the lease
- a register of Authorised Officers
- a list of the names of the organisations of which the Council was a member during the financial year and details of all membership fees and other amounts and services provided during that year to each organisation by the Council
- a list of contracts for services and goods valued at \$150,000 or more and contracts for works valued at \$200,000 or more, which Council has entered into without first engaging in a formal competitive process and which are not contracts which are referred to in section 186(5) of the Act.

Informal requests to inspect other information can be made by:



email to info@strathbogie.vic.gov.au



a letter posted to PO Box 177, Euroa VIC 3666



calling our office toll free on 1800 065 993

Calling in at our Customer Service Centres:

[Euroa](#)

Open: 9am to 5pm Monday to Friday

109a Binney Street, Euroa

[Nagambie](#)

Open: 10am to 4pm Monday to Friday

293 High Street, Nagambie

In providing access to our information, consideration will be given to accessibility and cultural requirements. We will also respond to requests for information in alignment with the Act including the Public Transparency Principles, this policy and in accordance with our Part II statement made under the *Freedom of Information Act 1982*.

Information which can be requested for inspection includes:

- names of Council officers who were required to submit a return of interest during the financial year and the dates the returns were submitted
- submissions received in accordance with section 223 of the Act during the previous 12 months
- agreements to establish regional libraries
- a list of donations and grants made by the Council during the financial year, including the names of persons or bodies which have received a donation or grant and the amount of each donation or grant
- registers of Conflicts of Interest disclosed by Councillors or Council staff
- registers of donations and grants made by Council
- planning permit and building permit registers
- submissions made by Council to various authorities and bodies
- summary of Personal Interests of Councillors and the Executive Leadership Team
- register of Authorised Officers
- any other Registers or Records required by legislation or determined to be in the public interest.
- a summary of Personal Interests for Councillors and the Executive Leadership Team ('Register of interests' until 24 October 2020)
- Submissions received under section 223 of the *Local Government Act 1989* until its repeal or received through a community engagement process undertaken by Council
- Council published newsletters, reports and handbooks for residents, businesses and visitors to council.

Formal requests for information under the *Freedom of Information Act 1982* can also be lodged with us using the following form from our website

https://www.strathbogie.vic.gov.au/images/Media_Releases/FOI_Request_Form_-_01.07.17.pdf .

The *Freedom of Information Act 1982* gives our community right of access to documents that we hold.

If you can't find the document you require, please contact us before you make an FOI application as we will endeavor to make as much information as possible available to you without going through this formal process unless it is not in the public interest or restricted by the Act or any other Act.

10. INFORMATION THAT IS NOT AVAILABLE FOR PUBLIC VIEWING

Some Council information may not be made publicly available because it is confidential information or if its release would be contrary to the public interest or not in keeping with the requirements of the *Privacy and Data Protection Act 2014*.

"Confidential information" is defined in section 3 of the *Local Government Act 2020*. It includes the types of information listed in the following table.

| Type | Description |
|---|--|
| Council business information | Information that would prejudice the Council's position in commercial negotiations if prematurely released. |
| Security information | Information that is likely to endanger the security of Council property or the safety of any person if released. |
| Land use planning information | Information that is likely to encourage speculation in land values if prematurely released. |
| Law enforcement information | Information which would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person if released. |
| Legal privileged information | Information to which legal professional privilege or client legal privilege applies. |
| Personal information | Information which would result in the unreasonable disclosure of information about any person or their personal affairs if released. |
| Private commercial information | Information provided by a business, commercial or financial undertaking that relates to trade secrets or that would unreasonably expose the business, commercial or financial undertaking to disadvantage if released. |
| Confidential meeting information | Records of a Council and delegated committee meetings that are closed to the public to consider confidential information |
| Internal arbitration information | Confidential information relating internal arbitration about an alleged breach of the Councillor Code of Conduct. |
| Councillor Conduct Panel confidential information | Confidential information relating to a Councillor Conduct Panel matter. |

| | |
|---|---|
| Confidential information under the 1989 Act | Information that was confidential information for the purposes of section 77 of the <i>Local Government Act 1989</i> |
|---|---|

Council may decide, in the interests of transparency, to release information to the public even though it is confidential under the Act. However, this will not happen if release is contrary to law in breach of contractual requirements or if releasing the information is likely to cause harm to any person or is not in the public interest to do so.

10.1 The Public Interest test

Council is not required to make information publicly available if the release would be contrary to the public interest, in accordance with the *Local Government Act 2020*.

When considering public interest, Council will apply the test that exists in the *Freedom of Information Act 1982*.

Council may refuse to release information if it is satisfied that the harm to the community likely to be created by releasing the information will exceed the public benefit in it being released.

When considering possible harm from releasing information, the Council will only concern itself with harm to the community or members of the community.

Potential harm to the Council will only be a factor if it would also damage the community, such as where it involves a loss of public funds or prevents the council from performing its functions.

Information that might be withheld because it is contrary to the public interest may include:

- internal working documents that have not been approved or submitted to Council, especially where their release may mislead the public
- directions to Council staff regarding negotiations in contractual or civil liability matters, where release may damage the Council's capacity to negotiate the best outcome for the community
- correspondence with members of the community, where release may inappropriately expose a person's private dealings.

11. WHAT TO DO IF YOU ARE UNHAPPY WITH OUR DECISION ON THE RELEASE OF INFORMATION

If you wish to question a decision about the release of information under this policy please contact the officer handling the matter in the first instance.

If you are still not satisfied with our response and would like to seek a review of the decision, please contact the Executive Officer, Governance & Customer Service or, alternatively, Council's Freedom of Information Officer on 1800 065 993 or email info@strathbogie.vic.gov.au and attention the email to this officer.

If not satisfied with Council's response, the concerns can be raised directly with the Victorian Ombudsman's office on (03) 9613 6222. or via their website www.ombudsman.vic.gov.au.

12. MONITORING AND REPORTING

Council commits to monitoring processes, information sharing and decision making to understand the overall level of success in the Policy's implementation.

Council's Audit and Risk Committee is required to monitor compliance with legislation and Council Policies and will periodically undertake an internal audit in relation to requests for information to be release through informal means, with the findings reported to Council and areas for improvement or refinement in processes identified.

13. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 AND THE EQUAL OPPORTUNITY ACT 2010

The Council acknowledges the legal responsibility to comply with the Charter of *Human Rights and Responsibilities Act 2006 and the Equal Opportunity Act 2010*. The Charter of *Human Rights and Responsibilities Act 2006* is designed to protect the fundamental rights and freedoms of citizens. The Charter gives legal protection to 20 fundamental human rights under four key values that include freedom, respect, equality and dignity.

This policy has been reviewed against and complies with section 13 of the *Charter of Human Rights and Responsibilities Act 2006*, as this Policy aligns with and provides for the protection of an individual's right not to have their privacy unlawfully or arbitrarily interfered with. It is also aligned with section 18 which recognises a person's right to participate in the conduct of public life.

9.7.2 Public Interest Disclosures Policy 2020

Author: Executive Manager, Governance & Customer Service

Responsible Director: Director Corporate Operations

EXECUTIVE SUMMARY

The State passed changes to existing legislation on 1 January 2020 to the *Protected Disclosure Act 2012* (formerly the Whistleblowers Act) to create the *Public Interest Disclosure Act 2012*. New Regulations were also passed at the same time.

As a nominated agency that can receive complaints about its employees, contractors, Council registered volunteers, Council appointed committee members or Councillors and undertake an initial investigation of complaints for referral to another investigating body, Council must prepare a policy. The policy must outline how it will promote public interest disclosures, the processes it has in place to meet the detailed statutory requirements of the Act and how it will ensure the privacy of all parties involved in the matter.

Council must also appoint a Public Interest Disclosure Coordinator, which is the Director Corporate Operations, who will be supported by a Public Interest Disclosure Officer in the Executive Manager, Governance & Customer Service. These two staff members are tasked with receiving and investigating disclosures to ascertain the facts of the matter and determine whether or not the complaint meets the tests set for a public interest disclosure which then has to be referred to the Independent Broad-based Anti-Corruption Commission (IBAC).

While the basis of Council's existing Protected Disclosure Policy underpins the new policy, there are some fundamental changes made by the revised Act that have required a re-write of the existing document. Additional information and processes around the roles of the Public Interest Disclosure Coordinator, the appointment of a Welfare Officer and how the privacy and confidentiality of the matter and those involved are included.

The basis of the policy is to provide clear direction to Council, staff and the community around how they can make a public interest disclosure and to make it as easy as possible for disclosures to be made in a secure environment.

The draft policy was placed on exhibition to seek public input for a period of three weeks. No submissions were received.

This reports seeks adoption of the Public Interests Disclosure Policy 2020.

RECOMMENDATION

That Council adopt the Public Interests Disclosure Policy 2020 and make it available to the public on its website.

9.7.2 Public Interest Disclosures Policy 2020 (cont.)

PURPOSE AND BACKGROUND

Given the legislative changes enacted by the State government on 1 January 2020, the existing Protected Disclosures Policy must be reviewed to reflect the name change relating to disclosures and the new provisions of the legislation around our internal processes and external referrals.

Whistleblower type legislation has been in place for many years and in more recent years, the original legislation has been reviewed and extended to provide additional protection for those wishing to make complaints against people in public office or working for local government and government authorities.

ISSUES, OPTIONS AND DISCUSSION

The revised legislation has provided an opportunity to review our internal procedures and provide additional information in the policy around how we will promote the making of disclosures and how we will protect the confidentiality and privacy of all those involved in a matter.

Council's policy position in relation to public interest disclosures is:

- we encourage any member of the community, Council staff, members of Council appointed committees or Councillors to report any suspected improper conduct, corruption or detrimental action to either Council or directly to the Independent Broad-based Anti-Corruption Commission (IBAC) or Victorian Ombudsman
- we take our obligations as a Nominated Agency very seriously and we play a vital role in the receipt of complaints and provision of information for consideration by other bodies such as IBAC, the Victorian Inspectorate and the Integrity and Oversight Committee
- we wish to assure anyone lodging, or thinking of lodging, a public interest disclosure that they will be dealt with in a confidential and supportive manner in accordance with the requirements of the Act
- we will protect the confidentiality and welfare of others involved in any investigation as the welfare of all those involved in the matter is of paramount importance to us
- we will deal with any disclosure expeditiously and as a matter of operational priority
- we know the confidentiality of a person's identity is paramount to maintaining the integrity of Victoria's 'whistleblowing' system and we aim to protect a complainant and anyone involved in providing information from bullying, harassment, legal action or any other form of detrimental action
- we will afford natural justice to the person(s) whom is the subject of the disclosure and respect their right to confidentiality and support throughout the assessment of the disclosure and any subsequent investigation.

In achieving all of the above, Council is implementing one of the Overarching governance principles in section 9 of the *Local Government Act 2020* in that Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

9.7.2 Public Interest Disclosures Policy 2020 (cont.)

COMMUNITY ENGAGEMENT

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

Although this policy is largely operational, it was considered important to raise community awareness around the policy's existence and seek external input. The draft policy was placed on public exhibition for a period of three weeks, with notice given through:

- several social media posts
- a notice in locally circulating newspapers
- a story under Top News Stories on the Shire website's homepage.

No submissions were received in response to the public exhibition of the document.

POLICY CONSIDERATIONS

Council Plans and Policies

Our Values and Council Plan highlight the need for openness, the highest ethical standards and transparency. The Councillor Code of Conduct 2016 and Staff Code of Conduct 2019 both outline the high standards of behaviour that is to be achieved by all those involved in Council operations.

Regional, State and National Plans and Policies

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

State and Federal levels of government have robust 'whistleblowing' legislation in place to promote the lodgement of complaints and the protection of those making the complaint.

LEGAL CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

The policy has been drafted to reflect the new provisions of the amended Act and its new Regulations.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

9.7.2 Public Interest Disclosures Policy 2020 (cont.)

Transparency

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

The ability to lodge a public interest disclosure regarding the behaviour or actions of a Councillor, staff member, contractor or member of a Council appointed committee is a fundamental part of achieving transparency and accountability around Council operations.

The new policy aims to provide clear and easily understood guidance to our community, Councillors and staff as to:

- what constitutes a disclosure
- how to make a disclosure to us or another body
- what our role is in the disclosure process
- how we will investigate their claims
- the timelines for our investigation
- how we will keep all parties involved in the matter involved
- how we will protect the confidentiality and welfare of all those concerned.

INNOVATION AND CONTINUOUS IMPROVEMENT

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is the pursuit of innovation and continuous improvement.

The new policy aims to improve the range and detail of the information provided to our Councillors, staff and community around the public interest disclosure process and also enhances our existing procedures to ensure the welfare and privacy of all those involved is monitored and protected.

HUMAN RIGHTS CONSIDERATIONS

This policy has been reviewed against and complies with the rights and protections outlined by the *Charter of Human Rights and Responsibilities Act 2006* as it protects the privacy and reputation of those involved in a matter, provides equality in exercising law and legislation and encourages people to take part in public life.

The procedures outlined in the document aim to protect the privacy and dignity of all those involved in a matter and ensures that those investigating the issue treat all parties with respect.

CONCLUSION

The Public Interest Disclosures Policy 2020 has been drafted to ensure Council complies with new statutory requirements under the *Public Interest Disclosures Act 2012*, and its regulations. It also implements the overarching governance principles and other relevant provisions outlined in the *Local Government Act 2020*.

9.7.2 Public Interest Disclosures Policy 2020 (cont.)

As per our Community Engagement Strategy and community engagement principles of the Act, the draft policy was placed on public exhibition for review and comment for a period of three weeks. No submissions have been received and so the document is unchanged.

ATTACHMENTS

Attachment 1: Public Interest Disclosures Policy 2020

ATTACHMENT 1:



PUBLIC INTEREST DISCLOSURES POLICY

| COUNCIL POLICY | |
|------------------------|-------------------------------|
| Document ID: | 613552 |
| Effective Date: | August 2020 |
| Last Review: | - |
| Current Review: | - |
| Adopted by Council: | 18 August 2020 |
| Next Review Date: | August 2022 |
| Responsible Officer/s: | Director Corporate Operations |

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14. INTRODUCTION

Council is a Nominated Agency under the *Public Interest Disclosures Act 2012* (the Act) with the power to receive disclosures relating to its employees, contractors, Council registered volunteers, Council appointed committee members or Councillors.

The Act requires Council to appoint a Public Interest Disclosure Coordinator and to set out clear policies and procedures for the receipt and referral of public interest disclosures to the relevant authority for further investigation.

This document is designed to ensure clear guidance is given to the community, Council employees and Councillors around how a disclosure could be made, how confidentiality will be assured and how Council will process the disclosure and decide whether the matter is a public interest disclosure that must be referred to an Investigating Entity for further review.

15. POLICY POSITION

Our Values and Council Plan highlight the need for openness, the highest ethical standards and transparency. Accordingly, Council encourages any member of the community, Council staff, members of Council appointed committees or Councillors to report any suspected improper conduct, corruption or detrimental action to either Council or directly to the Independent Broad-based Anti-Corruption Commission (IBAC) or Victorian Ombudsman.

Council takes its obligations as a Nominated Agency very seriously. While we are unable to determine the outcome of a public interest disclosure, we play a vital role in the receipt of complaints and provision of information for consideration by other bodies such as IBAC, the Victorian Inspectorate and the Integrity and Oversight Committee.

Council also wishes to assure anyone lodging, or thinking of lodging, a public interest disclosure that they will be dealt with in a confidential and supportive manner in accordance with the requirements of the Act.

We will also protect the confidentiality and welfare of others involved in any investigation as the welfare of all those involved in the matter is of paramount importance to us.

We will deal with any disclosure expeditiously and as a matter of operational priority.

We know the confidentiality of a person's identity is paramount to maintaining the integrity of Victoria's 'whistleblowing' system. The guidance and processes set out in this document are, therefore, aimed at protecting a complainant and anyone involved in providing information from bullying, harassment, legal action or any other form of detrimental action.

Council will afford natural justice to the person(s) whom is the subject of the disclosure and respect their right to confidentiality and support throughout the assessment of the disclosure and any subsequent investigation. It is important to remember that a matter remains an allegation only until the Public Interest Disclosure has been investigated and resolved.

16. DEFINITIONS

| | |
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| Complainant/discloser | means a person who has made a public interest disclosure to Council in accordance with the Act, which must then be assessed by the Public Interest Disclosure Coordinator to ascertain if the matter must be referred to IBAC or another investigating entity for review and a determination. |
| Confidentiality obligations | means the obligations on those receiving information relating to a public interest disclosure to not disclose that information unless authorised by law. Confidentiality notices may also be issued in the investigation of a public interest complaint. Confidentiality provisions also apply to the person lodging the public interest disclosure, restricting their ability to share information with others unless the external disclosures provisions of the means the definition under section 6 of the <i>Public Interest Disclosures Act 2012</i> are applicable. |
| Coordinator | means the Public Interest Disclosure Coordinator provided with delegated authority by the Chief Executive Officer of Strathbogie Shire Council under the <i>Public Interest Disclosures Act 2012</i> . |
| Corrupt conduct | means the definition under the <i>Independent Broad-Based Anti-corruption Commission Act 2011</i> , such as dishonest performance of public functions or intentional or reckless misuse of public resources. |
| Council employees | means anyone employed by Strathbogie Shire Council, any contractor engaged by Council and any volunteers registered with Council. |
| Detrimental action | means any form of harassment, intimidation, discrimination, actions causing injury or loss or damage or any other action taken against the complainant (discloser) in reprisal for having reported the alleged conduct, participated in the investigation of a disclosure or action relating to someone who is considering making a disclosure. It includes actual actions taken and threats to take the action against any person, including the person who made the disclosure. |
| IBAC | means the Independent Broad-based Anti-corruption Commission. |
| Improper conduct | means the definition under section 4 of the <i>Public Interest Disclosures Act 2012</i> , which is corrupt conduct, a criminal offence, serious professional misconduct, dishonest performance of public functions, internal or reckless breach of public trust, intentional or reckless misuse of information, substantial mismanagement of public resources, substantial risk to the health or safety of a person, substantial risk to the environment, conduct of any person that adversely affects the honest |

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| | performance of a public officer; or conduct of a person that is intended to adversely affect the effective performance of a public officer for the benefit of the other person. |
| Investigating entity | means those bodies listed in the <i>Public Interest Disclosures Act 2012</i> to investigate public such as IBAC, the Victorian Inspectorate, Victorian Police and the Victorian Ombudsman. |
| Misdirected disclosure | means a disclosure made to the incorrect public body but where the complainant believed that the public body was the correct authority to refer the complaint to (refer to section 18 of the Act). Such disclosures will still be provided with the same confidentiality protections of a disclosure and will be referred to IBAC for further assessment. |
| Nominated Agency | means an agency nominated under Part 2 of the <i>Public Interest Disclosures Act 2012</i> to receive public interest disclosures. |
| Public body | means the definition under section 6 of the <i>Public Interest Disclosures Act 2012</i> . |
| Public interest complaint | means a public interest disclosure that has been determined by IBAC, the Victorian Inspectorate or the Integrity Oversight Committee to be a public interest complaint. Once a disclosure has been categorised as a public interest complaint, additional provisions of the Act apply and the way in which the matter is handled and investigated changes. |
| Public interest disclosure | means a report of suspected improper conduct or detrimental action in the Victorian public sector that is made under Part 2, Division 2 of the <i>Public Interest Disclosures Act 2012</i> where the information shows or tends to show that a public officer or body has engaged in, is engaging in, or proposes to engage in improper conduct or detrimental action. |
| Public Interest Disclosure Coordinator | means the person appointed by the Chief Executive Officer the <i>Public Interest Disclosures Act 2012</i> to receive, assess and if required refer public interest disclosures to the relevant investigating authority. |
| Public Interest Disclosure Officer | means an officer(s) appointed by the Chief Executive Officer to support the Public Interest Disclosure Coordinator in receiving and managing disclosures. |
| Public officer | means the definition under section 6 of the <i>Public Interest Disclosures Act 2012</i> . |
| Serious professional misconduct | means conduct that constitutes a serious breach of an established professional code of conduct and/or other serious departures from the person's professional responsibilities. |

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| Specified conduct | means a broad range of conduct that does not represent 'corrupt conduct' but where that conduct, if proven, constitutes a criminal offence or reasonable grounds for dismissal, such as substantial mismanagement of public resources, substantial risk to public health or safety or involves substantial risk to the environment. |
| the Act | means the <i>Public Interest Disclosures Act 2012</i> . |
| Victorian Inspectorate | means the primary independent oversight body in Victoria's integrity system that is not subject to direction or control by the executive government. |
| Welfare coordinator | The Coordinator, People & Culture shall be the welfare coordinator appointed at the request of the Public Interest Disclosure Coordinator or IBAC. |

17. EXTERNAL REFERENCES

Guidelines for making and handling protected disclosures, IBAC October 2016 (updated to reflect changes introduced in January 2020)

Guidelines for public interest disclosure welfare management, IBAC January 2020

Key changes – Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Act 2019

Public Interest Disclosures Act 2012

Public Interest Disclosures Regulations 2019

Public interest disclosure procedures: requirements for implementation, IBAC September 2019

18. RELATED COUNCIL DOCUMENTS

Councillor Code of Conduct 2017

Fraud and Corruption Policy 2017

Staff Code of Conduct April 2019

19. POLICY OBJECTIVES

This policy and its procedures apply to all Strathbogie Shire Council employees, Councillors and members of Council appointed committees are designed to ensure:

- Council meets its legislated obligations under the *Public Interest Disclosures Act 2012* in relation to the receipt, initial assessment and any subsequent referral of a public interest disclosure to IBAC or another investigative entity.
- that Council employees and the community are provided with clear and consistent advice as to how a disclosure can be made, how it will be assessed and referred to an investigative entity if need be
- that a culture is created across the organisation that encourages and values the reporting of suspected improper conduct, detrimental action or corruption
- that operational priority is given to the receipt, assessment and referral of any public interest disclosure
- that a consistent and effective system is in place for the receipt and initial

assessment of all disclosures made to Council

- that robust and consistent procedures are in place to protect the confidentiality and safety of the person making the public interest disclosure
- that the person making the public interest disclosure is kept informed of the progress of their complaint, is supported throughout the process and that no reprisals will result from them making the disclosure
- that processes are in place to protect the confidentiality and wellbeing of the person(s) whom are the subject of the disclosure and those cooperating with any investigation into the matter.

20. REVIEW OF THIS POLICY

This policy will be reviewed every 2 years unless the Chief Executive Officer or Council determines that an earlier review is required.

21. WHAT IS A PUBLIC INTEREST DISCLOSURE?

A public interest disclosure is a report made under the *Public Interest Disclosure Act 2012* that the person making the report believes shows or tends to show:

- **improper conduct** of a public body or a public officer; or
- **detrimental action** that a public officer or body has taken or has threatened to take against a person because they have made a public interest disclosure or cooperated with the investigation of a public interest disclosure.

A public interest disclosure can relate to something that has already taken place, may be occurring now or is suspected to happen in the future.

22. WHO CAN MAKE A PUBLIC INTEREST DISCLOSURE?

Anyone may make a report of suspected or actual improper conduct or detrimental action that they believe relates to Strathbogie Shire Council, whether they be a member of the public, Councillors, Council employees, volunteers or members of Council appointed committees.

Council members, officers or employees cannot, however, make a public interest disclosure to Council if the conduct forming the basis of the disclosure relates to another entity or a member of Parliament. Such disclosures must be referred to IBAC directly.

Reports can be made by an individual or by a group of people. An employee of a company may make a report but the company, as an entity, cannot.

Anonymous reports can be made, however you must be aware that this may impact on the investigating entity's ability to assess whether your complaint fits the definition of a public interest disclosure. The consultation and notification requirements under the Act also do not apply if a disclosure is made anonymously.

You can also make a report even if you cannot identify the exact person or public body to which the disclosure relates.

23. HOW DO YOU MAKE A PUBLIC INTEREST DISCLOSURE?

23.1 Contact IBAC

IBAC is the primary agency and investigative entity public interest disclosures relating to Council.

All protected disclosures relating to a Councillor(s) should be made directly to IBAC (or the Victorian Ombudsman).

More information about IBAC and how to lodge a disclosure with them can be found by using the following link:

<https://www.ibac.vic.gov.au/reporting-corruption/public-interest-disclosures>

Please use this link to access the [IBAC secure online form](#) .

You can also lodge a disclosure with IBAC:

By telephone: 1300 735 135 (between 10:00am - 4:00pm, Monday – Friday)

By fax: (03) 8635 6444

In person: Level 1, North Tower, 459 Collins Street, Melbourne VIC 3000
Reception hours: 9:00am - 4:30pm Monday - Friday

By email: info@ibac.vic.gov.au

By post: GPO Box 24234, Melbourne VIC 3001

You do not need to refer to the Public Interest Disclosures Act itself when making a disclosure.

23.2 Contact Council's Public Interest Disclosure Coordinator

Disclosures can also be made to the Public Interest Disclosure Coordinator appointed by the Shire's Chief Executive Officer if the complaint relates to a Council employee, contractor, Council appointed committee member or Council registered volunteer.

We have created a form to assist you to make your disclosure, which can be found on our website.

You can lodge your public interest disclosure form or make your disclosure in person by contacting:

Mr David Roff
(Public Interest Disclosure Coordinator)
Strathbogie Shire Council

By telephone: 0429 082 292

By email: David.Roff@strathbogie.vic.gov.au

OR

Ms Dawn Bray
(Public Interest Disclosure Officer)

Strathbogie Shire Council

By telephone: 0407 611 240

By email: Dawn.Bray@strathbogie.vic.gov.au

In person: 109A Binney Street, Euroa

By post: PO Box 177, Euroa VIC 3666

Please ensure you mark the correspondence as PRIVATE and CONFIDENTIAL.

You may make a disclosure to the Chief Executive Officer or the manager/supervisor of the person who is the subject of your disclosure, however we strongly encourage you to contact nominated our Public Interest Disclosure Coordinator or the Public Interest Disclosure Officer (unless, of course the complaint relates to that person) as they are specifically trained to handle these matters with maximum security and confidentiality.

If you are a Council employee, contractor or volunteer you can also make a disclosure to your manager or supervisor but again, we encourage you to contact our Public Interest Disclosure Coordinator (unless, of course the complaint relates to that person) or one of the appointed Public Interest Disclosure Officers.

You do not need to refer to the Public Interest Disclosures Act itself when making a disclosure.

You can also choose to specify that your complaint is not to be treated as a protected disclosure.

23.3 Contact the Victorian Ombudsman

Complaints relating to Council under the Act can also be made to the Victorian Ombudsman. Any disclosure relating to a Councillor must either be made to the Ombudsman or IBAC.

You can lodge a disclosure by:

Using the [online complaint form](#)

By telephone: 9613 6222.

In person: Level 2, 570 Bourke Street Melbourne VIC 3000

By email: ombudvic@ombudsman.vic.gov.au

23.4 Forms of disclosure

You can make a **verbal disclosure** in person, by phone or by leaving a voice mail message, however you must ensure you do so in private by making sure the only people that can hear the conversation are a lawyer who may be assisting you and the person to whom a disclosure can be made under the Act.

A group of individuals can lodge a verbal disclosure as a collective at the one time, again, provided it is done so in private.

You can make a **written disclosure** by delivering a letter in person, by posting your disclosure or by email. Please ensure you mark the correspondence as PRIVATE and CONFIDENTIAL.

Please remember that if you use email and the investigating entity is not able to identify the person lodging the disclosure from the email address or information provided in the email, it must be treated as an anonymous disclosure.

You do not need to refer to the Act itself when making a disclosure for the matter to be treated under the legislation.

You can also choose to specify that your complaint is not to be treated as a protected disclosure. If this is the case, our Public Interest Disclosures Coordinator will discuss the ways in which the matters you raise can be dealt with by Council.

23.5 No Wrong Door

If Council is not the correct agency to receive the public interest disclosure, and the person who made the disclosure believed that Council was the correct authority to report the issue to, Council will immediately notify the person lodging the disclosure that Council is not the appropriate authority and provide them with advice as to how to report the matter to IBAC or another appropriate agency.

24. WHO CAN A PUBLIC INTEREST DISCLOSURE BE ABOUT?

A public interest disclosure can relate to a public body, which in this case is Council, a Councillor, Council employees, members of Council appointed committees, contractors or Council appointed volunteers.

25. MATTERS THAT ARE NOT PUBLIC INTEREST DISCLOSURES

Public interest disclosures must be made in a way that meets the Act (specifically Division 2 of Part 2), this policy and its procedures.

The following will not be considered by Council to be a public interest disclosure where:

- the disclosure has NOT been made in a way which meets the requirements of the Act, its Regulations, this policy and its procedures
- it has been clearly stated by the complainant that the matter is NOT to be considered as a public interest disclosure
- a complaint or allegation that is already in the public domain (e.g. if the matter had been reported to a journalist or discussed on social media)
- sections 19 and 20 of the Act identify that the complaint is not a public interest disclosure.

Having said that, if the disclosure is not made in accordance with the Act or Regulations, we will endeavour to assist the complainant to make the disclosure comply so that they are able to have their matter dealt with under the Act if possible.

Matters that are not public interest disclosures will be reviewed by the Public Interest Disclosures Officer to identify whether the issues raised should be treated as a complaint or whether some other Council policy or procedure, or indeed if any other legislation, applies to assist the complainant with having their concerns heard.

26. ROLE OF THE PUBLIC INTEREST DISCLOSURE COORDINATOR AND PUBLIC INTEREST DISCLOSURE OFFICERS

Detailed information around to the receipt, assessment and referral of public interest disclosures are outlined in the Procedures section of this document.

In summary, the Public Interest Disclosure Coordinator is responsible for:

- being the primary contact person with IBAC
- putting into writing any oral disclosures
- being the primary contact person for the complainant and anyone involved in the matter
- constantly monitoring the welfare of those involved in the matter, including monitoring the workplace for any sign of potential detrimental action, gossip or the spreading of misinformation
- ensuring all provisions of the Act are followed
- keeping comprehensive records relating to the matter, including welfare risk assessments and notes around the ongoing monitoring of the workplace for potential detrimental action
- promoting a culture of disclosure within the organisation
- making arrangements for a disclosure to be made privately and discretely, away from the workplace
- receiving and undertaking the initial assessment of all disclosures, including ascertaining whether urgent action is required to be taken prior to an investigation or referral to IBAC given the nature of the allegations and information provided (e.g. where there is threat to the health and safety of individuals/the public or serious criminal conduct is alleged)
- ensuring all records and correspondence relating to the disclosure are kept in a strictly confidential file on Council's electronic document management system
- ensuring that the confidentiality provisions of the Act are strictly followed
- completing an impartial assessment of the disclosure to ascertain whether the allegations made need to be investigated and referred to IBAC under section 21 of the Act
- referring a disclosure assessed as possibly being a public interest disclosure to IBAC within 28 days of receipt of the report
- advising the person who has lodged the disclosure if the complaint does not meet the requirements of the Act and is not considered to be a public interest disclosure within 28 days of the receipt of the report
- collating statistics about public interest disclosures which are required to be published in Council's Annual Report.

Public Interest Disclosure Officers are appointed by the Chief Executive Officer to assist with the receipt of disclosures in the absence of the Public Interest Disclosure Coordinator. The Coordinator can also request these appointed officers to assist with any matter as they see fit.

27. MAINTAINING CONFIDENTIALITY

The Act is clear in setting out requirements for the maintenance of the confidentiality of the person making the disclosure. Council will abide by these requirements.

The procedures attached to this policy provide detail around how the identity of the complainant and the contents of their disclosure will be kept confidential.

Our aim is to ensure as few people as possible are aware of the lodgement of a disclosure by channelling all complaints through our Public Interest Disclosure Coordinator or if they are unavailable, an appointed Public Interest Disclosure Officer.

There are provisions under the Act protecting the identity of the person making the disclosure, however it must be noted that the person lodging the disclosure is the only one provided with such protection.

If someone is lodging a disclosure on behalf of someone else, it is the person who lodges the disclosure that is afforded protection under the Act in terms of their identity. The person on whose behalf the disclosure is made will, however, be protected under the Act against detrimental action given they are involved in the matter.

The fact that a disclosure has been made and the people involved will remain confidential even if, after an initial assessment of the disclosure or an investigation, it has been found that the issues raised are unsubstantiated.

The person who is the subject of a disclosure (i.e. they have had allegations made against them) may not be made aware that the disclosure has been made. Each case will be different, however it is possible that the subject of the complaint will never know about the complaint should the matter be assessed as not being a public interest disclosure. Even if IBAC direct to that information be provided to the subject of the complaint, the information will be limited given the need to protect the identity of the discloser or anyone cooperating with an investigation.

28. MANAGING THE WELFARE OF THE COMPLAINANT AND THOSE AFFECTED BY THE DISCLOSURE

Council is committed to taking all possible reasonable steps to protect and support the welfare of the person making the disclosure, those involved in the investigation and the person(s) that are the subject of the disclosure.

The Public Interest Disclosure Coordinator will be the person responsible for continuously assessing the welfare of those involved in the process and also making an initial assessment as to whether the Coordinator, Culture & Performance should be immediately appointed as the welfare coordinator.

As a minimum, access to the support of our Employee Assistance Program, which is a confidential and externally provided service, will be offered to all involved in the matter, including those who are external to the organisation.

Should the Coordinator or IBAC believe a dedicated welfare officer should be appointed, the Coordinator or one of the appointed Public Interest Disclosure Officers will be responsible for organising this support.

Further, we will support those involved by keeping them informed of the process, the actions we are going to take and how the initial assessment of the of the disclosure is progressing in a timely manner, and as an operational priority.

We will be honest and open about responding to the outcome(s) sought by the person making the disclosure and ensure that their expectations meet the parameters of the legislation.

Furthermore, any suspected or reported detrimental action being undertaken against anyone involved with the disclosure or any investigation will be dealt with firmly and swiftly, in accordance with legislation, the relevant Code of Conduct and any other Strathbogie Shire Council policies and procedures.

We will also monitor the welfare of those against whom the allegations are made. This is particularly important if the allegations were wrong or unsubstantiated, or the complaint has not been classified as a public interest disclosure and is to be dealt with through other Council policy mechanisms (e.g. the matter is to be dealt with as a complaint).

29. EDUCATION AND TRAINING FOR STAFF AND COUNCILLORS

All Councillors and Council employees will be required to read this policy and make themselves familiar with its provisions. All will be required to refresh their knowledge and understanding of this policy and its procedures on an annual basis through Council's online learning platform. New employees will also receive a copy of this policy through the induction process.

Training will be provided by a suitably qualified legal expert for the Executive Management Team and all people leaders every two years, or as required should legislation change significantly within this time.

Protected disclosures will also be a topic covered in the induction of new Councillors.

The Public Interest Disclosure Coordinator will receive specialised training to ensure that they are always up to date with best practice any changes to legislation.

30. REPORTING

Council, as a public body that can receive disclosures, must include statistics about how many disclosures have been notified/referred to IBAC during each financial year in its Annual Report. This information must be crafted in a way that does not make the identification of the person who has disclosed a matter traceable.

31. OFFENCES FOR FALSE DISCLOSURES OR PROVIDING FALSE INFORMATION

Section 72 of the Act outlines that it is an offence, punishable either by a fine, imprisonment or both, to:

- make a false disclosure
- provide misleading or false information
- provide false or misleading further information
- falsely claim the disclosure is a public interest disclosure of public interest complaint.

A person or people wishing to make a disclosure must, therefore, make every effort to ensure the information they have been provided with, or are providing to, Council or an investigating entity, is not false or misleading.

PART 2 PROCEDURES FOR THE RECEIPT, INITIAL ASSESSMENT AND REFERRAL OF A PUBLIC INTEREST DISCLOSURE

32. OVERVIEW OF THE PROCESS ONCE A DISCLOSURE HAS BEEN LODGED WITH COUNCIL

32.1 Verbal disclosures

If the disclosure is made through verbal communication, whether at a meeting with Council's Public Interest Disclosure Coordinator, the Chief Executive Officer or a manager, or via voicemail, the staff member receiving the disclosure will take notes while the disclosure is being made. The details of the time and place the report was made must also be noted.

The staff member may seek the complainant's agreement to the verbal disclosure being recorded, however the complainant has the right to decline this offer.

A summary of the disclosure will then be read out by the staff member to the complainant to ensure that they have understood the matters being raised and the details of any events or evidence provided.

If the person hearing the complaint is not the Public Interest Disclosure Coordinator, the matter must be referred to the Coordinator within 24 hours of receipt of the disclosure. The matter will then be dealt with by the Coordinator from this point onwards.

The Coordinator will contact the complainant and provide a written summary of the information provided during the verbal disclosure to the complainant for review and confirmation within seven (7) days of the disclosure being made. This correspondence will also highlight to the complainant that it is an offence under section 74 of the Act to reveal that the disclosure has been referred to IBAC for assessment.

32.2 Written disclosures

All disclosures received in writing must be referred to Council's Public Interest Disclosure Coordinator within 24 hours of receipt.

The Coordinator will save the disclosure and any other written documentation to a confidential file on Council's electronic document management system. Access to this file is strictly limited to the Coordinator however, should a complaint relate to the Public Interest Coordinator the Chief Executive Officer will request that access rights to the documentation be changed to themselves and, if required, another senior executive.

The Public Interest Disclosure Coordinator will make initial verbal contact with the complainant within 48 hours of the receipt of the correspondence and follow up with confirmation of its receipt within seven (7) days.

32.3 Summary of the disclosure assessment process

Our Public Interest Disclosure Coordinator will assess your complaint to ensure:

- Council is the correct body to make the complaint to (if we are not they will assist you in finding the right authority); and
- your complaint can be dealt with as a public interest complaint.

A welfare risk assessment will also be undertaken to make sure you have the support you need.

Our Public Interest Disclosure Coordinator will provide you with verbal updates as to the progress of their assessment.
The Coordinator has a maximum of 28 days to inform you both verbally and in writing of the outcome of the assessment.

If our Public Interest Disclosure Coordinator agrees that your complaint **IS** a public interest disclosure, **they will immediately refer the matter to IBAC**. Any relevant information found by the Coordinator during their investigation and assessment will be forwarded to IBAC.

You will be informed of when this is done both in writing and verbally to ensure you are kept informed of the progress of your disclosure at all times.

If your complaint has been assessed as **NOT** being a public interest disclosure, our Public Interest Disclosure Coordinator will discuss alternate courses of action open to you for the issues you raise to be dealt with. Again, this will be done both verbally and in writing.

Once the matter has been referred to IBAC, they will review your disclosure and determine if they believe it is a public interest disclosure. IBAC will investigate the matter further if they agree that it is a public interest disclosure.
IBAC may contact you either through Council's Public Interest Disclosure Coordinator or directly.

Our Public Interest Disclosure Coordinator will keep in contact with you to ensure you have the information you need and that your welfare is assessed on an ongoing basis.
Should you have any questions or concerns throughout the process, even if the matter is referred to IBAC, our Public Interest Disclosure Coordinator will assist you as much as they can.

33. INITIAL ASSESSMENT OF THE DISCLOSURE

33.1 Has the disclosure been made correctly?

The Public Interest Disclosure Coordinator must firstly ensure that:

- the disclosure has been made by a person or group of people (i.e. not a company or authority)
- it has been made verbally (in private) or confidentially in writing
- the disclosure relates to Strathbogie Shire Council, a Council employee, Councillor or member of a Council appointed committee that is affecting, or may affect in the future, the honest performance of a body or public officer's official function.

If the answer to one or more of these questions is NO, then the matter is probably not a public interest disclosure.

33.2 Is there evidence of improper conduct or detrimental action?

The Public Interest Disclosure Coordinator must then assess whether the information disclosed shows, or tends to show, that there is improper conduct or detrimental action that has been taken, is being taken or about to be taken by either a person, public officer or public body. The seriousness of the conduct and its consequences must also be considered.

The definitions of improper conduct and detrimental action under the Act must be met and the Coordinator will review the information provided by the complainant to decide whether these definitions are met or whether any exemptions under the Act apply.

In undertaking this initial assessment, the Coordinator may seek further information from the complainant and undertake a discrete and confidential initial investigation.

Some of the questions that need to be considered during this process include:

- What is the discloser's connection to the alleged conduct – are they a victim, a witness or a participant?
- How did the person become aware of the conduct? Were they involved? Did they witness the conduct or were they told second or third hand about it?
- How detailed is the information provided? Is there enough information for an initial assessment of the disclosure to be undertaken?
- How reliable is the information? Is there other supporting information?

Should the Coordinator believe that there is information to satisfy the requirements of the Act, then the matter will be referred to IBAC within the prescribed 28-day notification period. The person making the disclosure will also be notified verbally and in writing that this referral has taken place.

If the Coordinator does not believe that there is information to satisfy the requirements of the Act, they must make an assessment under section 20.5.

33.3 Are there reasonable grounds?

A matter can be considered to be a public interest disclosure if the person making it believes, on reasonable grounds, that the factual information disclosed shows, or tends to show, that there is improper conduct or detrimental action that has been taken, is being taken or about to be taken by either a person, public officer or public body.

This means that a reasonable person, if presented the information, would conclude that the allegations were probable.

The information provided by the disclosure does not have to provide undisputed evidence of the improper conduct or detrimental action, but it must be more than just suspicion.

However, simply stating that improper conduct or detrimental action has, is or is going to take place is not enough for a matter to be considered a public interest disclosure – there has to be some factual information either provided by the complainant or that is uncovered in the initial assessment of the matter.

Should the Public Interest Disclosure Coordinator believe that there is sufficient evidence to satisfy the requirements of the Act, then the matter will be referred to IBAC within the prescribed 28-day notification period.

33.4 Seeking advice from IBAC

If the Coordinator is in any doubt during their initial assessment, they must contact IBAC for advice before making a conclusion as to whether the matter is a public interest disclosure that requires referral to either IBAC or another investigative entity.

33.5 Conclusion that the matter is not a public interest disclosure

If the Public Interest Disclosure Coordinator believes that, after undertaking the steps outlined in sections 20.1 to 20.3, that the matter does not meet the tests set out in the Act, and therefore it cannot be classified as a public interest disclosure, the person making the disclosure will also be notified verbally and in writing of this decision.

The notification will outline the reasons why the disclosure does not show or tend to show that improper conduct or detrimental action has, is or may occur and provide alternative courses of action to have their matter dealt with by Council or another appropriate body.

The complainant will also be notified that the protections around their identity and the complaint under Part 6 of the Act still apply even though the matter is not considered to be a public interest disclosure if the person making the complaint has asked for the protections of the Act.

This decision and correspondence must be made within 28 days of the receipt of the disclosure under section 24(4)(b) of the Act.

34. PROTECTION FOR THE PERSON MAKING THE PUBLIC INTEREST DISCLOSURE

Part 6 of the Act outlines the protections to be given to the person making the complaint if it has been made in a way that meets Division 2, Part 2 of the Act or if it is a misdirected disclosure. The protections also apply to any further information provided by the person after making the initial complaint.

Generally speaking, the protections provided by the Act include:

- immunity from civil or criminal liability for making the disclosure
- release from confidentiality requirements, an oath, affirmation or agreement to restrict the disclosure of information
- protection from defamation action
- protection from reprisals following the disclosure.

These protections also relate to other people involved in an investigation undertaken by IBAC or an investigative entity.

35. CONFIDENTIALITY

Part 7 of the Act outlines confidentiality provisions for disclosures which relates to the identity of the person making the initial disclosure and the information/details of the disclosure itself.

The provisions apply to a person or body:

- that receives a disclosure in the performance of their duties under the Act (such as the Public Interest Disclosure Coordinator)
- to whom an investigating authority provides information about the content of a disclosure to determine if it is a public interest complaint
- identified under section 52 of the Act.

Please note there are exemptions outlined under section 54, such as the release of information to an investigating entity so that it can undertake its functions under the Act or the commissioning of legal advice.

The Public Interest Disclosure Coordinator, or the person who has received the initial complaint must ensure that all details relating to the matter are kept confidential, only informing the Public Interest Disclosure Coordinator if the Coordinator was not the person who received the initial complaint.

The Chief Executive Officer will be informed of the matter should the Public Interest Disclosure Coordinator decide that the disclosure needs to be referred to IBAC or another investigating agency.

No other party is to be informed of the matter, even while a discrete initial assessment of the complaint is being undertaken to determine whether the matter is a public interest disclosure that requires referral to IBAC.

It must be noted that significant penalties, including imprisonment, can apply if the confidentiality provisions of the Act are not met.

Section 78 of the Act also ensures that the *Freedom of Information Act 1982* does not apply to a document that is in the possession of any person or body so far as it relates to a disclosure or will lead to the identification of a person who made a disclosure.

36. WELFARE OF THOSE INVOLVED IN THE MATTER

As outlined in the Policy, the Public Interest Disclosures Coordinator will undertake a welfare risk analysis for both the complainant and those potentially involved in the matter upon the receipt of a disclosure.

This assessment will include whether a dedicated Welfare Coordinator is required to be appointed for the person making the disclosure and any other party involved, including other people (whether internal to Council or external) that are cooperating with any inquiry undertaken by IBAC or another investigative entity.

Generally speaking, a Welfare Coordinator will only be appointed:

- if there is a real risk of detrimental action
- if IBAC directs Council to appoint one should a disclosure lead to further investigations
- if it is considered the welfare of those named or involved in the disclosure or any investigation requires the support of specialist welfare experts.

The Public Interest Disclosures Coordinator will provide ongoing welfare analysis and support throughout the process by:

- assuring the complainant and anyone cooperating with an investigation that they are doing the right thing
- assuring those involved that all reasonable steps to provide them with the protections required under the Act will be taken
- ensuring the complainant and those cooperating with any investigation understand that they must not reveal themselves or any information that would enable an independent person to identify them or that a disclosure has been made
- ensuring all parties have up to date information both verbally and in writing
- ensuring that any queries from any involved parties are answered expeditiously
- continuously monitoring the workplace, anticipating problems that may heighten the risk of detrimental action being taken in reprisal for making or cooperating with a disclosure
- listening and promptly responding to any concerns those involved in the matter have about harassment, intimidation or victimisation.

37. RESPONDING TO REPORTS OF DETRIMENTAL ACTION

If a report is made of harassment, discrimination or adverse treatment that may amount to detrimental action apparently taken in reprisal for a disclosure, the Public Interest Disclosure Coordinator or Welfare Manager (if one has been appointed and the report is made to them) must record details of the incident and advise the person of their rights under the Act.

Detrimental action is considered to have been taken:

- the person takes, or threatens to take, detrimental action against the other person because, or in the belief that:
 - the other person or anyone else has made, or intends to make, the disclosure; or
 - the other person or anyone else has cooperated, or intends to cooperate, with an investigation of the disclosure; or
 - for either of the reasons above, the person incites or permits someone else to take or threaten to take detrimental action against the other person.

It is a criminal offence to take detrimental action against another person in reprisal for a public interest disclosure under the Act. The penalty for this offence is a fine, two years imprisonment or both.

The Public Interest Disclosure Coordinator will be careful about making preliminary enquiries or gathering information concerning this type of allegation so that, to the extent it is reasonably able to, it protects the integrity of any evidence that might be later relied upon in a criminal prosecution.

Furthermore, the taking of detrimental action in reprisal for making a disclosure can be grounds for a person to make a further disclosure with respect to that conduct.

The disclosure of this allegation will then be assessed as a new disclosure under Part 2 of the Act.

Where the detrimental action is of a serious nature likely to amount to a criminal offence, the Council will also consider reporting the matter immediately to the Police or IBAC (if the matter was not already the subject of a disclosure notified to IBAC).

The person who has made the public interest disclosure may also:

- take civil action against the person who took detrimental action against the discloser and seek damages;
- take civil action against Council and severally to seek damages if the person who took detrimental action against the discloser took that action in the course of employment with, or while acting as an agent of Council; and
- apply for an order or an injunction from the Supreme Court.

38. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 AND THE EQUAL OPPORTUNITY ACT 2010

The Council acknowledges the legal responsibility to comply with the Charter of *Human Rights and Responsibilities Act 2006 and the Equal Opportunity Act 2010*. The Charter of Human Rights and Responsibilities Act 2006 is designed to protect the fundamental rights and freedoms of citizens. The Charter gives legal protection to 20 fundamental human rights under four key values that include freedom, respect, equality and dignity.

39. FORMS



PRIVATE AND CONFIDENTIAL

PUBLIC INTEREST DISCLOSURE FORM

Council can receive public interest disclosures relating to Council employees, Councillors, contractors, Council registered volunteers and members appointed by Council to committees.

A public interest disclosure can be made about something that has already happened, that is happening now or that you believe is likely to happen in the future.

This form has been created to make it as easy as possible for you to make a disclosure under the *Public Interest Disclosures Act 2012*.

Please provide as much information as possible and be clear about what you are alleging has happened, is happening or you believe may happen.

Need help?

If you are vision impaired and want to submit a verbal complaint instead, please contact David Roff, Protected Disclosure Coordinator, on 1800 065 993.

If you have any questions relating to this process, please also contact David on the above number.

Do you wish to make an anonymous complaint? YES ☐ NO ☐

Please note that if you do make an anonymous complaint this will impact on our ability to seek further information and investigate the matter. It will also make it impossible for us to contact you with the outcome of our consideration of the issues you raise.

Are you making this complaint as an individual? YES ☐ NO ☐

Are you making this complaint as a group of people? YES ☐ NO ☐

1. Your name

Title Choose an item.
Surname Click or tap here to enter text.
Given name Click or tap here to enter text.
Middle name Click or tap here to enter text.

2. Your residential address

Unit/House number and street name Click or tap here to enter text.
Town/suburb Click or tap here to enter text.
Postcode Click or tap here to enter text.
State Click or tap here to enter text.

3. Your postal address

Is your postal address the same as above? YES ☐ NO ☐
If no, please provide your postal address: Click or tap here to enter text.

4. Your contact details

Phone number Click or tap here to enter text.
Email Click or tap here to enter text.

5. What is the best way for us to contact you?

Phone ☐
Email ☐
Letter/Post ☐

6. Do you need an interpreter? YES ☐ NO ☐

7. Do you need a communication aid? YES ☐ NO ☐

THE DISCLOSURE OR ALLEGATIONS YOU WISH TO MAKE

8. Are you making this disclosure on behalf of another person?

If YES ☐ please go to question 9 If NO ☐ please go to question 13

You can make a disclosure on behalf of someone else, but you must have their written consent.

Please note that the confidentiality provisions under the *Public Interest Disclosures Act 2012* relate to the person who makes the disclosure. If you are lodging the disclosure on behalf of someone else, they will only have the protection afforded to people cooperating with any investigation while you, as the discloser, will have wider protections on your identity provided by the Act.

- 9. Does the person you are making the disclosure on behalf of know that you are lodging it on their behalf?** YES ☐
NO ☐

If you are lodging the disclosure on behalf of someone else, you must have their written consent to do so by completing the form at Attachment 1.

Council and any investigating authority, such as the Independent Broad-based Anti-Corruption Commission, will require a copy of this consent as part of the information provided by you.

- 10. If you have answered yes to questions 8 and 9, please provide the information required below.**

Their name

Title Choose an item.
Surname Click or tap here to enter text.
Given name Click or tap here to enter text.
Middle name Click or tap here to enter text.

Their residential address

Unit/House number and street name Click or tap here to enter text.
Town/suburb Click or tap here to enter text.
Postcode Click or tap here to enter text.
State Click or tap here to enter text.

- 11. What is your relationship with the person whom you are making the disclosure on behalf of?**

I am a:

| | | | |
|---------|--------------------------|----------------|--------------------------|
| Parent | <input type="checkbox"/> | Child | <input type="checkbox"/> |
| Sibling | <input type="checkbox"/> | Partner | <input type="checkbox"/> |
| Friend | <input type="checkbox"/> | Work colleague | <input type="checkbox"/> |
| Other | <input type="checkbox"/> | | |

- 12. Please explain why you are making this disclosure on behalf of another person.**

13. Who does your disclosure relate to in Council?

| | | | |
|--------------------|--------------------------|------------------------------|--------------------------|
| Staff member | <input type="checkbox"/> | Councillor | <input type="checkbox"/> |
| Council contractor | <input type="checkbox"/> | Council registered volunteer | <input type="checkbox"/> |

Member of a Council committee
(please identify the Committee if you can) [Click or tap here to enter text.](#)

I am not sure ☐

14. What is the nature of your disclosure?

Improper conduct ☐

This means suspected corrupt conduct, criminal offences, serious professional misconduct, dishonest performance of public functions, internal or reckless breach of public trust, intentional or reckless misuse of information, substantial mismanagement of public resources, substantial risk to the health or safety of a person, substantial risk to the environment, conduct of any person that affects the honest performance or effective performance of a public officer.

Detrimental action ☐

This means any form of harassment, intimidation, discrimination, actions causing injury or loss or damage or any other action taken against a person who has made, or is thinking of making, a public interest disclosure. It includes any detrimental action against anyone who may or is cooperating with the investigation of a public interest disclosure. A threat to take detrimental action may also be disclosed.

15. How did you become aware of the alleged behavior?

| | | | |
|---|--------------------------|-------------------------------|--------------------------|
| I witnessed it firsthand | <input type="checkbox"/> | I was told about it | <input type="checkbox"/> |
| I was involved in it | <input type="checkbox"/> | I am a victim of the behavior | <input type="checkbox"/> |
| Other (please specify) Click or tap here to enter text. | | | |

16. Do you have any documents to support your disclosure?

Yes ☐ No ☐

Please attach the documents to your email or post them to Council marked 'Private and Confidential'.

17. When did the alleged behaviour occur?

If you don't know an exact time or date please provide an approximate date or time, for example October 2019. If the alleged behaviour occurred more than once, please list all of the dates.

18. Details of the public interest disclosure

Please provide as much information as possible in relation to:

- ✓ who the allegations relate to (ie was it one person or a group of people)?
- ✓ dates and times the alleged behavior occurred
- ✓ whether there were any other witnesses (and any information you can provide to identify them)
- ✓ where the alleged behaviour occur (eg in Council's office, on site)
- ✓ any other information such as identity badge of the person(s), car registration number.

19. Did anyone else witness the behaviour you are making a disclosure about?

Yes ☐ No ☐

If yes, please provide as much detail about the other witness(es) as you can:

20. What was the impact of the behaviour you are making a disclosure about?

For example, personal injury, financial loss/gain, personal or professional loss, public safety risk, environmental risk.

DECLARATION

Please make sure you complete this section before you submit your public interest disclosure.

- ☐ To the best of my knowledge, the information I have provided in my public interest disclosure is correct.
- ☐ I understand it is an offence to make a false disclosure or provide false information.
- ☐ I understand that the information provided on this form may need to be referred to an investigating authority such as the Independent Broad-based Anti-Corruption Commission (IBAC).
- ☐ I am making this public interest disclosure on behalf of someone else and have completed Attachment 1.

Your name: [Click or tap here to enter text.](#)

Date: Click or tap to enter a date.

HOW TO SEND THIS FORM TO COUNCIL

Once you have completed this form, please submit it, along with any supporting documentation either by:

EMAIL: David.Roff@strathbogie.vic.gov.au

BY POST: Mr David Roff
Public Interest Disclosure Coordinator
Strathbogie Shire Council
PO Box 177 EUROA VIC 3666

IN PERSON: Deliver this form to the Euroa Service Centre or arrange to hand it to David Roff in person.

Please ensure you mark the email or envelope PRIVATE and CONFIDENTIAL.

40. ATTACHMENT 1

AUTHORITY TO MAKE A PUBLIC INTEREST DISCLOSURE ON SOMEONE'S BEHALF

I (full name) Click or tap here to enter text.

Of (full address) Click or tap here to enter text.

authorise (person's name) Click or tap here to enter text.

(if a legal representative, their business name and address) Click or tap here to enter text.

To act on my behalf in regard to the lodgment of this public interest disclosure to Council. This authorisation includes:

- receiving and submitting documentation on my behalf;
- obtaining and providing personal information relevant to the public interest disclosure; and
- corresponding with Council and any other investigative authority both verbally and in writing.

Your signature: Click or tap here to enter text.

Your name: Click or tap here to enter text.

Date: Click or tap to enter a date.

Privacy statement

Strathbogie Shire Council is committed to guarding against the misuse, loss or unauthorized disclosure of personal information in accordance with the Privacy and Data Protection Act 2014 and Council's Privacy and Data Protection Policy, which can be accessed by clicking on the following link

https://www.strathbogie.vic.gov.au/images/Plans_policies_Strategies_reports/2018%20Policy-Privacy%20and%20Data%20Protection%20Policy.pdf

9.7.3 Council Expenses Policy 2020

Author: Executive Manager, Governance & Customer Service

Responsible Director: Chief Executive Officer

EXECUTIVE SUMMARY

The *Local Government Act 2020*, which came into force on 6 April this year, has made minor amendments to the provisions around the reimbursement of Councillor expenses which need to be reflected in our existing policy and adopted by 1 September 2020.

The existing Councillor Support, Resources, Reimbursement and Reporting of Expenses Policy 2019 has been renamed the Council Expenses Policy, with minor amendments made to reflect the new Act's provisions.

Local Government Victoria (LGV) have released some limited guidance as to what changes need to be made to existing policies and what best practice looks like. This information has been used to inform the policy's review.

The draft policy was released for community input for a period of three weeks. No submissions were received.

This report seeks the adoption of the policy.

RECOMMENDATION

That Council adopt the Council Expenses Policy 2020 and make it available to the public through its website.

PURPOSE AND BACKGROUND

Council must prepare and adopt a council expenses policy by 1 September 2020 under the new Local Government Act.

The existing Councillor Support, Resources, Reimbursement and Reporting of Expenses Policy 2019 was redrafted in response to recommendations from the Victorian Auditor General's Office (VAGO) report into Fraud and Corruption in Local Government, June 2019.

ISSUES, OPTIONS AND DISCUSSION

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Minor amendments have been made to the existing policy relating to Council expenses to ensure it aligns with requirements of the new Act, with these changes highlighted in red text.

9.7.3 Council Expenses Policy 2020 (cont.)

Key changes include:

- recognition of the newly defined role of Deputy Mayor under the Act
- inclusion of the definition of a carer's role in accordance with the definitions of the *Carers Recognition Act 2012*
- reflection of new provisions and relevant section references for the 2020 Act.

The review of our existing policy has been supported through the review of material published by Local Government Victoria, designed to provide guidance to councils around compliance with the new Act's provisions.

Our detailed policy is considered to be best practice given that it places strict limitations on expenditure by Councillors in relation to items such as alcohol, travel and conferences while balancing the need for Councillors to represent the community and continue their professional development.

It is noted that our existing policy required council expenses to be reported quarterly to the Audit Committee – the new Act makes this a mandatory requirement.

In accordance with our new Public Transparency Policy 2020, these reimbursements will continue to be published on Council's website once the Audit and Risk Committee's minutes have been noted by Council.

COMMUNITY ENGAGEMENT

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

The draft policy was placed on public exhibition for a period of three weeks. The community was notified through the following means:

- several social media posts
- an advert in locally circulating newspapers
- a story under Top News Stories on the Shire website's home page.

No submissions have been received in response to the public consultation.

POLICY CONSIDERATIONS

Council Plans and Policies

Our Values and Council Plan highlight the need for openness, the highest ethical standards and transparency.

Our Community Engagement Strategy 2019 – 22 identifies the form of public consultation proposed for the draft policy as Consultation and is the second level of public participation on the IAP 2 Public Participation Spectrum.

The reimbursement of expenditure on Council related activities and the open reporting of these expenses is consistent with the values outlined in the Councillor Code of Conduct 2016.

9.7.3 Council Expenses Policy 2020 (cont.)

Regional, State and National Plans and Policies

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

The State government has mandated the requirements for this policy revision and the existing policy was informed by audits undertaken by VAGO and other reports released by the Local Government Inspectorate and the Independent Broad-Based Anti-Corruption Commission.

LEGAL CONSIDERATIONS

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that Council decisions are to be made and actions taken in accordance with the relevant law.

The policy has been drafted in accordance with the provisions of the Act and updates references to the new sections of the Act that apply to this matter.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

As outlined previously, our existing policy requires quarterly reports on Council related expenses, including those expenses that have been reimbursed (such as car mileage expenses) to be reported to Council's Audit Committee and published on Council's website. This ensures maximum transparency and accountability around Councillor related expenditure and allows our community to monitor expenses against this policy.

FINANCIAL VIABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

The establishment of clear rules around the use of public funds by Council is an important means through which to ensure that public monies are expended in a way that is compliant with the law, while supporting Councillors in representing the municipal community of Strathbogie Shire.

HUMAN RIGHTS CONSIDERATIONS

This policy has been reviewed against and complies with the rights and protections outlined by the Charter of Human Rights and Responsibilities Act 2006 as it balances the need for privacy of Councillors with the right for the community to know how public monies are being expended.

9.7.3 Council Expenses Policy 2020 (cont.)

COLLABORATION

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that collaboration with other councils, levels of government and statutory bodies is to be sought.

The review of our existing policy has been informed through advice provided by Local Government Victoria and benchmarking our draft policy against those of other Councils. Discussions have also been had about policy provisions during North East Governance Network meetings in recent months.

CONCLUSION

The Council Expenses Policy 2020 has been drafted to ensure Council complies with new statutory requirements under the Local Government Act 2020 and implements the overarching governance principles and other relevant provisions outlined in the Act.

As no submissions were received during the community engagement process, the policy is unchanged from that which was exhibited.

ATTACHMENTS

Attachment 1: Council Expenses Policy 2020

ATTACHMENT 1:



COUNCIL EXPENSES POLICY

| COUNCIL POLICY | |
|---|---|
| Document ID: | 11555 |
| Effective Date: | 20 March 2001 |
| Last Review: | 15 October 2019 |
| Last major review approved by Audit Committee | 12 September 2019 |
| Current Review | June 2020 (minor changes only to reflect the introduction of the new <i>Local Government Act 2020</i>) |
| Adopted by Council: | 18 August 2020 |
| Next Review Date: | August 2022 |
| Responsible Officer/s: | Chief Executive Officer |

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PART 1

41. INTRODUCTION

Section 8 of the *Local Government Act 2020* (the Act) states that the role of a council is to provide leadership and good governance for the municipal district for the benefit and wellbeing of the municipal community. It must adhere to, and implement, the Overarching Governance Principles and supporting principles outlined in section 9 of the Act in its day to day operations and decision making.

To successfully undertake their role as required under the Act, Councillors need the support of the organisation, along with access to resources and facilities.

Section 39 of the Act outlines provisions for allowances for the mayor, deputy mayor and councillors.

Section 40 of the Act states that council must reimburse a councillor or member of a delegated committee for out-of-pocket expenses if they:

- are bona fide expenses; and
- have been reasonably incurred in the performance of the role of Councillor or member of a delegated committee; and
- are reasonably necessary for the Councillor or member of a delegated committee to perform that role.

This section also requires the details of reimbursements to be provided to Council's Audit and Risk Committee (see clause 37 of this policy).

Section 41 of the Act requires all councils to prepare and adopt a council expense policy, which can also be applied to council committees. The policy must:

- specify procedures to be followed in applying for reimbursement and in reimbursing expenses
- comply with any requirements prescribed by the regulations in relation to the reimbursement of expenses
- provide for the reimbursement of childcare costs where the provision of child care is reasonably required for a Councillor or member of a delegated committee to perform their role
- have particular regard to expenses incurred by a Councillor who is a carer in a care relationship within the meaning of section 4 of the *Carers Recognition Act 2012*.

Section 42 states that the resources and facilities reasonably required for Councillors to perform their duties must be made available to them, including considerations relating to:

- the support that may be required by a Mayor, Deputy Mayor or Councillor because of a disability
- the support that may be required by a Councillor who is a carer in a care relationship within the meaning of section 4 of the *Carers Recognition Act 2012*.

Section 57 requires Council to adopt a Public Transparency Policy to give effect to the public transparency principles outlined under section 58. As outlined in this policy, our website will include information about the mayor and councillors, along with their contact details. The reports submitted to the Audit and Risk Committee in relation to Councillor expenses will also be published on Council's website.

While no regulations have been made under the 2020 Act, guidance will be taken from section 14 (2)(db) of former Act's Planning and Reporting Regulations, which required

details of the expenses, including any reimbursed expenses, for each councillor and member of a council delegated committee paid by the council, categorised separately as –

- (i) travel expenses
- (ii) car mileage expenses
- (iii) childcare expenses
- (iv) information and communication technology expenses
- (v) conference and training expenses.

Given the need to cater for Councillors with disabilities or carer responsibilities, the reimbursement of expenses relating to these two additional matters will be included in these pre-existing reporting categories.

As councils are funded with public money, a substantial portion of which comes from rates income, it is essential that this policy identifies how public resources and funding will be allocated to support councillors in efficiently and effectively performing their duties. This policy sets out how Strathbogie Shire Council will achieve maximum transparency around Council expenses.

42. POLICY OBJECTIVES

This policy aims to:

- identify the reasonable levels of expenditure, resources and facilities to be provided to support councillors in fulfilling their duties on behalf of the community under the Act
- clarify the circumstances under which Council will make payment for
 - professional development; and
 - reimbursement of expenses as specified by the Act.
- outline the procedures and internal controls for the review and consideration of councillor expense claims
- specify how expenditure under this policy will be closely and independently monitored
- explain how expenses and resources provided under this policy will be reported on a regular basis to Council, the Audit Committee and the community in accordance with the Planning and Reporting Regulations.

43. POLICY POSITION

Section 42 of the Act requires a minimum level of resources and facilities to be provided to councillors so that they can undertake their duties.

It is imperative that the following policy principles underpin expenses and resources relating to Strathbogie Shire Councillor activity and the actions of our councillors:

- **Value** for the expenses claimed and resources used
- **Demonstrated community benefit** from the expense incurred or resources provided
- **Accountability and consistency** through adequate internal review of claims and regular independent auditing and data analysis to identify anomalies
- **No disadvantage** by ensuring there is separation of, and no subsidisation between, mayoral and councillor allowances from reimbursement of expenses and other minimum resources and facilities

- **Transparency** through the provision of information to the community as required by the Act **and any future regulations.**

This policy presumes councillors are residents in the Shire and any additional costs or expenses attributable to a councillor's residence being outside the municipality are considered inappropriate for reimbursement in the absence of a prior Council resolution to the contrary.

Any cost or expense (or portion thereof) which should reasonably be borne by another entity, or for which another entity is reasonably liable, is outside the scope of this policy and shall not be paid or reimbursed by Council.

Council resources must not be used for the purposes of election campaigns for Councillors under any circumstances as per Council's Election (Caretaker) Period Policy 2019 **or the Governance Rules to be adopted by Council prior to 1 September 2020.**

44. DEFINITIONS

| | |
|---|---|
| Car mileage expenses | means all reimbursement of expenses to Councillors for kilometres travelled in their private vehicle and expenses relating to the Mayoral vehicle (fuel card costs, servicing/maintenance) excluding depreciation costs |
| Child care/family care expenses | means the cost of caring for children or other people where the councillor is in a care relationship as defined by section 4 of the Carers Recognition Act 2012 including travel costs for the carer and hourly rates for care |
| Conference & training expenses | means conference registration fees, meals, accommodation, car parking (including airport parking) and any other legitimate costs incurred whilst at the event, tickets to dinners or events |
| duties of a Councillor | means duties performed by a Councillor, including the Mayor, that are necessary or appropriate for the purposes of achieving the objectives of a Council having regard to any relevant Act, any regulations, Ministerial guidelines or Council policy |
| Information & communication technology expenses | means the reimbursement of expenses for phone calls or data to Councillors, capital costs of purchasing hardware and the cost of monthly mobile phone usage/data plans |
| Information Guide | means the Information Guide Mayor and Councillor Entitlements - reimbursement of expenses and provision of resources and facilities support for Victorian Mayors and Councillors, Department of Planning and Community Development 2008 |
| Other incidental expenses | means expenses that cannot be attributed to other categories such as printer cartridges and stationery |

| | |
|-------------------------|---|
| the Act | means the <i>Local Government Act 2020</i> , or where referenced, remaining sections of the <i>Local Government Act 1989</i> |
| the Regulations | Means any regulations made under the <i>Local Government Act 2020</i> or, where referenced, the former Local Government (Planning and Reporting) Regulations 2014 |
| the General regulations | Means the Local Government (General) Regulations 2015 |
| Travel expenses | Means transactions related to flights for conferences, train fares, taxi/Uber fares, Myki cards and bus fares/bus hire. |

45. COUNCILLOR CONDUCT

Clause 2.1 of the Councillor Code of Conduct identifies the Primary Principles of conduct that in performing the role of a councillor, he or she must comply with **the Act and must:**

- a) act with integrity
- b) impartially exercise his or her responsibilities in the interests of the local community
- c) not improperly seek to confer an advantage or disadvantage on any person.

General councillor conduct principles, which ensure councillors comply with **the Act**, state that a councillor must:

- avoid conflicts between his or her public duties as a councillor and his or her personal interests and obligations
- act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person
- exercise reasonable care and diligence and submit himself or herself to the lawful scrutiny that is appropriate to his or her office
- endeavour to ensure that public resources are used prudently and solely in the public interest
- act lawfully and in accordance with the trust placed in him or her as an elected representative
- support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the office of councillor.

The application of this policy is a fundamental way in which Strathbogie Shire Council demonstrates its commitment to its values, as outlined in the 2017-21 Council Plan of:

To be a respectful, innovative, open and transparent, inclusive, fair and ethical Council.

46. EXTERNAL REFERENCES

Information Guide Mayor and Councillor Entitlements - reimbursement of expenses and provision of resources and facilities support for Victorian Mayors and Councillors, Department of Planning and Community Development 2008

Local Government Act 2020

Local Government (Planning and Reporting) Regulations 2014

Local Government (General) Regulations 2015

Fraud and Corruption Controls – Local Government, Victorian Auditor General's Office (VAGO), June 2019

47. RELATED COUNCIL DOCUMENTS

Gifts, Benefits and Hospitality Policy 2019

Councillor Code of Conduct 2017

Council Plan 2017-21

Election (Caretaker) Period Policy 2019

Fraud and Corruption Policy 2017

Media Policy and Protocols 2013

48. REVIEW OF THIS POLICY

This policy will be reviewed within 12 months of each general election unless Council determines that an earlier review is required.

PART 2

49. DUTIES OF COUNCILLORS

The duties and activities considered to be necessary for each councillor to perform in accordance with their role as defined by the Act include, but are not limited to:

- attending Council meetings, meetings of advisory groups of Council, formal briefing sessions and civic or ceremonial functions convened by the Council, the Mayor or the Chief Executive Officer
- attending meetings or workshops scheduled by the Council, the Mayor or the Chief Executive Officer
- attending meetings with community members, including conducting a site visit, in response to issues raised by a community member or ratepayer
- participating in delegations or deputations to which the councillor has been duly appointed as a representative of Council
- attending a meeting or function as the nominated representative of Council or the mayor
- attending meetings of community groups, organisations and statutory authorities to which the councillor has been appointed Council delegate or the nominated representative of Council
- attendance at site inspections or meetings relevant to a matter which is, or is anticipated to be, the subject of a decision of Council
- attending conferences, seminars, training or professional development courses as an attendee and/or speaker and which:
 - contribute to the development of personal and professional skills or knowledge of the councillor which are necessary for the performance of the duties of a councillor; and
 - are consistent with Council's objectives; and
 - will cover or present material with application, importance or relevance to current or future issues faced by the Council; and
 - are within the annual budget allocations for the provision of councillor training.

50. MINIMUM RESOURCES AND FACILITIES FOR COUNCILLORS

Using the Information Guide – Mayor and Councillor Entitlements published in 2008 as a general guide, the minimum resources and facilities that will be made available to the mayor, deputy mayor and councillors are:

Resources and facilities

- administrative support for the mayor and deputy mayor
- office for mayor/deputy mayor to share
- vehicle for mayor
- access to Council pool vehicles for the deputy mayor and councillors (if available)
- Shared office space for Councillors
- computer – desktop, ipad or laptop (including an email account)
- mobile phone or landline (data and phone calls)
- stationery
- access to photocopier/fax/printer
- website profile.

Reimbursement of expenses

- travel - including reimbursement of public transport costs
- phone – re-imbursement of relevant call costs
- internet
- child care/family care.

Strathbogie Shire Council will provide these resources and facilities to our mayor, deputy mayor and councillors, with the Mayoral and Councillor Office combined into one office space.

The purchase and replacement of equipment, attendance at training and seminars and reimbursement of expenses is subject to the availability of relevant budget funds and the approval of the Chief Executive Officer.

Facilities will also be provided to any councillor with a disability, as identified in consultation with them, to ensure that they are able to undertake their duties.

51. WHAT ARE REASONABLE EXPENSES?

The test to be applied in determining whether or not an expense is appropriately incurred is whether the expenditure is necessary because it is related to, or a consequence of, a councillor undertaking his or her duties on behalf of the local community as specified by the Act.

Expenses incurred by councillors when acting in a private capacity will not be reimbursed or paid under any circumstance.

Any costs incurred by a councillor which are not covered specifically within this policy will not be met unless a resolution has been passed for Council to incur the expense.

Councillors must provide detailed supporting evidentiary documentation for all expense reimbursement requests for independent review prior to the authorisation of any reimbursement.

Failure to provide the required documentation specified by this policy will result in the request for reimbursement being refused.

Reimbursement / direct payment

Councillors may choose to receive reimbursements after incurring expenses.

Alternatively, councillors may request direct payment to be made on their behalf by Council for expenses such as Myki cards, conference registration fees, accommodation or domestic/interstate travel.

Time limit for all reimbursement requests

Reimbursement claims must be lodged no later than six (6) weeks from the expense was incurred. Expenses claimed out of this time will not be reimbursed unless authorised by the Chief Executive Officer and the **Director Corporate Operations**. Late claims occurring on a regular basis will not be approved.

52. GOODS AND SERVICES TAX

To ensure that GST input tax credits are correctly claimed all purchasing card transactions must be supported by a tax invoice from the supplier containing the following details:

- the supplier's identity (legal name, trading name as it appears in the Australian Business Register)
- the supplier's ABN
- a brief description of each item sold, including the quantity (if applicable) and the price of what was sold
- the GST amount payable for each sale, which may be shown separately
- the date the tax invoice was issued.

PART 3

53. MAYOR, DEPUTY MAYOR AND COUNCILLOR ALLOWANCES

13.1 Context

Section 39(1) of the Act states that allowances for the mayor, deputy mayor and councillors will be set by a determination from the Victorian Independent Remuneration Tribunal under the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*. Until such a determination is made, the current allowances prescribed by the Minister via Order in Council will remain in place.

At its Statutory Meeting of 15 November 2016, Council resolved to set the Mayoral and Councillor allowances at the maximum prescribed by the Order in Council for Category 1 (small rural) council and that these allowances be indexed in future years in accordance with any future Order in Council issued by the Minister for Local Government.

An additional allowance of 9.5% (equivalent to the superannuation guarantee contribution) must also be paid to all councillors.

In accordance with the Act a:

- Mayor or a Deputy Mayor is not entitled to receive an allowance as a Councillor while the Mayor or Deputy Mayor is receiving an allowance as a Mayor or a Deputy Mayor
- A Council cannot pay an allowance to a Mayor, Deputy Mayor or Councillor that exceeds the amount specified in the relevant Determination of the Victorian Independent Remuneration Tribunal under the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019
- A Mayor, Deputy Mayor or Councillor may elect—
 - (a) to receive the entire allowance to which they are entitled; or
 - (b) to receive a specified part of the allowance to which they are entitled; or
 - (c) to receive no allowance.

13.2 Policy

As per the Act, allowances are to be paid at the level identified in the most recent determination by the Victorian Independent Remuneration Tribunal.

Mayoral and Councillor Allowances will be paid in 12 equal monthly payments, one month in arrears by the 7th working day of each month.

The allowance equivalent to the superannuation guarantee contribution may be paid into a superannuation account of the councillor's choice or may be taken in addition to their allowance.

Mayor and councillors' allowances are taxable income and councillors should put in place their own processes for documenting claimable expenses. Any personal taxation implications from the receipt of allowances are the responsibility of individual councillors. An annual statement of total allowances, reimbursements and any contributions to the cost of the Mayoral vehicle will be provided by Council for tax purposes.

Where the mayor or a councillor is granted a leave of absence from Council for a period of time, it is at the discretion of the mayor or councillor if they wish to suspend their allowance during the period of absence.

Mayoral vehicle

Council can resolve to provide to the mayor a fully maintained vehicle (fully registered, maintained, fuelled and comprehensively insured) of a suitable standard in keeping with the role of the Mayor, having regard to community perception and environmental sustainability based on the following criteria:

- operating efficiency – fuel efficiency and cost of fuel
- safety – the level of occupant protection provided by vehicles in front and side crashes, with a minimum of five star safety rating
- price – the cost to Council.

The vehicle shall be used by the mayor to assist him/her in carrying out their official duties, and for private personal and family use during the mayoral term. The use of the mayoral vehicle for interstate travel must be authorised by the Chief Executive Officer.

Eligible people able to drive the mayoral vehicle include direct family members over 25 years of age including the Mayor's partner, spouse and children that hold a current, valid and full Victorian driver's licence, a Councillor or a Council officer.

Councillors must not leave items of a personal nature in Council vehicles as only limited coverage exists for personal effects.

The mayor may choose not to accept the use of a vehicle and use his/her own vehicle and instead, with the ability to receive reimbursement for use of his or her private vehicle through a car mileage expense claim.

The mayoral car will be replaced in accordance with Council's Motor Vehicle Policy.

Council resolutions regarding a mayoral vehicle

Council may resolve to require a contribution to be deducted from the mayoral allowance to assist in covering the cost of operating the vehicle. Council may, at any time, pass a resolution reviewing these arrangements.

Currently, a Council resolution from the 2016 November Statutory meeting requires a monthly contribution of \$200 to be deducted from the mayoral allowance.

54. TRAVEL EXPENSES

14.1 Context

Travel expenses, including any reimbursements, must be recorded and reported in Council's Annual Report. Interstate/overseas travel, along with trips within Victoria of more than three days, must be recorded in a publicly available register in accordance with [Council's Public Transparency Policy](#).

14.2 Policy

Travel may be by any of the following means:

- private vehicle
- Council pool vehicle subject to availability and with prior consent from the Chief Executive Officer or [Director Corporate Operations](#)
- taxi charge card or vouchers provided by Council
- sustainable transport using a Myki card issued by Council or VLine ticket
- buses or vehicles hired by Council for group travel.

The following provisions will be applied to determine the amount of travel related out of pocket expenses that will be reimbursed:

- a) travel must be undertaken as quickly as possible and by the shortest route possible
- b) where travel is by air, the standard form of travel will be economy class.

Council will meet the cost of the following car parking fees relating to travel:

- c) hotel/motel parking – additional car parking fees not included in the accommodation cost
- d) airport parking for the parking of a councillor's private vehicle at an airport for the duration of the Councillor attendance requirement.

A councillor undertaking private travel arrangements in conjunction with Council approved and funded travel must ensure that all costs incurred from private travel are clearly separated from the Council funded travel arrangements.

55. CAR MILEAGE EXPENSES

15.1 Context

Councillors using their private vehicles may claim expense reimbursement where such travel is in the course of conducting legitimate Council business.

The following provisions will be applied to determine the amount of travel related out of pocket expenses that will be reimbursed:

- (a) travel must be undertaken as quickly as possible and by the shortest route possible
- (b) claims will only be paid on the basis of the actual form of transport used and in the form of reasonable allowances towards, or reimbursement of, necessary out of pocket expenses.

15.2 Policy

Reimbursement of car mileage expenses will only be approved if councillors use the official claim form attached to this policy and provide adequate detail of:

- the purpose of the trip
- date and location of meeting/site visit
- odometer readings for the start and the end of the trip
- total kilometres travelled.

The cost of any tolls and/or commercial car parking fees incurred during the travel will be reimbursed by Council if the requirements of this clause are met.

Where parking meter/ticket machine expenses are incurred on Council business and a receipt is not available, a photograph of the parking meter and payment made by the councillor must be taken and submitted with the official claim form.

Documentary evidence of any travel related expenses must be provided by the councillor in the form of itemised tax invoice receipts or invoices for tolls, parking and petrol. Failure to provide this evidence will result in the claim being refused.

Reimbursement rate per kilometre

The allowance payable to councillors for use of their own private vehicle on Council business will be in accordance with the rates prescribed by the Australian Taxation Office for the relevant financial year.

The current rate of reimbursement is 0.68 cents per kilometre for a motor vehicle.

Traffic or parking infringements

Council will not reimburse councillors for any infringements incurred for traffic or parking expenses under any circumstances.

56. INFORMATION AND COMMUNICATION TECHNOLOGY EXPENSES

56.1 Context

Councillors will be provided with communications equipment to ensure they can efficiently and effectively undertake their duties.

Councillors may decline the provision of Council IT equipment. Council will provide storage capacity (owned by Council or linked to Council infrastructure) for Councillors using private equipment when appropriate for Council business storage.

56.2 Policy

As a minimum, the following will be offered to councillors:

- a smart phone
- tablet or equivalent
- access to a photocopier/printer at the Euroa office
- internet connection to be provided through the smart phone or tablet, unless there are coverage issues in which case a physical connection will be provided to the councillor's home for Council use only
- bookcase/filing cabinet.

It is recognised that councillors may use their own private printers for Council business if living outside of Euroa where access to the Councillor printer is available. In this situation, Council will supply toner cartridges if the Councillor is using their printer primarily for Council business. Councillors are responsible for contacting the IT Helpdesk to request cartridges so that they can be procured at the lowest cost.

The make, model and specifications of all communications equipment, the associated contracts or plans and replacement of equipment shall be at the discretion of the Chief Executive Officer or his/her delegate.

International calls and international roaming will not be permitted or provided as part of the phone and data plan.

All communications equipment remains the property of Council and must be returned at the end of the councillor's term of office, retirement or resignation or upon suspension.

Accounts for this equipment will be in the name of Strathbogie Shire Council and sent directly to Council.

The Chief Executive Officer, in consultation with the Council, will review councillors' communication equipment provision and will update equipment at:

- the commencement of each new electoral term; and
- any stage during the electoral term where the organisation believes an update is appropriate.

Reimbursement of Council for personal or non-Council business use

Council provided communications equipment is to be used for Council related business activities.

At present, councillor phones are on capped cost plans of a value less than \$40 per councillor per month. This means unlimited phone calls can be made for the set capped price.

Given this, Council will cover the entire cost of plans for councillor smart phones, however councillors must ensure that there is limited, incidental private use of their equipment; this is because the phone is provided for Council business and the costs, along with wear and tear on the phone should be related to this purpose.

Use of Council equipment

Council equipment is provided for councillor use only.

The information technology platform provided to Councillors is based on Strathbogie Shire Council licensed software. No additional software is to be loaded onto Council provided hardware without the consent of the Chief Executive Officer or his/her delegate.

Councillors are responsible for the protection of the equipment directly under their control, and in particular transport laptops and tablets securely.

Anti-virus protection and detection software is installed on Council communication's equipment. Any suspected virus activity should be reported to the IT Helpdesk immediately.

Councillors are required to inform the IT Helpdesk directly of any damage or malfunction of any equipment.

Email and internet usage

Use of email and internet is to be primarily for conducting Council business. Incidental and occasional personal use is acceptable, as long as the use does not contravene any relevant laws, regulations, Council policies or the Strathbogie Shire Councillor Code of Conduct.

All email on the Strathbogie Shire network is the property of Strathbogie Shire Council. The email address supplied to councillors is owned by Strathbogie Shire Council and will cease to exist at the end of the councillor's term in office.

57. CONFERENCE AND TRAINING EXPENSES

57.1 Context

It is essential that councillors are aware of trends, issues and possible solutions to matters that impact on Strathbogie Shire and its community. Attendance at conferences, seminars and other such professional development opportunities is an important and legitimate way in which councillors perform their duties.

There are limited funds for the attendance of councillors at these types of events, so any expenditure on conferences or professional development must provide for maximum net community benefit when weighed up against expenditure incurred by Council.

Details of training courses, conferences and seminars which may be relevant and of interest to councillors will be circulated to all councillors and will be accompanied by details of registration costs and a course outline.

17.2 Policy

Each councillor is able to attend conferences and training up to a limit of \$1500 per financial year without approval from the Chief Executive Officer or a resolution from Council.

The councillor must notify the Chief Executive Officer and fellow councillors that they are attending the conference or training at the next available Assembly of Council by submitting a Councillor Conference & Training Attendance Form, as attached to this policy.

Should a councillor wish to exceed the annual limit of \$1,500 expenditure on conferences and training, a resolution of Council is required to approve this additional expenditure. A Councillor Conference & Training Attendance Form, as attached to this policy, must be completed and forwarded to the Chief Executive Officer to support the Council report requesting funding.

For conferences or seminars:

- held interstate or overseas; and/or
- exceeding \$1501 in total cost (defined as including registration, travel and accommodation)

must be approved by way of Council resolution prior to any bookings being made.

As a general guideline each councillor, other than the mayor, will be limited to one (1) interstate conference per year.

Payment of registration fees for external conferences/seminars, accommodation, flights or train tickets and other incidentals such as conference dinner bookings must be processed through the Chief Executive's Office and attributed to the councillor's conference and training cost centre.

When booking accommodation, only the cost of a standard room will be covered by Council. Should the councillor wish to upgrade their room, it will be at their own personal cost.

Partners and children

Where a councillor is accompanied by a partner, spouse or child(ren) at a conference, the councillor must incur all expenses associated with their partners/spouse/childs' attendance except where no difference in cost in accommodation is incurred, based on a standard double room.

Reporting of public benefit gained through conference/training attendance to Council

Following attendance at a conference or training that:

- was subject to a Council resolution to approve the travel; and/or
- must be recorded on the Travel Register (see section 14.1).

The Councillor must submit a written report to Council at the next Ordinary Meeting under the item 'Reports of Mayor and Councillors and Delegates'.

This report must identify the key issues discussed, issues of relevance to the Strathbogie Shire and the community benefit gained through the councillor's attendance.

Completion of Conference & Training Evaluation Form

All Councillors must complete a Conference & Training Evaluation Form within one month of attendance at an event.

The purpose of this form is to identify the community benefit gained from the event and whether or not, in the future, there would be community benefit gained from councillor attendance.

Professional development programs/courses available to all Councillors

Upon the commencement of each electoral term a comprehensive induction program will be provided to all councillors.

In addition to the Councillor Induction Program, in-house governance training facilitated by officers or an external presenter will be arranged from time to time.

Council will also provide access to professional development programs/initiatives on matters such as meeting procedures, governance training, financial training and team building/interpersonal skills throughout their term on Council.

All professional development expenditure should always be tested against the following criteria:

- Is it directly relevant to the councillor's role?
- Will the learning take place and be utilised during the councillor's term of office?
- Is it in the interest of the community?
- Is there sufficient budget allocation by Council?
- Demonstrated public benefit as distinguished from private benefit.

An annual budget allocation is available for councillors' professional development and is subject to annual review as part of the Council budget approval process. Unexpended money from the training budget cannot be carried forward into the next financial year.

58. CHILD CARE/FAMILY CARE EXPENSES

18.1 Context

This form of expense recognises the diversity of modern family structures and broader family responsibilities a councillors may have. It also recognises that councillors may be a carer for another person.

Legitimate costs incurred by councillors for engaging carers to look after the children (up to and including the age of 16 years), or any other person as defined by [section 4 of the Carers Recognition Act 2012](#), will be reimbursed where these costs are incurred in connection with legitimate Council business.

18.2 Policy

All costs must be substantiated and certified in accordance with this policy and will be reimbursed in accordance with the amount payable to a Level 1 Home Care employee under the Social, Community, Home Care and Disability Services Industry Award, as updated from time to time.

Councillors incurring legitimate family care expenses paid to:

1. a recognised childcare provider; or
2. to a person who:
 - a) is not a family member of the councillor; or
 - b) does not reside either permanently or temporarily with the councillor; or

- c) does not have a relationship with the councillor or his or her partner such that it would be inappropriate for Council to reimburse monies paid to the care provider

will be reimbursed such care expenses when the expenditure is necessary to allow the councillor to attend:

- a) Council meetings and functions involving Council business
- b) Council functions
- c) meetings arising as a result of a councillor being appointed by the Council to an external body
- d) on other occasions where the councillor is representing Council and notification is given to the Chief Executive Officer.

Child/family care expenses are considered to consist of:

- hourly care fees
- agency booking fees
- reasonable travelling expenses by the carer.

Fees are payable per hour or part of an hour subject to any minimum period which is part of the provider's usual terms.

An itemised invoice or receipt from the family care provider must be provided for the reimbursement of any expenses to be approved.

59. INCIDENTAL MEALS AND REFRESHMENTS

Council will provide suitable meals taking into account dietary requirements on the limited occasions where a Council, Assembly of Council or Committee Meeting is held at a time that extends through normal meal times. Wherever possible, meetings will be scheduled to avoid the requirement to provide meals.

Meal and refreshment expenses incurred at any other time must be met by the Councillor unless the costs are incurred during the councillor's attendance at a Council business related event, conference or training session.

The maximum expenditure for meals is as follows:

Maximum cap

- Breakfast \$30
- Lunch \$30
- Dinner \$50

Costs for meals relating to conferences/training must be claimed as part of the total conference/travel expenses and attributed to the councillor conference/training budget.

Expenses for costs associated with the purchase of incidental meals and/or refreshments for Council staff, fellow councillors or other members of the public will not be reimbursed under any circumstances.

Reimbursement of expenses relating to the purchase of alcoholic refreshments is strictly prohibited.

60. REPRESENTING COUNCIL

20.1 Context

Each year Council resolves to appoint councillors to represent it on a number of committees and organisations.

Councillors, or their substitute, representing Council at regular meetings of these committees and any related special events are entitled to have paid by Council, or reimbursed, reasonable and legitimate costs associated with being the Council's and community's representative.

20.2 Policy

Where Council has not appointed a representative to a committee or group, and Council receives an official invitation seeking representation at an event, councillors shall be entitled to have paid by Council, or reimbursed, reasonable costs associated with representing Council.

Attendance at dinners and other non-Council functions

Council will meet the reasonable cost of a councillor's attendance at non-Council functions to which they have been invited where they are attending in their role as councillors and where topics pertain to matters concerning local government or where local government representation is relevant to Council. This may include events promoting the Shire.

If an invitation to a relevant non-council function has not been received but a councillor wishes to attend, the councillor must notify the mayor and Chief Executive Officer of their intention to attend the function.

Invitations outside these parameters must be paid for by the individual councillor attending the dinner or function.

Fundraising and Charitable Events

Council will cover the cost of ticketed events for councillors invited by written invitation to attend local fundraiser/charitable events where the event benefits Strathbogie Shire Council and its community.

Councillor attendance must have a demonstrated benefit to the local community.

Presenter at a conference

Councillors may receive invitations to speak at a conference in their capacity as a councillor. In some cases, conference organisers may waive or cover registration fees in recognition of their contribution and participation. It should be noted that this waiver of fees must be recorded on the gift register.

The reimbursement of expenses for these functions will be at the collective discretion of the Chief Executive Officer and Mayor and will depend on the benefit gained by the Strathbogie Shire community.

61. OTHER EXPENDITURE NOT SPECIFIED

Any expenditure not specified in this policy as expenditure for which a Councillor is entitled to be reimbursed or paid by Council shall be the responsibility of the Councillor, except where Council resolves that a claim is reasonable and legitimate expenditure.

A councillor may be reimbursed for expenses incurred in circumstances not provided for elsewhere in this policy following a Council resolution to do so.

PART 4

62. ADMINISTRATIVE AND DIARY SUPPORT FOR THE MAYOR, DEPUTY MAYOR AND COUNCILLORS

22.1 Context

The mayor, deputy mayor and councillors require support to manage their diaries, respond to community requests, keep abreast of current issues and to manage the broad range of information and matters directed to them.

Strathbogie Shire will provide all councillors with the administrative support they require to efficiently and effectively perform their duties.

22.2 Policy

An appropriate level of administrative support will be made available to assist the mayor, deputy mayor and councillors in performing their role. This may include, but is not limited to, preparation of correspondence, responding to invitations, co-ordinating mayoral and civic receptions, press releases, preparation of speeches, issue research and constituent/community contact activities.

The level of secretarial support shall be determined by the Chief Executive Officer in consultation with the mayor and deputy mayor.

63. STATIONERY AND PUBLICATIONS

23.1 Context

Councillors require stationery and other supplies to enable them to perform their councillor/mayoral role. Such supplies will be provided by Council.

23.2 Policy

Stationery

Each councillor will be provided with an adequate supply of the following stationery to assist them in undertaking their role.

- notebooks and pens
- printer cartridges
- personalised Business Cards
- A4 plain paper
- Christmas Cards & envelopes (up to 40 per Councillor, the Mayor to receive up to 150)
- names tags.

Councillors are responsible for requesting supplies through the Chief Executive's Office, however from time to time councillors may be required to purchase stationery supplies locally if they live a significant distance from the Shire's Office or supplies are required out of normal business hours. In this instance, these costs will be reimbursed should a written request be received that complies with this policy.

Council branded stationery is not to be converted in any way and may only be used for Council business matters (not electoral purposes).

Publications

Councillors will have access to local government sector publications and other legislative or related documents through Council subscriptions.

64. COUNCILLOR ONLINE PRESENCE

Council will provide a web page for each councillor on its website containing:

- a photograph of the councillor
- contact details
- ward map
- Council appointment, committee memberships and community and professional affiliations
- a short bio of the councillors including professional memberships and associations.

Additional information may be included at the request of a councillor, subject to the content being approved for publication by the Chief Executive Officer.

The Council Media Policy & Protocols further outline the expectations of Council, the role of councillors and support provided.

65. APPAREL

The Council shall, upon request, provide councillors with protective clothing (such clothing as may be held in store and to meet the organisation's Occupational Health and Safety requirements) necessary to assist in carrying out the duties of office.

Councillors may also request the provision of Strathbogie Shire Council branded apparel, namely:

- blazer
- jumper or vest
- waterproof jacket.

This apparel is to be returned promptly upon the completion of the councillor's term and remains the property of Strathbogie Shire Council.

66. CIVIC HOSPITALITY

All formal civic functions will be co-ordinated by the Chief Executive's Office and must be pre-approved by the mayor.

All official civic entertainment expenses will be met from the annual budget allocation approved as part of the Council budget.

Where Council meetings, functions or events are held at times that extend through normal meal times (6.30pm – 8.00pm) Council will provide suitable meals for councillors. Alcohol will not be served during these meals.

67. EXTERNAL HOSPITALITY

It is recognised that councillors, on rare occasions, may need to use external hospitality services when conducting Council business outside Council offices.

Councillors will be reimbursed reasonable expenses incurred while entertaining visiting dignitaries or Council business guests on behalf of Council. The Chief Executive Officer must give prior approval to any such undertakings.

68. INDEMNITY

Section 43 of the Act requires Councillors to be indemnified against all actions or claims whether arising during or after their term of office in respect of anything necessarily done or reasonably done or omitted to be done in good faith—

- in the performance of a duty or a function or the exercise of a power under this Act, the regulations or a local law or any other Act; or
- in the reasonable belief that the act or omission was in the performance of a duty or a function or the exercise of a power under this Act, the regulations or a local law or any other Act.

Councillors are responsible for their own personal behaviour / accountabilities when attending Council authorised functions and are subject to their own personal liability.

Council will pay the insurance policy excess in respect of any claim made against a councillor arising from Council business where Council has a liability.

Councillors need to be mindful that Council's insurance policies cannot cover a councillors' own private liability responsibilities, nor damage to or loss of personal possessions.

69. HEALTH INITIATIVES

Councillors will have access to free influenza vaccinations.

70. LEGAL EXPENSES

Council will not cover any personal legal expenses incurred by a councillor, excluding requests for legal advice around possible conflicts of interest or other legal matters relating to the discharge of councillor duties.

71. PARKING ENTITLEMENTS

Councillors are to use the parking spaces around the perimeter of the Euroa Shire Office in accordance with the displayed parking restrictions.

Bicycle parking facilities are provided at the entrance to the Conference Room.

72. BUILDING ACCESS

Each Councillor will receive a security access pass to the Euroa Councillor Office and Conference Room tailored to the needs and times required by councillors.

73. COUNCILLORS WITH DISABILITIES

Council will provide reasonable additional civic support, facilities and equipment for any councillor with a disability to enable that councillor to freely perform his or her civic duties.

74. CULTURAL DIVERSITY

In acknowledging and respecting cultural diversity, Council will do its best to respect and accommodate those requirements necessary for a councillor to undertake their duties.

75. COUNCIL ELECTIONS AND EXCLUSIONS

Councillors must not use Council provided materials and/or facilities for election purposes. This applies to their own candidature or in assisting the candidature of others. Further details on these restrictions will be made in the Councillor's Code of Conduct and the Pre-election Period Policy, as updated from time to time.

76. PROFESSIONAL MEMBERSHIPS AND SUBSCRIPTIONS

Professional memberships that are considered to be reasonable legitimate out of pocket councillor expenses are:

- Australian Institute of Company Directors
- the Victorian Local Governance Association
- the Australian Local Government Women's Association.

Other individual memberships, professional associations or subscriptions which are considered demonstrably beneficial to Council or the performance of the duties of a councillor may be reimbursed subject to a resolution of Council.

PART 5

77. REPORTING AND AUDITING OF COUNCILLOR ALLOWANCES AND EXPENSES

Quarterly reports on mayoral and councillor allowances and expenditure will be forwarded to Council's Audit and Risk Committee, reported through to Council through the Committee's minutes and published on Council's website on a quarterly basis after the information is available for:

- councillor / mayoral /deputy mayor allowances
- communication and information technology expenses
- conference and training expenses
- travel expenses
- child/family care expenses
- reimbursement of private car mileage expenses
- other expenses.

Review and certification of allowances and expenses by councillors

Councillors and the Mayor will be provided with quarterly reports on directly attributable councillor expenses categories identified in the Regulations.

These reports must be certified by councillors as being true and correct prior to being forwarded to the Audit Committee and then for publication in a Quarterly Councillor Expenses and Reimbursements Report. Councillors and the Mayor will generally be provided 14 days to review a report and seek clarification where required.

Public transparency

Details of councillor and mayoral expenses will be published on the Council website and made available to members of the public on request. The published report will include a total cost in each category for the mayor and councillors, as outlined in the template attached to this policy.

Expenses incurred as part of interstate, international travel and travel within Victoria for more than 3 days undertaken on behalf of Council will also be recorded in the travel register required under the Act, as per the template attached to this policy.

The travel register and councillor allowance and expense reports will be published concurrently.

Councillors will be given an opportunity to reimburse Council for any expenditure incurred on non-Council related business. Where a councillor chooses to reimburse Council, reimbursement should occur within 14 days of the quarterly expense report being published on the Council's website.

Audits of councillor expenses and reimbursements will be carried out from time to time as part of Council's internal audit program.

78. PROCEDURES FOR REIMBURSEMENT OF COUNCILLOR EXPENSES

When a councillor requires reimbursement of monies expended whilst conducting Council business, provided such expenditure is deemed acceptable under the provisions of this policy, he/she should follow the procedure below.

- obtain an itemised tax receipt or invoice
- complete a Councillor Expenses Reimbursement Form within six (6) weeks of the expense being incurred
- attach the relevant receipt to the form and forward it to the Chief Executive Officer's Personal Assistant
- the claim will be reviewed by the Chief Executive Officer and, as a double control, reviewed by the **Director Corporate Operations**
- should the reimbursement of the expense be approved by the CEO and **Director Corporate Operations** the claim will be forwarded to the Finance Manager for processing
- reimbursements will be paid into the councillor's nominated bank account by electronic funds transfer.

Expense claims failing to comply with the above will be refused.

79. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 AND THE EQUAL OPPORTUNITY ACT 2010

The Council acknowledges the legal responsibility to comply with the *Charter of Human Rights and Responsibilities Act 2006* and the *Equal Opportunity Act 2010*. The *Charter of Human Rights and Responsibilities Act 2006* is designed to protect the fundamental rights and freedoms of citizens. The Charter gives legal protection to 20 fundamental human rights under four key values that include freedom, respect, equality and dignity.

80. FORMS



Councillor Expenses Reimbursement Form (Example of the minimum information required)

Creditor No _____ Councillor name: _____

| Date | Details of expenses | Councillor duty the expense relates to | \$ Amount Claimed | \$ GST paid | Tax receipt or invoice reference | Expense Category |
|-----------------------------------|--|---|------------------------------|-----------------------------|---|--|
| <i>EXAMPLE ONLY</i> 20/11/2019 | <i>EXAMPLE ONLY</i> 6 hours car parking – Brown's park, Smith Street, Melbourne | <i>EXAMPLE ONLY</i> Councillor Smith – Council's delegate at the MAV Rural Councils meeting, Melbourne head office | <i>EXAMPLE ONLY</i> 62.35 | <i>EXAMPLE ONLY</i> 6.23 | <i>EXAMPLE ONLY</i> Receipt from Brown's car park dated 20/11/19 | <i>EXAMPLE ONLY</i> Conference & Training |
| Total | | | | | | |

| PRIVATE CAR MILEAGE EXPENSES | | | | | |
|------------------------------|--|-----------------------------------|---------------------------------|----------------------------|------------------|
| Date | Councillor duty the mileage relates to | Odometer reading at start of trip | Odometer reading at end of trip | Total kilometres travelled | Expense category |
| EXAMPLE ONLY | EXAMPLE ONLY | EXAMPLE ONLY | EXAMPLE ONLY | EXAMPLE ONLY | EXAMPLE ON |
| 20/11/2019 | Councillor Smith - Council's delegate at the MAV Rural Councils meeting, Melbourne head office | 20,123 | 20,357 | 234 | Car mileage |
| Total kilometres travelled | | | | | |

I (name) _____ certify that:

- the expenses claimed on this form were all legitimately incurred in the course of my duties as a Councillor as identified in the Council Expenses Policy 2020; and
- the information provided on and with this form is true and correct.

Councillor's signature: _____ Date: _____

OFFICE USE ONLY

| | |
|--|--|
| Reimbursement of expenditure approved by: Signature of Chief Executive Officer: _____ Date: _____ Signature of Director Corporate Operations : _____ Date: _____ | Transaction entry in Finance system identifies the (please tick): Councillor name <input type="checkbox"/> Date expense was incurred <input type="checkbox"/> Details of the expense <input type="checkbox"/> Councillor duty the expense relates to <input type="checkbox"/> |
| Account numbers expenses allocated to (please tick): <input type="checkbox"/> 1011111.770120 Travel expenses <input type="checkbox"/> 1011111.770110 Car mileage expenses <input type="checkbox"/> 1011111.770130 Child/family care expenses <input type="checkbox"/> 1011111.770150 Conference & training expenses <input type="checkbox"/> 1011111.766020 IT & Communications expenses <input type="checkbox"/> 1011111.770240 Other Miscellaneous Expenses | Processed by: _____ Finance Department Date: _____ |



TEMPLATE FOR QUARTERLY REPORTS ON COUNCILLOR ALLOWANCES AND EXPENSES

QUARTER AND FINANCIAL YEAR:

| Councillor Name | Councillor Allowance (9.5% super equivalent) | Travel expenses | Car mileage expenses (incl Mayoral vehicle costs) | Child/family care expenses | IT & Communication expenses | Conference & training expenses | Other expenses | Total |
|-----------------|--|-----------------|---|----------------------------|-----------------------------|--------------------------------|----------------|-------|
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

Number of events attended by each Councillor related to conference & training expenses

| Councillor name | Number of events attended |
|------------------------------|---------------------------|
| Cr Amanda McClaren (Mayor) | |
| Cr John Mason (Deputy Mayor) | |
| Cr Alistair Thomson | |
| Cr Graeme Williams | |
| Cr Malcolm Little | |
| Cr Robert Gardner | |
| Cr Chris Raeburn | |



TEMPLATE FOR COUNCILLOR TRAVEL REGISTER

Details of overseas or interstate travel, along with travel more than three days within Victoria, undertaken in an official capacity by any Councillor for the financial year:

| Councillor name | Date travel began | Date travel ended | Destination | Purpose of the travel | Total cost to the Council (including accommodation, meals etc) | Date of Ordinary Council meeting at which the Councillor reported outcomes of attendance |
|-----------------|-------------------|-------------------|-------------|-----------------------|---|--|
| | | | | | | |
| | | | | | | |
| | | | | | | |

Councillor Conference & Training Attendance Form



Councillors must complete this form prior to attending any conferences if no Council resolution is required for the event

| | | |
|---|------------|-------|
| What is the event? | | |
| | | |
| When is the event? | | |
| | | |
| What is the cost to the organisation for your attendance at the event? | | |
| | | |
| Are you receiving any complimentary items (for example tickets to the event)? | | |
| | | |
| Is accommodation and travel required? If yes, please provide details as to how many nights and the mode of travel (eg plane, train, private car, Council vehicle). | | |
| | | |
| What is the community benefit gained from you attending this event? | | |
| | | |
| Councillor details | | |
| Name: | Signature: | Date: |
| | | |
| Confirmation of notification by Councillor | | |
| Chief Executive Officer: | Signature: | Date: |
| | | |

Comments if not approved:

.....
.....
.....

Upon return from the conference please complete the Councillor Conference & Training Evaluation Form

Councillor Conference & Training Evaluation Form



Councillors must complete this form after attending any conferences or training

| | | |
|---|------------|-------|
| What was the event? | | |
| | | |
| When was the event? | | |
| | | |
| How did the event or training relate to the Council Plan? If not relating to the Council Plan, then how did it relate to other Council Business? | | |
| | | |
| What community benefit was achieved from attending this event? | | |
| | | |
| Would you recommend this event to others in the future? If so, why? | | |
| | | |
| Completed by | | |
| Councillor name: | Signature: | Date: |
| | | |
| Review by CEO | | |
| Chief Executive Officer: | Signature: | Date: |
| | | |

Comments from CEO:

.....
.....
.....

9.7.4 Request for Support to Lobby Federal and State Governments for Local Government Representation on the National Cabinet

Author: Executive Manager, Governance & Customer Service

Responsible Director: Chief Executive Officer

EXECUTIVE SUMMARY

The Strathbogie Shire Council Mayor, Cr Amanda McClaren has received a letter from the Mayor of East Gippsland Shire, Cr John White, requesting support from all Victorian Councils to write a letter to State and Federal representatives requesting that:

- local government be represented on the newly created National Cabinet through the Australian Local Government Association
- councils request the Australian Local Government Association and the Municipal Association of Victoria to advocate for representation
- councils write to Federal and State members to lobby for this representation.

Local government plays an important role in the day to day lives of Australians and, in particular, are at the front line of delivering services and emergency response to the Coronavirus (COVID-19) pandemic, which is the current focus of the fortnightly National Cabinet Meetings.

This report seeks endorsement for the Mayor to write the correspondence sought by East Gippsland Shire.

RECOMMENDATION

That Council endorses the Mayor to write correspondence to:

- a) The Australian Local Government Association***
- b) The Municipal Association of Victoria***
- c) Federal and State Government representatives serving the Strathbogie Shire***

requesting that local government be represented on the National Cabinet.

PURPOSE

This report seeks a Council resolution to enable the Mayor to write correspondence to local government bodies and local parliamentary representatives in an effort to secure a local government voice in the National Cabinet, which is currently comprised of the Prime Minister, Premiers and Chief Ministers.

ISSUES, OPTIONS AND DISCUSSION

The National Cabinet is currently meeting on a fortnightly basis to coordinate efforts to respond to COVID-19.

9.7.4 Request for Support to Lobby Federal and State Governments for Local Government Representation on the National Cabinet (cont.)

As the level of government closest to the community, Local Government plays an important role in looking after communities by delivering 100+ services, caring for the environment, managing land and community infrastructure. Furthermore, throughout the Coronavirus COVID-19 pandemic, Councils have been at the front line in preparing and responding to COVID-19 to ensure that services to the community continue. This has included (but not limited to) supporting preparedness, implementation of response measures and recovery, as well as communication of messages to the local community. Local Government, through representation by the Australian Local Government Association (ALGA) has had a seat at the table at the predecessor to the National Cabinet, Council of Australian Governments (COAG) for many years and should continue.

In a broader sense, the Federal Government is driving a national federation reform agenda. Given the unique role of councils in representing a diverse range of local communities, it is considered essential that the voice of this third tier of government be heard.

COMMUNITY ENGAGEMENT

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

Engagement with, and advocacy to, local government representative bodies and local parliamentarians from State and Federal levels on behalf of our community is one of the key roles this Council plays.

POLICY CONSIDERATIONS

Council Plans and Policies

The Council Plan highlights the role of Council in advocating on behalf of its community to other levels of government.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

The purpose of this report is to ensure our community understands efforts around securing a voice for local government on the National Cabinet.

SUSTAINABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

9.7.4 Request for Support to Lobby Federal and State Governments for Local Government Representation on the National Cabinet (cont.)

Economic

Having a seat on the National Cabinet means that the economic needs and impacts of events such as COVID-19 and natural disasters are able to be voiced when broad, strategic decisions are being made about rescue packages and broader funding initiatives.

COLLABORATION

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that collaboration with other councils, levels of government and statutory bodies is to be sought.

Collaborating with fellow councils across Victoria, peak bodies and local parliamentarians ensures that a broad spectrum of parties is made aware of the need for a local government voice on the National Cabinet.

HUMAN RIGHTS CONSIDERATIONS

There are no significant impacts arising from this report against the *Charter of Human Rights and Responsibilities Act 2006*.

CONCLUSION

It is considered that Strathbogie Shire should write to peak bodies and local parliamentarians in an effort to gain a seat at the National Cabinet for local government.

ATTACHMENTS

Attachment 1: Letter from Cr John White, Mayor East Gippsland Shire

ATTACHMENT 1:



OFFICE OF THE MAYOR

East Gippsland Shire Council

Corporate Centre
273 Main Street (PO Box 1618)
Bairnsdale Victoria 3875

Telephone: (03) 5153 9500

Email: mayor@egipps.vic.gov.au

Mobile: 0498 001 531

14 July 2020

Mayor
Council as addressed

Dear Mayor

Local Government Representation on the National Cabinet

Following the recent announcement from the Prime Minister, Scott Morrison, that National Cabinet has agreed to the formation of the National Federation Reform Council and the cessation of the Council of Australian Governments (COAG) model.

East Gippsland Shire Council seeks support from all Councils to advocate to the Federal and State Governments regarding Local Government representation on the National Cabinet.

At the 7 July 2020 ordinary Council meeting East Gippsland Shire Council adopted the following resolution:

"That East Gippsland Shire Council

- 1. Request the Federal Government include Local Government representation, through the Australian Local Government Association, on the National Federation Reform Council, as it currently exists with the Council of Australian Governments; and*
- 2. Seek both the Australian Local Government Association and the Municipal Association of Victoria to advocate on our behalf to the Federal Government; and*
- 3. Through the Mayor, writes to all Victorian Councils encouraging them to advocate to the Federal and State Governments for inclusion of Local Government on the National Federation Reform Council."*

Councils have been represented at every COAG meeting via ALGA under a long-standing agreement. East Gippsland Shire Council supports the statement from MAV President, Boroondara Councillor Coral Ross, that the interests of the community are best served when all three levels of government work in close cooperation.



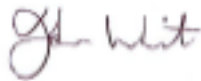
Page 2

Limiting the representation from Local Government in this forum raises the concern that it is in contradiction to the fundamental purpose of the three levels of government, ensuring Australians have someone to represent them at each level of government.

Recent events have demonstrated that Local Governments play a significant role in the planning and delivery of many services that impact on the everyday lives of Australians. Councils must continue to be part of Australia's national decision-making because they know what matters most to their respective communities and how to best deliver it.

I look forward to your support.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'John White', with a stylized, cursive script.

CR JOHN WHITE
Mayor

9.7.5 Strathbogie Shire Council Audit Committee - Unconfirmed Minutes of the Meeting held on Friday 12 June 2020

Author: Director, Corporate Operations

Responsible Director: Director Corporate Operations

EXECUTIVE SUMMARY

This report presents the draft unconfirmed Minutes of the Strathbogie Shire Council Audit Committee meeting held on Friday 12 June 2020.

RECOMMENDATION

That Council:

- 1. Notes the unconfirmed Minutes of the Audit Committee meeting held on Friday 12 June 2020.***
- 2. Notes that the Minutes will be signed by the Chair of the Committee, once accepted, at the next Committee meeting, and any substantive changes to the unconfirmed Minutes will be reported to the next Council meeting.***

PURPOSE AND BACKGROUND

The Strathbogie Shire Council Audit Committee is a Committee appointed by Council and pursuant to Section 139 of the Local Government Act 1989.

The primary objective of the Audit Committee is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, good corporate governance, maintaining a reliable system of internal controls and facilitating the organisation's ethical development.

KEY ISSUES AND DISCUSSION

Items considered by the Committee were:

- Governance Evaluator as a potential tool for assuring governance risk and for consideration as part of the Councillor Induction program post the 2020 elections
- Reports and recommendations for organisational improvement as identified from the annual Internal Audit program were presented for review as follows:
 - Internal Audit – Human Resources
 - Internal Audit – Purchasing Cards
 - Internal Audit – Internal Audit Program Update
 - Internal Audit – Past Issues
 - Internal Audit – Outstanding Items
- Internal Audit – Recent Publications and Reports of Interest to Councils
- Overview of the preparation and consultation undertaken for the draft 2020/21 Budget
- The Auditor General's office Interim Management Letter for consideration
- The Auditor General office draft Audit Strategy for review and discussion

9.7.5 Strathbogie Shire Council Audit Committee - Unconfirmed Minutes of the Meeting held on Friday 12 June 2020 (cont.)

- The proposed requirements for the development of a Audit and Risk Committee Charter to align with the requirements of the Local Government Act 2020 by 1 September 2020
- Officer report on risk management issues for Committee consideration and discussion
- Human Resources Key Strategic Indicators

COMMUNITY ENGAGEMENT

Consultation on this matter is not required. The Audit Committee Charter provides for four independent Community representatives.

POLICY CONSIDERATIONS

The Council Plan contains a goal to “Continue to create a secure investment environment through sound financial management “with the Audit Committee playing a key role in monitoring this goal”.

LEGAL CONSIDERATIONS

Section 139 of the Local Government Act requires Council to have an Audit Committee in place.

CONFLICT OF INTEREST.

No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

CONCLUSION

This report advises the public of the issues considered by the Audit Committee and recommends endorsement of the Minutes.

ATTACHMENTS

Attachment 1: Unconfirmed Minutes of the Audit Meeting held on Friday 12 June 2020

ATTACHMENT 1:

Strathbogie Shire Council
Audit Committee Meeting

12 June 2020



STRATHBOGIE SHIRE COUNCIL

Minutes of a Meeting of the Strathbogie Shire Council Audit Committee held on Friday 12 June 2020 in Meeting Room 2 at the Strathbogie Shire Council Offices at 9.30 a.m.

| | | |
|---------------------------|-----------------------------|---|
| Committee Members: | Ms Claire Taranto (Chair) * | - Community Representative |
| | Mr Mark Freudenstein | - Community Representative |
| | Mr Alister Purbrick * | - Community Representative |
| | Mr Geoff Dobson | - Community Representative |
| | Cr Amanda McClaren | - Council Representative |
| | Cr Robert Gardner | - Council Representative |
| Officers: | Ms Julie Salomon | - Chief Executive Officer |
| | Mr David Roff | - Director Corporate Operations |
| | Mr Upul Sathurusinghe | - Manager Finance |
| Internal Auditors: | Mr Brad Ead * | - AFS & Associates |
| External Auditors: | Mr Jung Yau * | - Manager Financial Audit, Victorian Auditor-General's Office |
| | Mr Sanchu Chummar * | - Acting Sector Director, Local Government Victorian Auditor-General's Office |

* Participated via video conference

1. Welcome
2. Acknowledgement of Traditional Land Owners
'I acknowledge the Traditional Owners of the land on which we are meeting. I pay my respects to their Elders, past and present'
3. Apologies
Mr Phil Howard Director Community and Planning
4. Disclosure of Interests
Cr McClaren stated that in relation to Item 6.2, she had returned a Purchasing Card on 22/06/2019 and that the card had been cancelled

Strathbogie Shire Council
Audit Committee Meeting

12 June 2020

5. Confirmation of Minutes

MOVED ROBERT GARDNER / SECONDED ALISTER PURBRICK –

That the Minutes of the meeting held on Friday 20 March 2020 be confirmed.

37/20

CARRIED

6. Business

7. Items raised by Committee Members

8. Next Meeting

UNCONFIRMED MINUTES

Strathbogie Shire Council
Audit Committee Meeting

12 June 2020

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6. BUSINESS

6.1 Governance Evaluator

At its previous meeting the Committee reviewed the Governance Evaluator Tool and resolved *"That the Committee continue to investigate, and review at the next meeting (including costs)."*

A detailed proposal with costs has been received and was provided to Committee members for discussion.

MOVED ALISTER PURBRICK / SECONDED AMANDA McCLAREN –

- 1. That the Audit Committee note the report.**
- 2. That Council consider Governance Evaluation as part of the induction program for the incoming Council.**

38/20

CARRIED

6.2 Internal Audit Reports

Six reports are presented for review:

- Human Resources
- Purchasing Cards
- Internal Audit Program Status Update
- Past Issues
- Outstanding Items
- Recent Publications and Reports of Interest to Councils

MOVED ALISTER PURBRICK / SECONDED MARK FREUDENSTEIN –

- 1. That the Committee note the reports on the Internal Audit program.**
- 2. That Officers provide a report on the impact of COVID-19 including costs, management of risks and uptake of hardship measures.**
- 3. That Tree Management be included in the proposed audit of Depot Operations, which will now be conducted in November 2020, with Planning now rescheduled for March 2021, noting that the draft Budget includes increased funding for Internal Audits.**

39/20

CARRIED

6.3 Budget 2020/21

Council at a Special Meeting of 27 April 2020 resolved to place the 2020/21 Budget on Public Exhibition with submissions from the public closing on 3 June.

There have also been 5 sessions with the community to explain the Budget and seek feedback.

Council will be considering submissions and hearing those who wish to speak to their submission on 16 June, with adoption of the Budget planned for 30 June 2020.

Since preparation of the Draft Budget there has been further review, and additional government funding has been forthcoming, and a summary of the current state of play has been provided to Committee members, together with modelling of outcomes based on 2 rating scenarios:

- A zero rate increase
- A rate increase of 1.9% with \$320,000 returned to the community in 2020/21 for initiatives to address impacts of the COVID-19 pandemic

Note: Councillors McClaren and Gardner left the room during discussions on this item.

MOVED MARK FREUDENSTEIN / SECONDED GEOFF DOBSON -

That the Committee note preparation of the Budget to date.

40/20

CARRIED

6.4 Interim Management Letter

The Auditor General's office has provided the Interim Management letter for consideration and this was provided to Committee members for review and discussion.

MOVED ROBERT GARDNER / SECONDED MARK FREUDENSTEIN -

That the Audit Committee note content and officer response to the Interim Management letter.

41/20

CARRIED

6.5 Draft Audit Strategy

The Auditor General's office has provided the Draft Audit Strategy for 2019/20 and this was provided to Committee members for review and discussion.

MOVED ROBERT GARDNER / SECONDED MARK FREUDENSTEIN -

That the Audit Committee note the Draft Audit Strategy for 2019/20.

42/20

CARRIED

6.6 Audit Committee Charter

With the new Local Government Act coming into effect there is a need to develop a new Charter for the Committee and this is under preparation for consideration by Council and consultation with the Audit Committee. It is recommended that following consideration by Council, a special meeting of the Audit Committee be convened to provide feedback to Council.

MOVED MARK FREUDENSTEIN / SECONDED ALISTER PURBRICK -

That the Audit Committee convene a Special Meeting in July 2020 to review the Draft Charter after it has been considered by Council.

43/20

CARRIED

6.7 Risk Management Update

A report on Risk Issues has been prepared and was provided to Committee members for consideration.

MOVED ALISTER PURBRICK / SECONDED AMANDA McCLAREN -

That the information be noted, noting that a copy of the Risk Assessment will be provided to the Committee in July 2020.

44/20

CARRIED

6.8 Key Strategic Indicators – Human Resources

Provided to Committee members for their information were Human Resources Reports to 26 May 2020.

MOVED GEOFF DOBSON / SECONDED ALISTER PURBRICK –

That these items be noted, and some data be provided on outstanding leave for Levels 1, 2 and 3 in the organisation.

45/20

CARRIED

6.9 Shared Services Update

An update was provided on the Shared Services project.

MOVED ALISTER PURBRICK / SECONDED MARK FREUDENSTEIN –

That the update be noted.

46/20

CARRIED

6.10 Investigations / Chief Executive Officer Reports

A verbal briefing on any investigations currently being undertaken by Council was provided.

The Chief Executive Officer provided an update on Working for Victoria and is to circulate a list of positions to Audit Committee members.

The Director, Corporate Operations provided an update on the recycling issue.

MOVED ROBERT GARDNER / SECONDED MARK FREUDENSTEIN –

That the verbal reports be noted.

47/20

CARRIED

7. Items raised by Committee Members

8. Next Meeting

Date to be set after discussion with VAGO – re: Audit timeframes.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 11.45 AM.

Confirmed as being a true and accurate record of the Meeting

.....
Chair

.....
Date

9.7.6 Council to Chief Executive Officer Instrument of Delegation

Responsible Director: Executive Manager, Governance & Customer Service

EXECUTIVE SUMMARY

The passing of the new *Local Government Act 2020* (the Act) requires a review and remaking of all instruments of delegation.

The Council to Chief Executive Officer (CEO) instrument of delegation is the way in which Council enables day to day decisions, made under a raft of legislation and local laws, to be made. Without this delegation of power, all decisions would have to be made by a resolution of Council, which cannot occur due to the volume of decisions made by the administration on behalf of Council every day.

An important component of the Instrument of delegation are the limitations to the CEO's powers. Section 11 places restrictions on what can be delegated to the CEO, and Council can also decide to apply further restrictions on the delegation of other powers not specified in the Act.

The draft Instrument before Council is based on the current delegation, and includes the current emergency powers provided to the CEO by Council at the start of the Covid 19 State of Emergency in the event that a quorum of Council could not be achieved. This instrument states that these emergency powers, which have not been used since they were adopted by Council in March 2020, are rescinded when the State of Emergency is lifted.

The delegations also reflect new requirements under the Act of specifying limits on financial delegations. The current limits of \$150,000 for goods and services and \$200,000 for works has been maintained. Additional delegations have been included to enable the CEO to approve higher expenditure that is required under legislation, such as insurances and Work Cover premiums. These are considered to be operational matters and many councils across the State already have such delegations in place.

Once this instrument of delegation has been passed by Council, a series of other instruments of delegations from the CEO to Council staff will be developed under the new Act.

The deadline under the new Act for all the instruments to be adopted is 1 September 2020.

9.7.6 Council to Chief Executive Officer Instrument of Delegation (cont.)

RECOMMENDATION

That Council:

In the exercise of the power conferred by s 11(1)(b) of the Local Government Act 2020 (the Act), Strathbogie Council (Council) resolves that –

- 1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.***
- 2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.***
- 3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.***
- 4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.***

PURPOSE AND BACKGROUND

The new Act requires the preparation and adoption of a new set of Instruments of Delegation. Section 11 of the new Act enables Council to delegate its powers to the CEO. The purpose of this report is to facilitate the adoption of this Instrument so that the CEO can in turn sign other instruments of delegation to Council officers so that day to day decision making can be efficient and seamless.

Council last reviewed this instrument of delegation in Marcy 2020 following advice from the Department of Local Government to adopt contingencies during the Covid 19 pandemic should a quorum of Councillors not be able to be obtained.

The draft Instrument before Council reflects the temporary extended powers provided to the CEO by Council but states that these emergency powers, which have not been enacted since they were adopted by Council in March 2020, are rescinded when the State of Emergency is lifted.

ISSUES, OPTIONS AND DISCUSSION

The Instrument before Council is based on the current instrument, adopted by Council in March this year. It includes the current emergency powers provided to the CEO by Council at the start of the Covid 19 State of Emergency but ensures these extraordinary emergency powers are rescinded when the State of Emergency is lifted.

9.7.6 Council to Chief Executive Officer Instrument of Delegation (cont.)

The new Act requires limits on the CEO's financial delegations, that is the amount of expenditure the CEO can approve without Council endorsement. The current limits of \$150,000 for goods and services and \$200,000 for works has been maintained.

Additional delegations have been included to enable the CEO to approve contract payments higher than the aforementioned amounts if Council has approved a contract (eg the waste management contract payments are over \$150,000) and higher expenditure that is required under legislation, such as insurances and Work Cover premiums. These are considered to be operational matters and many councils across the State already have such delegations in place.

The instrument is based on a template provided by Council's governance lawyers.

It should be noted that a review of all delegations needs to be undertaken within 12 months of a general Council election, meaning the new Council must adopt its own instruments by October 2021.

COMMUNITY ENGAGEMENT

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

Given the operational nature of the Instrument, this matter has not been subjected to any form of community engagement.

POLICY CONSIDERATIONS

Council Plans and Policies

The adoption of an Instrument of Delegation from Council to the CEO is consistent with the Council Plan in that it:

- ensures the Council focuses on key strategic decisions, rather than operational matters
- enables day to day decisions to be made by the administration, thereby providing our community with responsive and timely services.

LEGAL CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

The Instrument of Delegation has been developed in consultation with Council's governance lawyers and has been informed through the participation of the author in several workshops relating to preparing the new instruments as required under the Act.

9.7.6 Council to Chief Executive Officer Instrument of Delegation (cont.)

Restrictions on the ability to delegate matters from Council to the CEO under section 11(2) are:

- (a) the power of delegation;
- (b) the power to elect a Mayor or Deputy Mayor;
- (c) the power to grant a reasonable request for leave under section 35;
- (d) subject to subsection (3), the power to appoint the Chief Executive Officer, whether on a permanent or acting basis;
- (e) the power to make any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
- (f) the power to approve or amend the Council Plan; such as budget adoption,
- (g) the power to adopt or amend any policy that the Council is required to adopt under this Act;
- (h) the power to adopt or amend the Governance Rules;
- (i) the power to appoint the chair or the members to a delegated committee;
- (j) the power to make, amend or revoke a local law;
- (k) the power to approve the budget or revised budget;
- (l) the power to borrow money;
- (m) subject to section 181H(1)(b) of the *Local Government Act 1989*, the power to declare general rates, municipal charges, service rates and charges and special rates and charges;
- (n) any power, duty or function prescribed by the regulations for the purposes of this subsection.

Furthermore, other sections of the Act state that:

- Council can delegate the power to appoint an Acting CEO for up to 28 days (this has been included in the draft instrument)
- delegations can be subject to any conditions or limitations as specified
- a delegation relating to the power to enter into a contract or make any expenditure must be accompanied by a maximum dollar limit that cannot be exceeded.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

The new Act requires Council to maintain a public register of the delegations made under section 11. Once the Common Seal has been affixed to the Instrument, it will be made available on Council's website and copies made available in hard copy upon request, as required by our Public Transparency Policy 2020.

9.7.6 Council to Chief Executive Officer Instrument of Delegation (cont.)

FINANCIAL VIABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

The draft Instrument delegates financial powers to the CEO to enable the efficient payment of invoices across the organisation.

However, as required under section 11 of the Act, the upper limits of such expenditure are the same as those currently in place, namely:

- \$150,000 for the procurement of goods and services
- \$200,000 for the procurement of works.

There is also a proposed financial delegation to avoid Council having to authorise insurance payments and Work Cover payments, as they are often over the \$200,000 limit mentioned above.

Under the draft Instrument, the following clause would apply:

Ability to approve payments for insurance and Work Cover of up to \$400,000 and payments for contracts entered into/approved by Council of up to \$450,000. The latter enables payments of invoices related to contracts such as waste collection, which are for amounts over the \$150,000 delegation for procurement of goods and services.

INNOVATION AND CONTINUOUS IMPROVMENT

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is the pursuit of innovation and continuous improvement.

The review of instruments of delegation is one way in which our operations are constantly reviewed and refined to identify areas where operational efficiency and timely decision making can be enhanced.

This does not, however, come at a cost of transparency or loss of control for the Council given there are restrictions within the Instrument around CEO powers. Furthermore, just because the CEO has a delegation, it does not mean that it is always prudent to exercise it without referring matters back to Council or consulting with Council prior to such power being used.

COLLABORATION

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that collaboration with other councils, levels of government and statutory bodies is to be sought.

The author of the draft Instrument has participated in a number of workshops around the new delegation requirements under the 2020 Act and discussions with counterparts through the North East Governance Officers' Network.

HUMAN RIGHTS CONSIDERATIONS

This report does not raise any significant issues or impact on human rights as defined by the *Charter of Human Rights and Responsibilities Act 2006*.

9.7.6 Council to Chief Executive Officer Instrument of Delegation (cont.)

CONCLUSION

The draft Instrument of Delegation from Council to the Chief Executive Officer is based on the current delegation, with some minor amendments to reflect the requirements of the new Act.

ATTACHMENTS

Attachment 1: Instrument of Delegation – Council to Chief Executive Officer

ATTACHMENT 1:

S5 Instrument of Delegation to Chief Executive Officer



Strathbogie Council

Instrument of Delegation

to

The Chief Executive Officer

Instrument of Delegation

In exercise of the power conferred by s 11(1) of the *Local Government Act 2020* (**the Act**) and all other powers enabling it, the Strathbogrie **Shire** Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 18 August 2020;
2. the delegation
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 is subject to any conditions and limitations set out in the Schedule;
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.4 remains in force until:
 - 2.4.1 Council resolves to vary or revoke it; or
 - 2.4.2 In the case of Clauses 7 to 10 until the lifting of the State of Emergency in Victoria relating to the COVID-19 pandemic, unless Council resolves to vary or revoke these clauses prior to the lifting of the State of Emergency.

##**Council seal**

SCHEDULE

The power to

1. determine any issue;
 2. take any action; or
 3. do any act or thing
- arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing

1. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 1.1 entering into a contract exceeding the value of \$150,000 for goods and services or \$200,000 for works;
 - 1.2 making any expenditure that exceeds \$30,000 unless:
 - 1.2.1 it is expenditure made under a contract already entered into by Council, in which case it must not exceed \$450,000;
 - 1.2.2 it is expenditure which Council is, by or under legislation, required to make, in which case it must not exceed \$200,000; or
 - 1.2.3 it is expenditure related to the payment of insurance premiums or Work Cover premiums, in which case it must not exceed \$400,000.
 - 1.3 appointing an Acting Chief Executive Officer for a period exceeding 28 days;
 - 1.4 electing a Mayor or Deputy Mayor;
 - 1.5 granting a reasonable request for leave under s 35 of the Act;
 - 1.6 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
 - 1.7 approving or amending the Council Plan;
 - 1.8 adopting or amending any policy that Council is required to adopt under the Act;
 - 1.9 adopting or amending the Governance Rules;
 - 1.10 appointing the chair or the members to a delegated committee;
 - 1.11 making, amending or revoking a local law;
 - 1.12 approving the Budget or Revised Budget;
 - 1.13 approving the borrowing of money;

- 1.14 subject to section 181H(1)(b) of the *Local Government Act 1989*, declaring general rates, municipal charges, service rates and charges and specified rates and charges;
2. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
3. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
4. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - 4.1 policy; or
 - 4.2 strategyadopted by Council;
5. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
6. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.
7. if the issue, action, act or thing is required by law to be done by Council resolution unless that matter has been placed on an agenda for a scheduled Council meeting but could not be considered at neither the scheduled meeting nor the rescheduled meeting due to a lack of quorum (under Council's Meeting Procedure Local Law No 1 of 2014, to be superseded by Strathbogie Shire Council's Governance Rules on 1 September 2020) during the Covid 19 pandemic State of Emergency.
8. if the issue, action, act or thing is an issue, action or thing which Council has previously designated must be the subject of a Resolution of Council unless that matter has been placed on an agenda for a scheduled Council meeting but could not be considered at neither the scheduled meeting nor the rescheduled meeting due to a lack of quorum (under Council's Meeting Procedure Local Law No 1 of 2014, to be superseded by Strathbogie Shire Council's Governance Rules on 1 September 2020) during the Covid 19 pandemic State of Emergency.
9. prior to exercising power under clauses 7 and 8 above, the Chief Executive Officer must consult with all available Councillors via electronic means (phone, email, teleconference) prior to exercising any extended emergency delegation.
10. after the powers under clauses 7 and 8 above are used, the Chief Executive Officer must table a report identifying the decisions made in lieu of the ability to reach a quorum of Council under this Instrument on the next scheduled Council meeting agenda.

9.7.7 Results of 2020 Community Satisfaction Survey

Responsible Officer: Chief Executive Officer

The annual Local Government Community Satisfaction Survey (CSS) is coordinated by State Government but is primarily funded by participant councils and conducted by an independent researcher JWS Research. The 2020 CSS Survey was conducted from 30 January 2020 to 22 March 2020 via a random telephone survey of 400 Strathbogie Shire residents aged 18-plus years old.

Strathbogie Shire Council achieved an overall score of 50 points, down from 56 in 2019. Council's overall performance is rated statistically significantly lower than the average rating for councils in the State-wide and Small Rural groups (index scores of 58 and 56 respectively).

Council acknowledges the results of this year's survey, which indicate our community is asking us to improve our performance. Over the next 12 months, there will be a concerted effort to expand our consultation and engagement activities, to better inform the community, to provide an excellent standard of customer service. These key areas of focus for Council staff are "The Four C's" (customer service, community decisions, consultation and engagement and communication) and are priorities across the organisation. The simple changes will start now. We will focus on internal monitoring, reporting and accountability of our current service standards. We will also work on improving communications, including our new website. For the commitments that require community engagement this will occur after the Local Government elections and into early 2021.

RECOMMENDATION

That Council:

- 1. Notes the findings of the 2020 Local Government Community Satisfaction for Strathbogie, including areas which have been nominated by the community as needing more attention from Council;***
- 2. Endorses the 'Our Commitment to You' charter which highlights Councils direct response to the community feedback; and***
- 3. Receives a further report in February 2021 regarding progress towards actions and steps taken to improve our performance noting that during the caretaker period commencing 12.00 noon 22 September 2020 and concluding 24 October 2020, no formal community engagement activities will be conducted in accordance with the Local Government Act 2020.***

9.7.7 Results of 2020 Community Satisfaction Survey (cont.)

PURPOSE AND BACKGROUND

The Local Government Community Satisfaction Survey (CSS) is coordinated by State Government but is primarily funded by participant councils and conducted by an independent researcher JWS Research. The purpose of the survey is to measure how Victorian residents rate the performance of their Council. The results are useful to councils as they highlight areas in need of improvement and enable them to track performance over time. Strathbogie Shire Council has participated in this annual survey since 2012 except for 2017 where an alternate provider was used.

The 2020 CSS Survey was conducted from 30 January 2020 to 22 March 2020 via a random telephone survey of 400 Strathbogie Shire residents aged 18-plus years old. For 2020, 203 females and 197 males participated with all wards represented with the exception of Mt Wombat. Given the importance of ensuring that the survey results are representative of our community, Officers have provided feedback to JWS Research that all surveys going forward must include representation from all wards.

Respondents were asked to rate council performance on a five-point scale from 'very good' to 'very poor' across 14 key areas. Topics range from overall performance to customer service, roads, communications and the like. The topics and detailed findings are detailed in the JWS Research report (refer Attachment 1). The index score is then calculated and represented as a score out of 100 (on a 0 to 100 scale) which enables Council to compare the results over time.

Strathbogie Shire Council's results are benchmarked against results for two groups of councils:

- The *Small Rural* group participating councils. The Small Rural Shire Group provides the most relevant and important set of benchmarks for Strathbogie.
- The *State-wide* group *included all participating* councils, namely metropolitan, interface, regional centres, large rural and small rural councils.

RESULTS

Strathbogie Shire Council achieved an overall score of 50 points, down from 56 in 2019. Council's overall performance is rated statistically significantly lower than the average rating for councils in the State-wide and Small Rural groups (index scores of 58 and 56 respectively). Key areas influencing this score included (but not limited to) the following areas:

- Overall Council direction (down 8 points)
- Making decisions in the interest of the community (down 6 points from 55)
- Engaging and consulting with the community (down 6 points from 55)
- Informing the community (down 5 points from 55)
- Advocating and lobbying on behalf of its community (down three points).

Strathbogie achieved a score that was above or equal to the small rural and state-wide group averages average for the following core indicators that continue to be Strathbogie's highest performing areas:

- Customer Service – index score of 72 (down from 75). This is slightly higher than the state-wide and small rural index scores of 70.
- Waste Management – index score of 62 down from 63. This score is slightly lower than the state-wide averages (65) and small rural (64).
- Tourism Development – index score of 62, down from 64. This is in line with state-wide and small rural index scores of 63 and 62 respectively.

9.7.7 Results of 2020 Community Satisfaction Survey (cont.)

Respondents were asked “What are the best things about Strathbogie Shire Council?
The top five mentions were:

- Customer service (10%)
- Road/street maintenance (6%)
- Tourism (6%)
- Recreational/Sporting Facilities (5%)
- Waste Management (5%)

Whilst the all scores are lower than previous years, respondents highlighted that the natural environment, parks and gardens, recreational and sporting activities, our events, tracks and trails were important to them and are a key feature of why they live in our Shire.

AREAS FOR IMPROVEMENT

Through the survey, the community has identified areas where Council needs to improve its performance. Many of these areas are broadly associated with key performance and service areas. This feedback from the community comes through in three sections of the survey:

Areas in which Council rates lowest

The areas in which Strathbogie’s performance rated lowest in 2020 (compared with the previous year) were:

- Unsealed roads (index score of 41)
- Local streets and footpaths (index score of 46)
- Making decisions in the interest of the community (index score of 49)
- Community consultation and engagement (index score of 49)

Areas nominated by the community as needing improvement

At the end of the survey, residents were asked “What does Strathbogie Shire Council most need to do to improve its performance? The top five areas nominated were:

- Sealed Road maintenance (17%)
- Rates (13 %)
- Communication (11%)
- Waste Management (8%)
- The condition of footpaths and walking tracks (8%)

Areas for further strengthening

Whilst all areas identified in the survey require strengthening to lift our performance, moving forward Council will focus on good communication and transparency with residents about decisions made in the community’s interest. Other key area of focus includes:

- Community consultation and engagement;
- Customer responsiveness;
- Condition of sealed local roads, excluding Rural Roads Victoria (formerly VicRoads);
- Lobbying on behalf of the community;
- Informing the community;
- Waste management; and
- Maintenance of unsealed roads.

9.7.7 Results of 2020 Community Satisfaction Survey (cont.)

DISCUSSION

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Council acknowledges the results of this year's survey, which indicate our community is asking us to improve our performance. Over the next 12 months, there will be a concerted effort to expand our consultation and engagement activities, to better inform the community, to provide an excellent standard of customer service. These key areas of focus for Council staff are "The Four C's" (customer service, community decisions, consultation and engagement and communication) and are priorities across the organisation.

In addition to this focus, internally we will:

- strengthen project management and delivering on time and providing best value outcomes
- continue to strengthen our governance and embed good practice across all aspects of our operations
- all business units across Council have developed an action plan to specifically address the feedback provided and will report on their progress each quarter.

Externally we will:

- Report these results and our commitments to improving back to the community through our newsletter and all other communication channels.
- Share our new engagement principles that provide a set of minimal requirements and objectives that our community engagement must adhere too, these being:
 - **Genuine and transparent:** We will be open and honest in our engagement approach. Our scope will be outlined, the purpose clear and we won't shy away from telling the truth – even when it is hard.
 - **Inclusive and accessible:** We will be approachable. We will create an environment where diversity of opinion is welcomed and everyone is heard.
 - **Responsive and flexible:** Our engagement approach will be adaptable to ensure it meets its purpose and generates participation. There is no one-size-fits-all approach so we will be watchful and ready to change.
 - **Listen and learn:** We will evaluate and monitor our engagement and consultation to ensure we continually improve.
- Share our community commitments to improve. These being:
 - **Develop meaningful service standards.** We will work with our community to review our current service standards (those outlined in our Customer Service Charter) and develop new standards in the areas that matter to you.
 - **Commit to a public Community Report Card.** We will be transparent on how we're tracking on the service standards you helped us develop. We'll do this through the release of a six-monthly community report card.
 - **Advance tools to measure improvement.** Our Customer Service team will create a program of continual testing and improvement by developing an ongoing pulse survey.

9.7.7 Results of 2020 Community Satisfaction Survey (cont.)

- **Host an annual Community Forum.** We will create an annual Community Forum that will include deliberative engagement, participatory budgeting, community education and genuine and transparent engagement opportunities.
- **Improve our communications.** We know improving our key avenues for communication is essential. We will build a new website the meets your needs, create an eNews for more regular updates and work with you to ensure our quarterly newsletter provides information on topics that are relevant and timely.

Our timelines

The simple changes we're making will start now. Internal monitoring, reporting and accountability of our current service standards. Working on improving communications, including our new website. For the commitments that require community engagement this will occur after the Local Government elections and into early 2021.

We will also be looking at other practical ways in which we can improve our performance, communicate better and engage more, all with a particular focus on customer responsiveness.

COMMUNITY ENGAGEMENT

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

The annual survey undertaken during the months of January, February and March is designed to ensure that the community has the opportunity independently provide feedback and insight into Strathbogie Shire Council performance and their services. This statewide telephone survey collects direct feedback from the community and covers:

- council's overall performance
- community consultation and engagement
- advocacy – lobbying on behalf of the community
- customer service
- overall council direction

A minimum of 400 local residents and ratepayers in each municipality over 18 years of age are selected at random.

POLICY CONSIDERATIONS

Regional, State and National Plans and Policies

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

Each year, Local Government Victoria (LGV) coordinates and auspices an annual Community Satisfaction Survey for Victorian councils. The results of core measures are included in Council's Annual Report each year and on the State Government's Know Your Council website as part of the Local Government Performance Reporting Framework.

9.7.7 Results of 2020 Community Satisfaction Survey (cont.)

Conflict of Interest Declaration

The officer involved in the preparation of this report have signed a written declaration that she does not have a conflict of interest in the subject matter of this report.

Transparency

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

The full results of this survey have been made public (in this meeting agenda) and will be communicated to residents via the MyStrathbogie Bulletin, a media release and on Council's website.

There is no requirement for councils to make their results available publicly, however Strathbogie will now do so in the interests of open government and transparency.

INNOVATION AND CONTINUOUS IMPROVMENT

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is the pursuit of innovation and continuous improvement.

The survey results provide us with a good benchmark which we can use to help guide our decision making and also where we may need to increase our efforts in the future to increase performance and service improvement.

HUMAN RIGHTS CONSIDERATIONS

This survey ensures that our community is able to democratically participate in providing open and honest feedback and insight to Council about our performance.

CONCLUSION

Council thanks those community members who gave of their time to participate in the 2020 Community Satisfaction Survey. The feedback provided will be used to build a high-performing Council culture that truly delivers for its community.

ATTACHMENTS

Attachment 1: 2020 Community Satisfaction Survey Results for Strathbogie Shire Council

Attachment 2: Our Commitment to You

ATTACHMENT 1:

**2020 Local
Government
Community
Satisfaction Survey**

**Strathbogie Shire
Council**

Coordinated by the Department of
Environment, Land, Water and Planning
on behalf of Victorian councils



J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



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Background and objectives

The Victorian Community Satisfaction Survey (CSS) creates a vital interface between the council and their community.

Held annually, the CSS asks the opinions of local people about the place they live, work and play and provides confidence for councils in their efforts and abilities.

Now in its twenty-first year, this survey provides insight into the community's views on:

- councils' overall performance with benchmarking against State-wide and council group results
- community consultation and engagement
- advocacy and lobbying on behalf of the community
- customer service, local infrastructure, facilities and
- overall council direction.

When coupled with previous data, the survey provides a reliable historical source of the community's views since 1998. A selection of results from the last nine years shows that councils in Victoria continue to provide services that meet the public's expectations.

Serving Victoria for 21 years

Each year the CSS data is used to develop this State-wide report which contains all of the aggregated results, analysis and data. Moreover, with 21 years of results, the CSS offers councils a long-term measure of how they are performing – essential for councils that work over the long term to provide valuable services and infrastructure to their communities.

Participation in the State-wide Local Government Community Satisfaction Survey is optional. Participating councils have various choices as to the content of the questionnaire and the sample size to be surveyed, depending on their individual strategic, financial and other considerations.

Key findings and recommendations



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J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Strathbogie Shire Council – at a glance

Overall council performance

Results shown are Index scores out of 100.



Strathbogie 50



State-wide 58



Small Rural 56

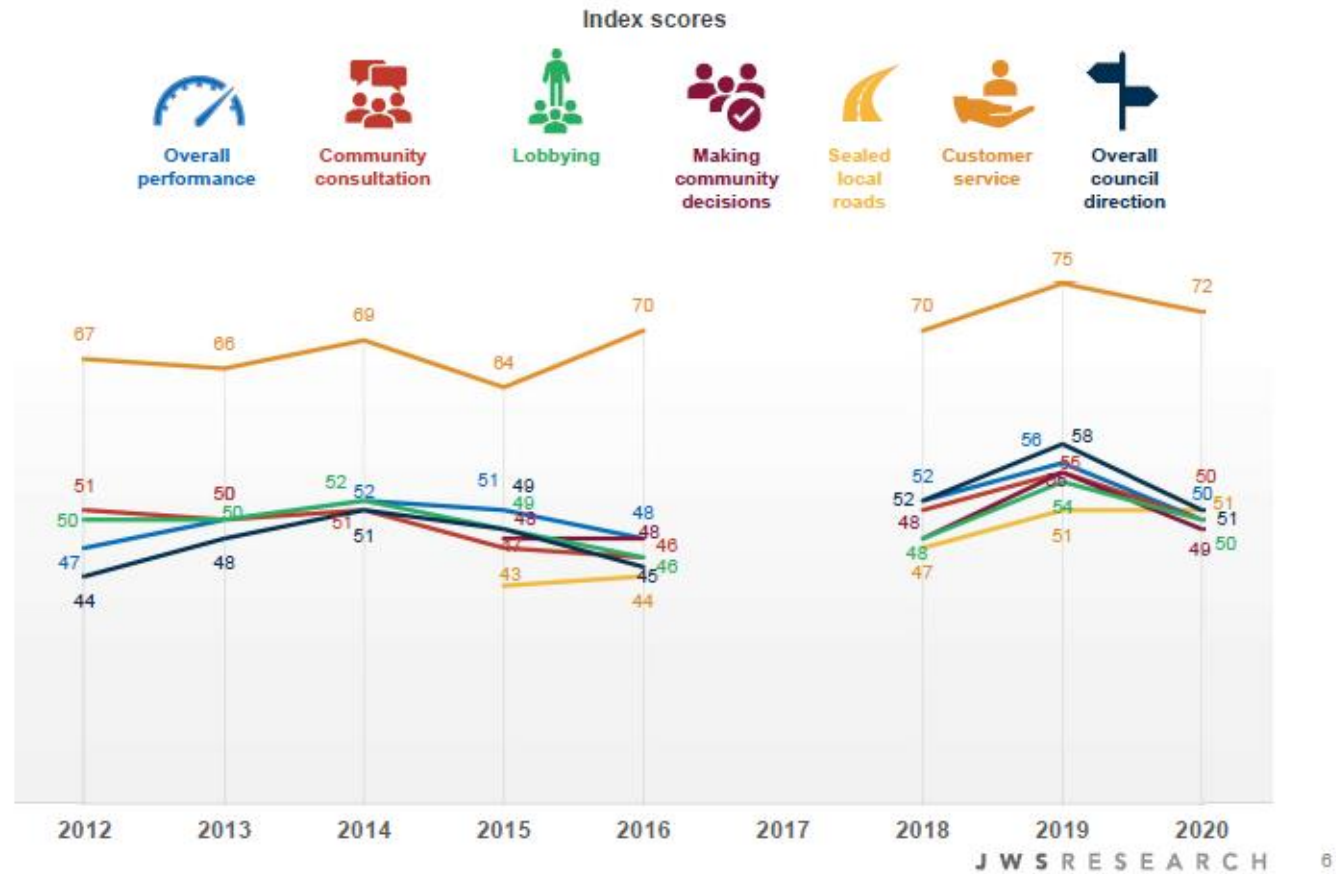
Council performance compared to State-wide and group averages

| | Areas where Council performance is significantly higher | The three areas where Council performance is significantly lower by the widest margin |
|--------------------------------|---|--|
| Compared to State-wide average | None | <div>Local streets & footpaths</div> <div>Enforcement of local laws</div> <div>Consultation & engagement</div> |
| Compared to group average | None | <div>Local streets & footpaths</div> <div>Consultation & engagement</div> <div>Community decisions</div> |

J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Summary of core measures

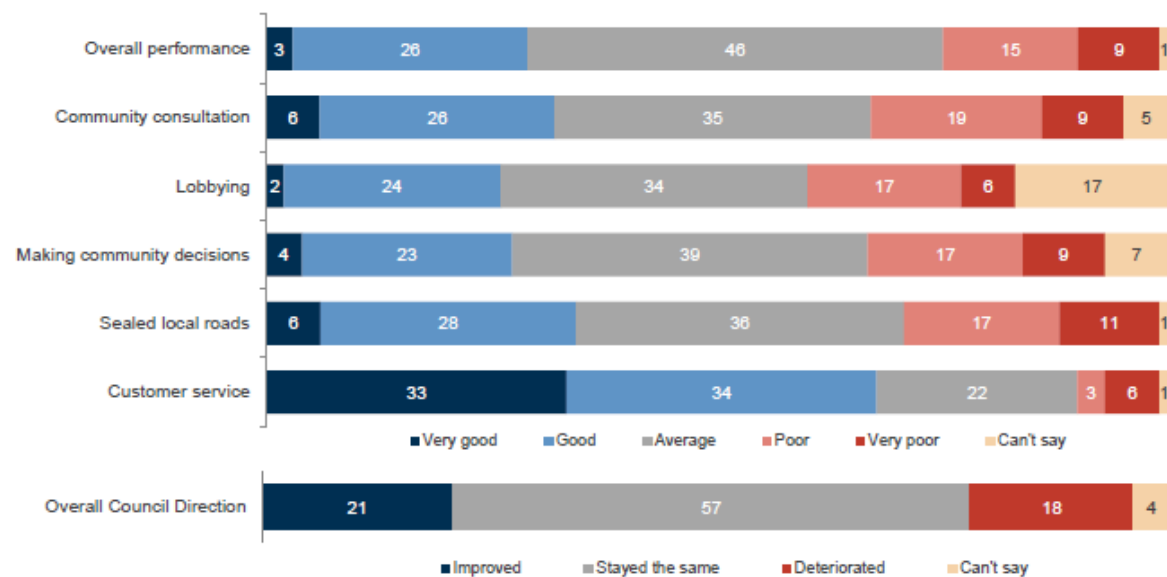


J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Summary of core measures

Core measures summary results (%)



J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Summary of Strathbogie Shire Council performance

| Services | Strathbogie 2020 | Strathbogie 2019 | Small Rural 2020 | State-wide 2020 | Highest score | Lowest score |
|------------------------------|------------------|------------------|------------------|-----------------|------------------|-----------------------------|
| Overall performance | 50 | 58 | 58 | 58 | Aged 18-34 years | Aged 65+ years |
| Overall council direction | 51 | 58 | 50 | 51 | Aged 18-34 years | Honeysuckle Creek residents |
| Customer service | 72 | 75 | 70 | 70 | Aged 18-49 years | Aged 50+ years |
| Waste management | 62 | 63 | 64 | 65 | Aged 65+ years | Aged 50-64 years |
| Tourism development | 62 | 64 | 63 | 62 | Aged 18-34 years | Seven Creeks residents |
| Enforcement of local laws | 59 | 59 | 62 | 63 | Aged 18-34 years | Aged 50+ years |
| Environmental sustainability | 56 | - | 57 | 60 | Aged 18-34 years | Honeysuckle Creek residents |
| Informing the community | 55 | 59 | 58 | 59 | Aged 18-34 years | Aged 65+ years |
| Sealed local roads | 51 | 51 | 51 | 54 | Aged 18-34 years | Aged 50-64 years |
| Consultation & engagement | 50 | 55 | 54 | 55 | Aged 35-49 years | Aged 50-64 years |





Significantly *higher* / *lower* than Strathbogie Shire Council 2020 result at the 95% confidence interval.
Please see Appendix A for explanation of significant differences and index scores.

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J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Summary of Strathbogie Shire Council performance

| Services | Strathbogie 2020 | Strathbogie 2019 | Small Rural 2020 | State-wide 2020 | Highest score | Lowest score |
|---|------------------|------------------|------------------|-----------------|------------------|-----------------------------|
|  Lobbying | 50 | 54 | 52 | 53 | Aged 18-34 years | Aged 50+ years |
|  Community decisions | 49 | 55 | 53 | 53 | Aged 18-34 years | Aged 50-64 years |
|  Local streets & footpaths | 46 | 48 | 57 | 58 | Aged 18-34 years | Aged 65+ years |
|  Unsealed roads | 41 | 43 | 43 | 44 | Aged 35-49 years | Honeysuckle Creek residents |

Significantly *higher* / *lower* than Strathbogie Shire Council 2020 result at the 95% confidence interval.
Please see Appendix A for explanation of significant differences and index scores.

J W S R E S E A R C H 9

J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Focus areas for the next 12 months

Overview

Following a year of strong ratings, perceptions of Council performance across service areas evaluated have either remained unchanged or decreased significantly over the past year. The gains in perceptions of performance achieved last year have not been maintained. Perceptions of overall performance has followed suit, decreasing by a significant six points from 2019.

Key influences on perceptions of overall performance

Strathbogie Shire Council should focus on maintaining and improving performance in the area of decisions made in the interest of the community, as it is the most influential of driving perceptions of overall performance. This service area experienced a significant decline in performance perceptions this year. The service area of unsealed roads would also benefit from some moderate improvements, as it is this year's lowest rated service area and also has considerable influence on perceptions of overall performance.

Comparison to state and area grouping

While Council performs below the State-wide average on many measures, there are more measures where Council is in line with Small Rural group average. An important focus over the next twelve months should be on those areas where Council underperforms in comparison to the group average.

Maintain gains achieved to date

Council should work to continue its positive performance in waste management, given that it is a measure that is particularly influential of overall perceptions. Council should also look to maintain its strong showing in customer service, as residents identify this service area as the best aspect of Council's deliverables. Residents aged 50 years and over are consistently more critical of Council, and so extra attention should be paid to interactions with this cohort over the coming twelve months.

DETAILED FINDINGS



Overall performance



J W S R E S E A R C H 12

J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Overall performance

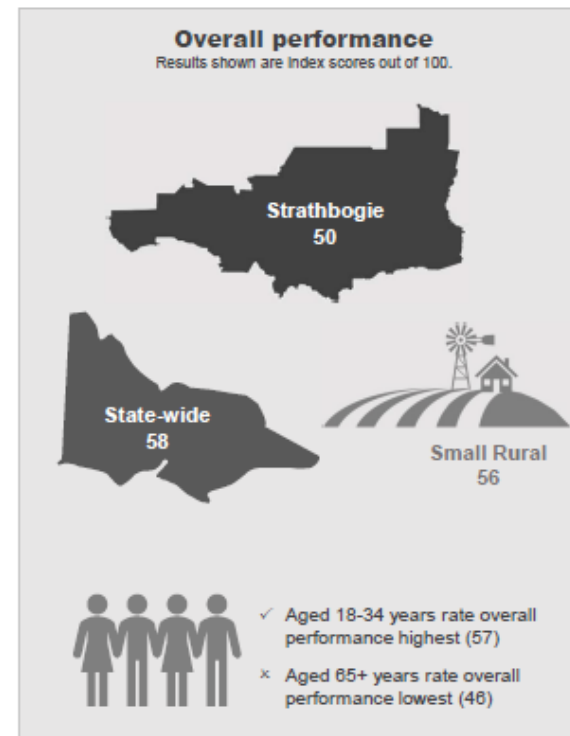
The overall performance index score of 50 for Strathbogie Shire Council represents a significant six-point decline on the 2019 result.

- Overall performance is at its lowest level since 2016.

Strathbogie Shire Council's overall performance is rated statistically significantly lower (at the 95% confidence interval) than the average rating for councils in the Small Rural and State-wide groups (index scores of 56 and 58 respectively).

- Many demographic and geographic cohorts significantly decreased in their perceptions of overall performance in the past year.
- The rating among residents aged 65 years and over is lower than average (index score of 46, down a significant 10-points from 2019). This rating is the lowest recorded level for this cohort.
- Residents aged 18 to 34 years (index score of 57) are significantly more favourable than average in their view of Council's overall performance.

Three in 10 residents rate Strathbogie Shire Council's overall performance as 'very good' or 'good' (29%), more than the 24% who rate it as 'very poor' or 'poor'. A further 46% sit mid-scale, rating Council's overall performance as 'average'.

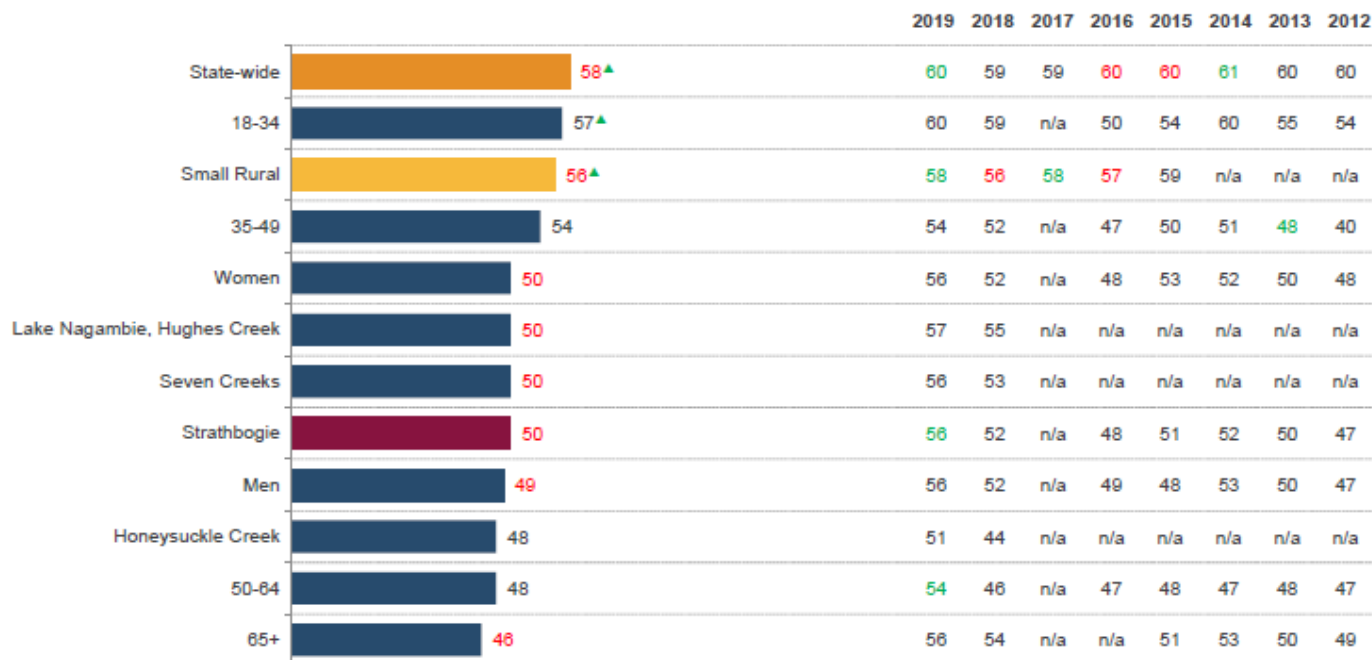


J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Overall performance

2020 overall performance (index scores)



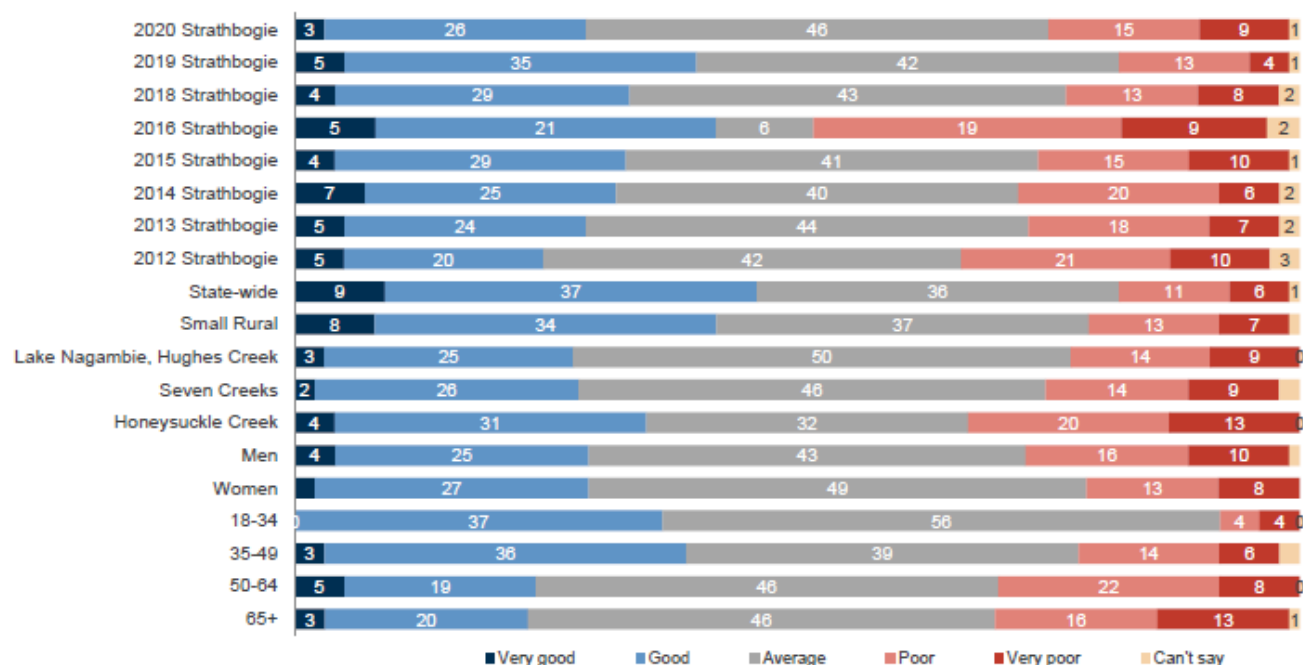
Q3. ON BALANCE, for the last twelve months, how do you feel about the performance of Strathbogie Shire Council, not just on one or two issues, BUT OVERALL across all responsibility areas? Has it been very good, good, average, poor or very poor?
Base: All respondents. Councils asked state-wide: 62 Councils asked group: 18
Note: Please see Appendix A for explanation of significant differences.

J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Overall performance

2020 overall performance (%)



Q3. ON BALANCE, for the last twelve months, how do you feel about the performance of Strathbogie Shire Council, not just on one or two issues, BUT OVERALL across all responsibility areas? Has it been very good, good, average, poor or very poor?
Base: All respondents. Councils asked state-wide: 62 Councils asked group: 16

J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Top performing service areas

Waste management (index score of 62) is the area where Council performed best in 2020, notwithstanding a one-point (not significant) decline from 2019.

- Council performs in line with the Small Rural group average and significantly lower than the State-wide average in this service area (index scores of 64 and 65 respectively).
- Residents aged 65 years and over rate Council significantly higher than average for its performance in this area (index score of 68).
- This service area has considerable influence on perceptions of Council's overall performance, and so Council should look to maintain its efforts in this measure over the coming twelve months.

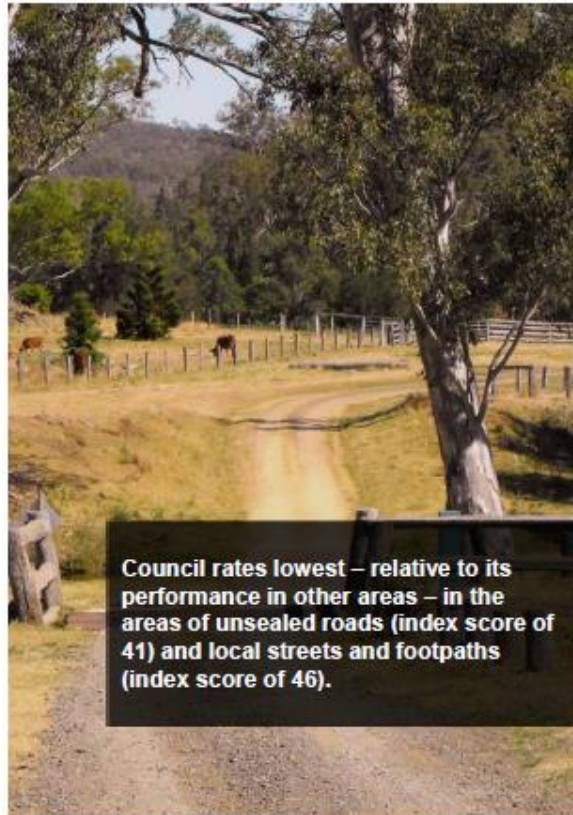
Tourism development is rated similarly to waste management with an index score of 62 (down two points from 2019).

- On this measure, Council performs in line with the Small Rural group and State-wide averages (63 and 62 respectively).
- Residents of Seven Creeks are significantly less favourable of Council's performance here (index score of 57) while residents of Lake Nagambie and Hughes Creek are significantly more positive (index score of 68).





Low performing service areas



Council rates lowest in the areas of unsealed roads (index score of 41) and local streets and footpaths (46). Ratings in both of these service areas have declined by two index points in the last year (not a significant change).

- Council rates significantly lower than the Small Rural group average on local streets and footpaths, but is in line with the group average on unsealed roads (57 and 43 respectively).
- No geographic area stands out as being significantly different to the Council average on these service areas.

Council's performance in the area of unsealed roads should remain a focus for improvement as it has a moderate influence on overall perceptions.

The service area of community decisions also regressed in its performance this year (index score of 49, a significant six-point decline from 2019).

- Community decisions also has a key influence in driving perceptions of overall performance.
- Residents aged 50 to 64 years rate Council significantly below average on this service area (index score of 43, down seven points). Residents aged 65 years and over experienced a significant ratings decline, dropping 10 points to 46.

J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Individual service area performance

2020 individual service area performance (index scores)

| | | 2019 | 2018 | 2017 | 2016 | 2015 | 2014 | 2013 | 2012 |
|------------------------------|----|------|------|------|------|------|------|------|------|
| Waste management | 62 | 63 | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| Tourism development | 62 | 64 | 63 | n/a | n/a | n/a | n/a | n/a | n/a |
| Enforcement of local laws | 59 | 59 | 56 | n/a | n/a | n/a | n/a | n/a | n/a |
| Environmental sustainability | 56 | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| Informing the community | 55 | 59 | 55 | n/a | n/a | n/a | n/a | n/a | n/a |
| Sealed local roads | 51 | 51 | 47 | n/a | 44 | 43 | n/a | n/a | n/a |
| Consultation & engagement | 50 | 55 | 51 | n/a | 46 | 47 | 51 | 50 | 51 |
| Lobbying | 50 | 54 | 48 | n/a | 46 | 49 | 52 | 50 | 50 |
| Community decisions | 49 | 55 | 48 | n/a | 48 | 48 | n/a | n/a | n/a |
| Local streets & footpaths | 46 | 48 | 46 | n/a | n/a | n/a | n/a | n/a | n/a |
| Unsealed roads | 41 | 43 | 37 | n/a | n/a | n/a | n/a | n/a | n/a |

Q2: How has Council performed on [RESPONSIBILITY AREA] over the last 12 months?
Base: All respondents, Councils asked state-wide: 62 Councils asked group: 18
Note: Please see Appendix A for explanation of significant differences.

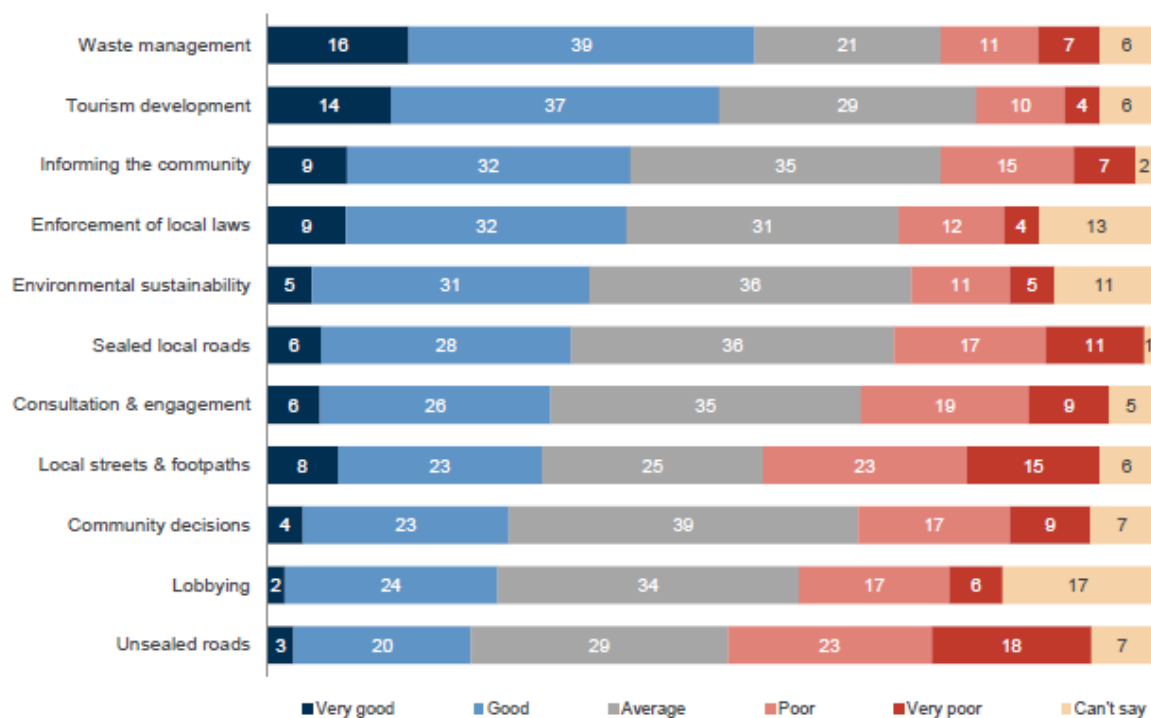
J W S R E S E A R C H 18

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Individual service area performance

2020 individual service area performance (%)



Q2. How has Council performed on [RESPONSIBILITY AREA] over the last 12 months?
Base: All respondents. Councils asked state-wide: 62 Councils asked group: 18

J W S R E S E A R C H 19



Influences on perceptions of overall performance

The individual service area that has the strongest influence on the overall performance rating (based on regression analysis) is:

- Decisions made in the interest of the community.

Moving forward, Council should focus on good communication and transparency with residents about decisions made in the community's interest. Council is currently rated slightly 'poor' in this area (performance index of 49) and improved performance provides the greatest opportunity to drive up overall opinion of Council.

Following on from that, other individual service areas with a moderate influence on the overall performance rating are:

- Condition of sealed local roads, excluding VicRoads
- Lobbying on behalf of the community
- Maintenance of unsealed roads
- Informing the community
- Community consultation and engagement
- Waste management.

Looking at these key service areas, waste management has a reasonably high performance index (62) and a moderate positive influence on the overall performance rating, therefore maintaining this positive result should remain a focus.

Other service areas that have a positive influence on overall perceptions, but perform less well, are informing the community, condition of sealed local roads, community consultation and lobbying (performance index of 55, 51, 50 and 50 respectively).

Focus on informing and consulting residents and demonstrating Council efforts to advocate on their behalf, in combination with improvements to sealed local roads, can also help improve positive opinion of Council overall.

However, in need of attention is Council's maintenance of unsealed roads, which is poorly rated (performance index of 41) and a moderate influence on overall community opinion.

It is therefore important to attend to resident concerns about unsealed local roads to help improve overall ratings of Council performance.



Regression analysis explained

We use regression analysis to investigate which individual service areas, such as community consultation, condition of sealed local roads, etc. (the independent variables) are influencing respondent perceptions of overall council performance (the dependent variable).

In the charts that follow:

- The horizontal axis represents the council performance index for each individual service. Service areas appearing on the right-side of the chart have a higher performance index than those on the left.
- The vertical axis represents the Standardised Beta Coefficient from the multiple regression performed. This measures the contribution of each service area to the model. Service areas near the top of the chart have a greater positive effect on overall performance ratings than service areas located closer to the axis.

The regressions are shown on the following two charts.

1. The first chart shows the results of a regression analysis of *all* individual service areas selected by Council.
2. The second chart shows the results of a regression performed on a smaller set of service areas, being those with a moderate-to-strong influence on overall performance. Service areas with a weak influence on overall performance (i.e. a low Standardised Beta Coefficient) have been excluded from the analysis.

Key insights from this analysis are derived from the second chart.

J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Influence on overall performance: all service areas

2020 regression analysis (all service areas)



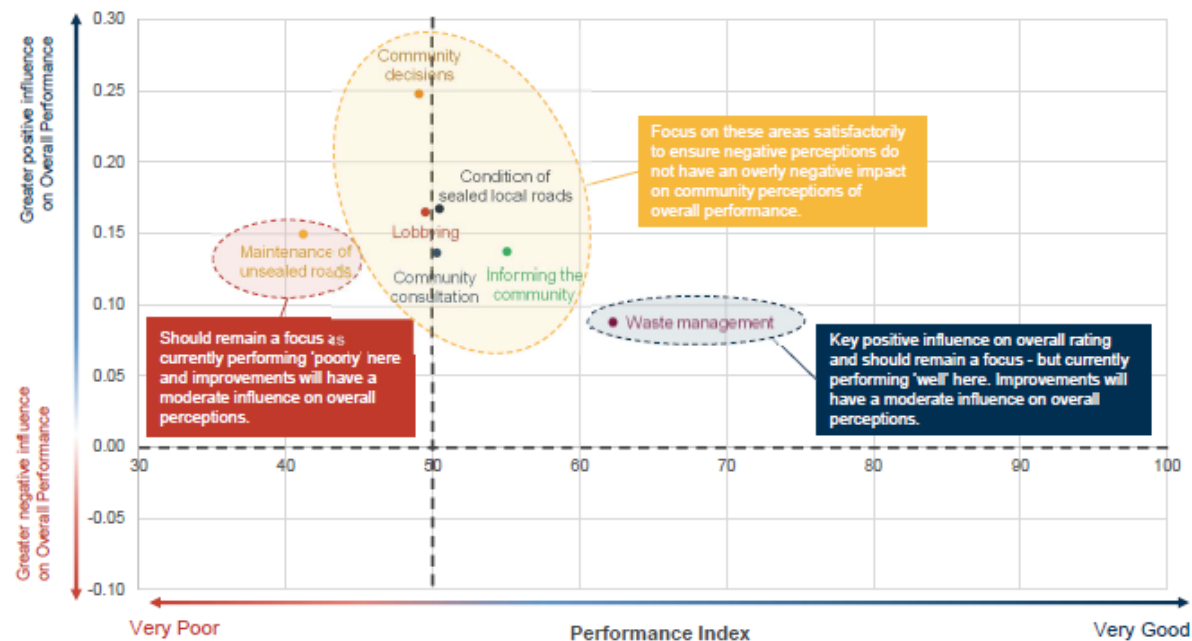
The multiple regression analysis model above (all service areas) has an R-squared value of 0.626 and adjusted R-square value of 0.616, which means that 63% of the variance in community perceptions of overall performance can be predicted from these variables. The overall model effect was statistically significant at $p = 0.0001$, $F = 60.66$. This model should be interpreted with some caution as some data is not normally distributed and not all service areas have linear correlations.

J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Influence on overall performance: key service areas

2020 regression analysis (key service areas)



The multiple regression analysis model above (reduced set of service areas) has an R-squared value of 0.623 and adjusted R-square value of 0.616, which means that 62% of the variance in community perceptions of overall performance can be predicted from these variables. The overall model effect was statistically significant at $p = 0.0001$, $F = 92.43$.

J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Best things about Council and areas for improvement

2020 best things about Council (%)

- Top mentions only -



2020 areas for improvement (%)

- Top mentions only -



Q16. Please tell me what is the ONE BEST thing about Strathbogie Shire Council? It could be about any of the issues or services we have covered in this survey or it could be about something else altogether?

Base: All respondents. Councils asked state-wide: 25 Councils asked group: 6

Q17. What does Strathbogie Shire Council MOST need to do to improve its performance?

Base: All respondents. Councils asked state-wide: 40 Councils asked group: 11

A verbatim listing of responses to this question can be found in the accompanying dashboard.

Customer service



J W S R E S E A R C H 25



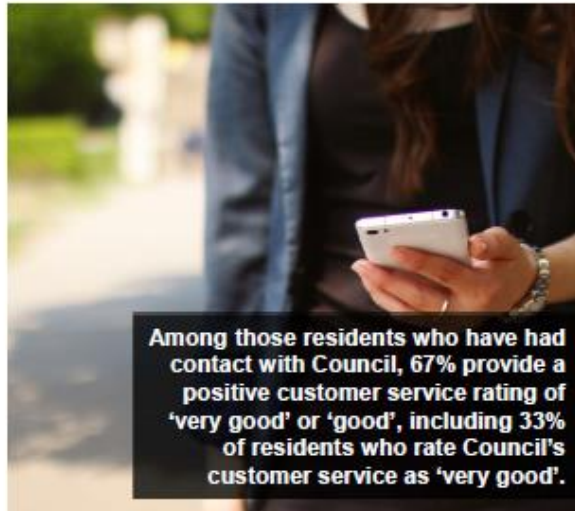
Contact with council and customer service

Contact with council

Almost three quarters of Council residents (70%) have had contact with Council in the last 12 months. Rate of contact is four percentage points higher than last year.

Telephone (38%) and in person (37%) remain the main methods of communicating with Council.

- Email (18%), as a means to contact Council, is increasing, but remains well below the aforementioned methods.



Customer service

Council's customer service index of 72 is a three-point (though not significant) decline from the peak rating achieved in 2019.

- Customer service is rated in line with the State-wide and Small Rural group averages (each with an index score of 70).

Perceptions of customer service are more positive among residents aged 18 to 49 years (index score of 78) and those living in Honeysuckle Creek (index score of 77). Perceptions are less positive among those aged 50 years and older (index score of 68).

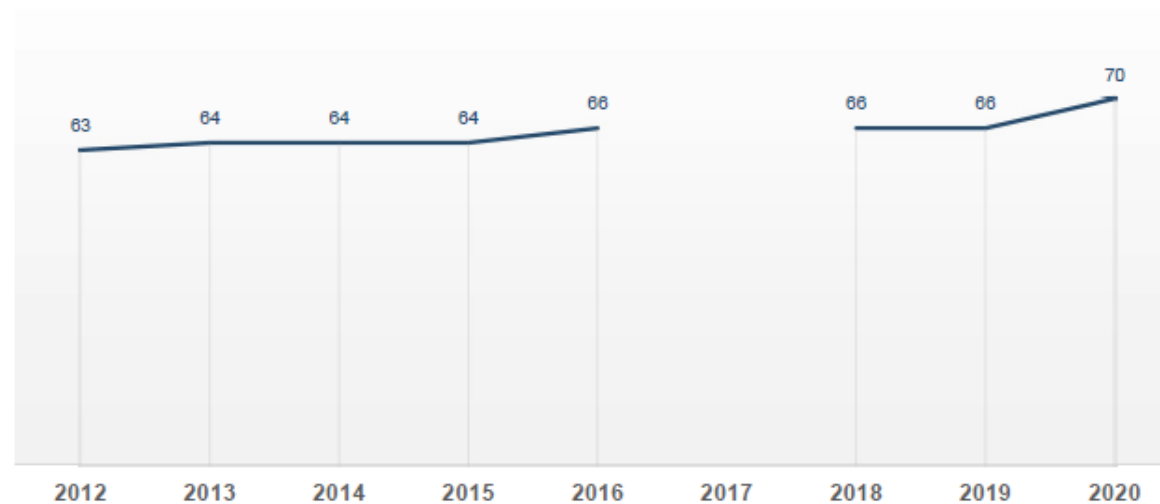
Residents who communicate with Council via telephone are less positive in their customer service rating than those who contact council in person (index scores of 68 and 77 respectively).

J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Contact with council

2020 contact with council (%)
Have had contact



Q6a. Have you or any member of your household had any recent contact with Strathbogie Shire Council in any of the following ways?
Base: All respondents. Councils asked state-wide: 26 Councils asked group: 6

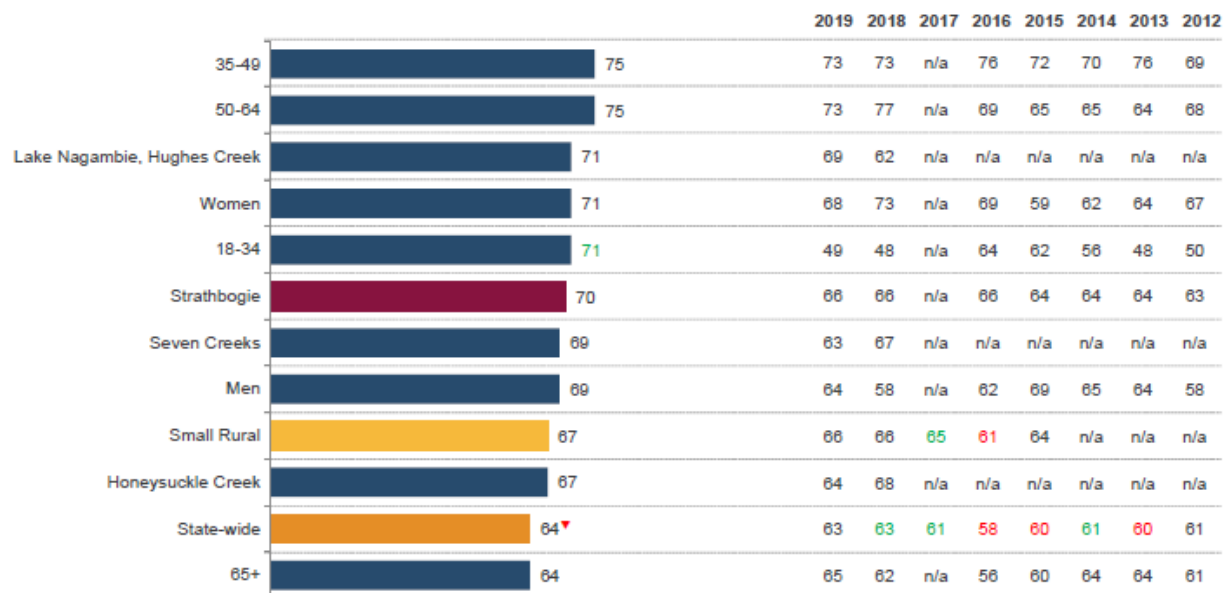
J W S R E S E A R C H 27

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Contact with council

2020 contact with council (%)



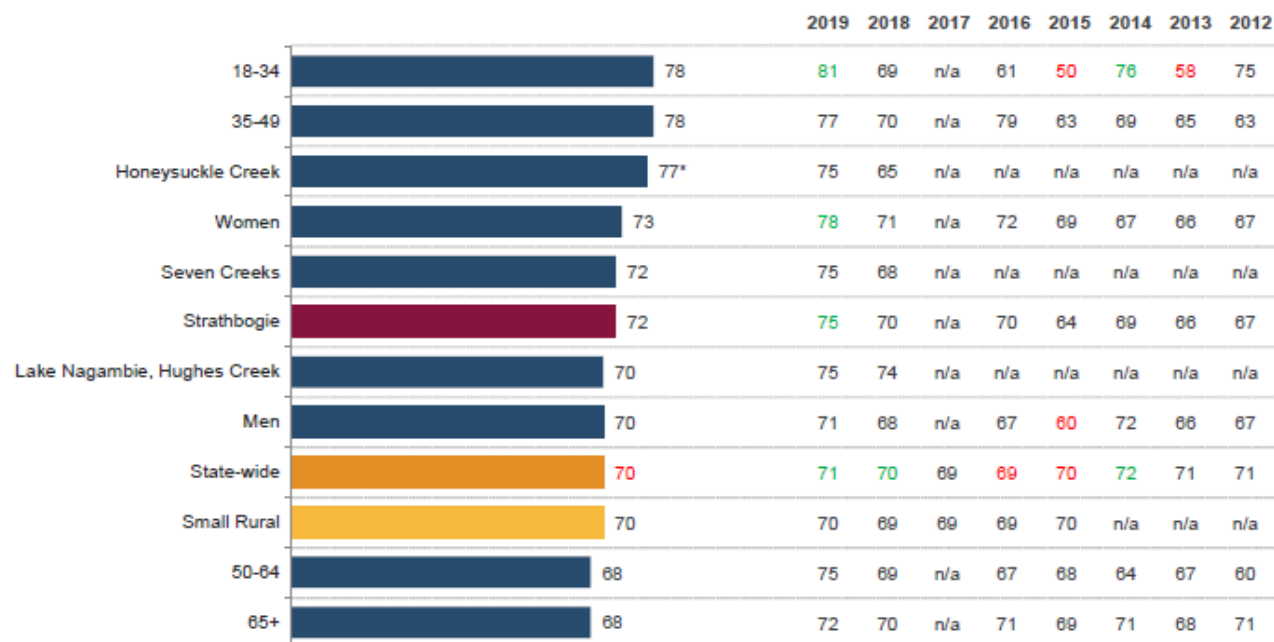
Q6a. Have you or any member of your household had any recent contact with Strathbogie Shire Council in any of the following ways?
Base: All respondents. Councils asked state-wide: 26 Councils asked group: 6
Note: Please see Appendix A for explanation of significant differences.

J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Customer service rating

2020 customer service rating (index scores)



Q6c. Thinking of the most recent contact, how would you rate Strathbogie Shire Council for customer service?

Please keep in mind we do not mean the actual outcome but rather the actual service that was received.

Base: All respondents who have had contact with Council in the last 12 months.

Councils asked state-wide: 62 Councils asked group: 18

Note: Please see Appendix A for explanation of significant differences.

*Caution: small sample size < n=30

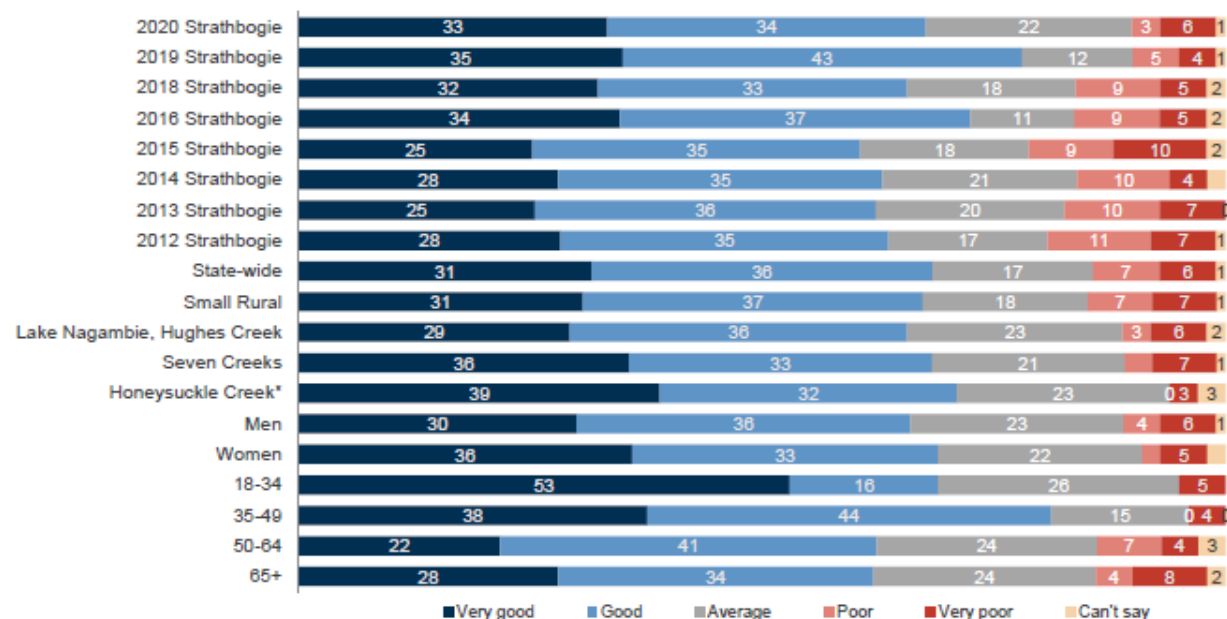
J W S R E S E A R C H 29

J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Customer service rating

2020 customer service rating (%)



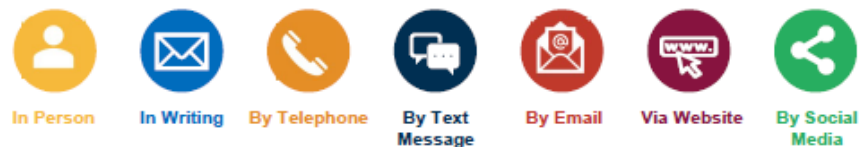
Q8c. Thinking of the most recent contact, how would you rate Strathbogie Shire Council for customer service? Please keep in mind we do not mean the actual outcome but rather the actual service that was received.
Base: All respondents who have had contact with Council in the last 12 months.
Councils asked state-wide: 62 Councils asked group: 18
*Caution: small sample size < n=30

J00658 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Method of contact with council

2020 method of contact (%)



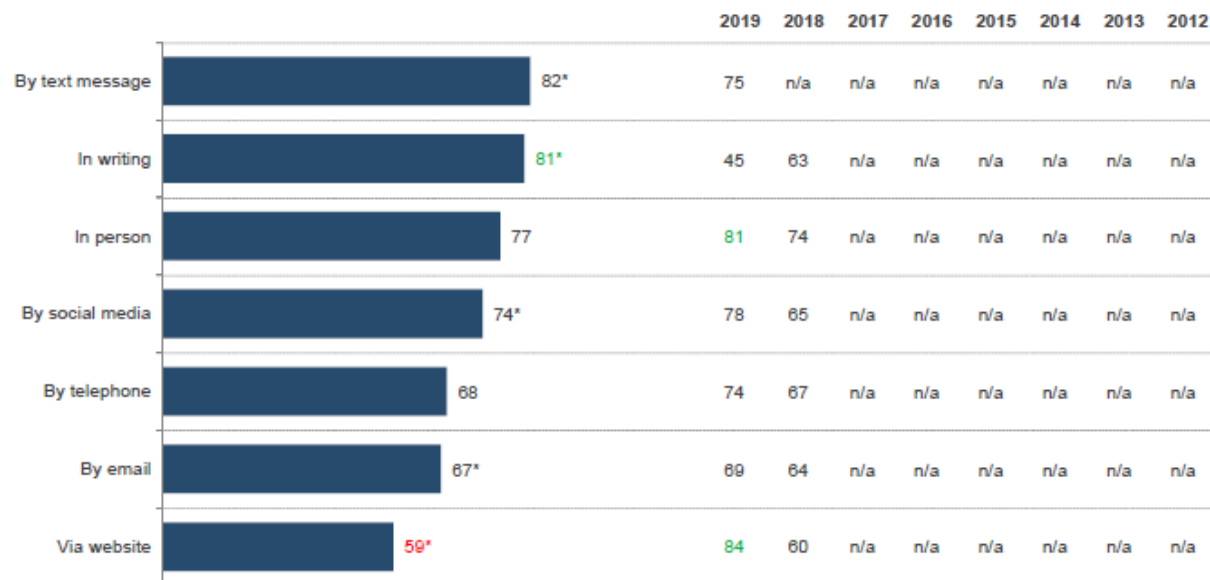
Q5a. Have you or any member of your household had any recent contact with Strathbogie Shire Council in any of the following ways?
Base: All respondents. Councils asked state-wide: 26 Councils asked group: 6
Note: Respondents could name multiple contacts methods so responses may add to more than 100%

J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Customer service rating by method of last contact

2020 customer service rating (index score by method of last contact)



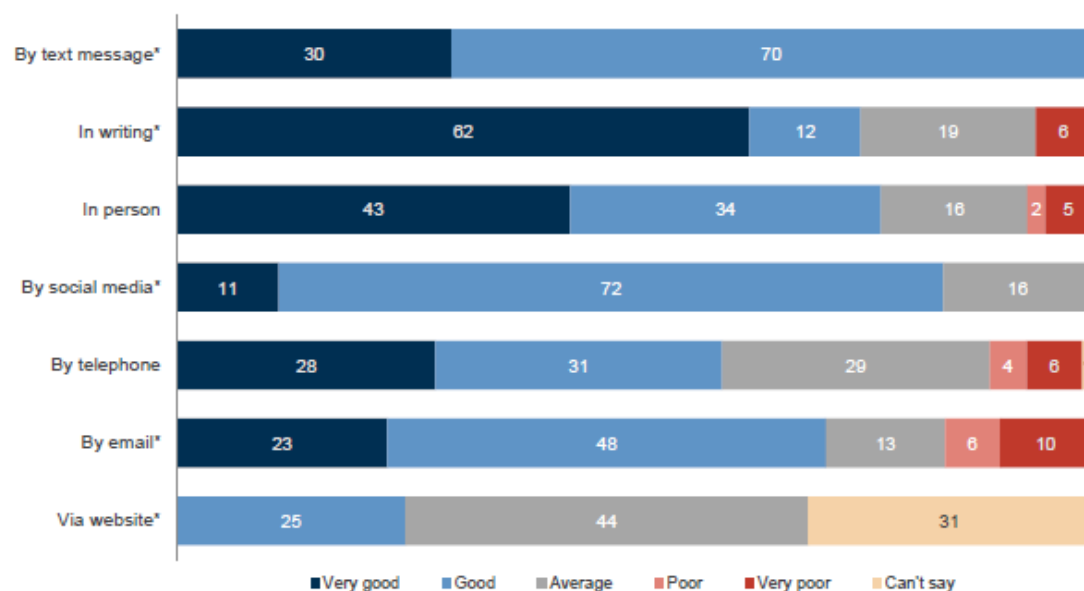
Q5c. Thinking of the most recent contact, how would you rate Strathbogie Shire Council for customer service?
Please keep in mind we do not mean the actual outcome but rather the actual service that was received.
Base: All respondents who have had contact with Council in the last 12 months.
Councils asked state-wide: 26 Councils asked group: 6
Note: Please see Appendix A for explanation of significant differences.
*Caution: small sample size < n=30

J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Customer service rating by method of last contact

2020 customer service rating (% by method of last contact)



Q6c. Thinking of the most recent contact, how would you rate Strathbogie Shire Council for customer service?
Please keep in mind we do not mean the actual outcome but rather the actual service that was received.
Base: All respondents who have had contact with Council in the last 12 months.
Councils asked state-wide: 26 Councils asked group: 6
*Caution: small sample size < n=30



Communication



Communication

The preferred form of communication from Council remains a newsletter sent via mail (31%). This is followed by an emailed newsletter (21%) and advertising in a local newspaper (16%).

- Preferred form of communication among under 50s is newsletter sent via email (27%, an eight-point increase). For the under 50s, this marks a transition for newsletter sent via mail from preferred position to third place (21%). Contact via social media has climbed in preference to 22%.
- Preferred form of communication among over 50s is newsletter sent via mail (37%, an eight-point increase). For over 50s, the pattern is unchanged from last year – they still prefer newsletter sent via mail, followed by advertising in local paper (21%) and newsletter via email (18%).



J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Best form of communication

2020 best form of communication (%)



Q13. If Strathbogie Shire Council was going to get in touch with you to inform you about Council news and information and upcoming events, which ONE of the following is the BEST way to communicate with you?

Base: All respondents. Councils asked state-wide: 33 Councils asked group: 10

Note: 'Social Media' was included in 2019.

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J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Best form of communication: under 50s

2020 under 50s best form of communication (%)



Q13. If Strathbogie Shire Council was going to get in touch with you to inform you about Council news and information and upcoming events, which ONE of the following is the BEST way to communicate with you?

Base: All respondents aged under 60. Councils asked state-wide: 33 Councils asked group: 10

Note: 'Social Media' was included in 2019.

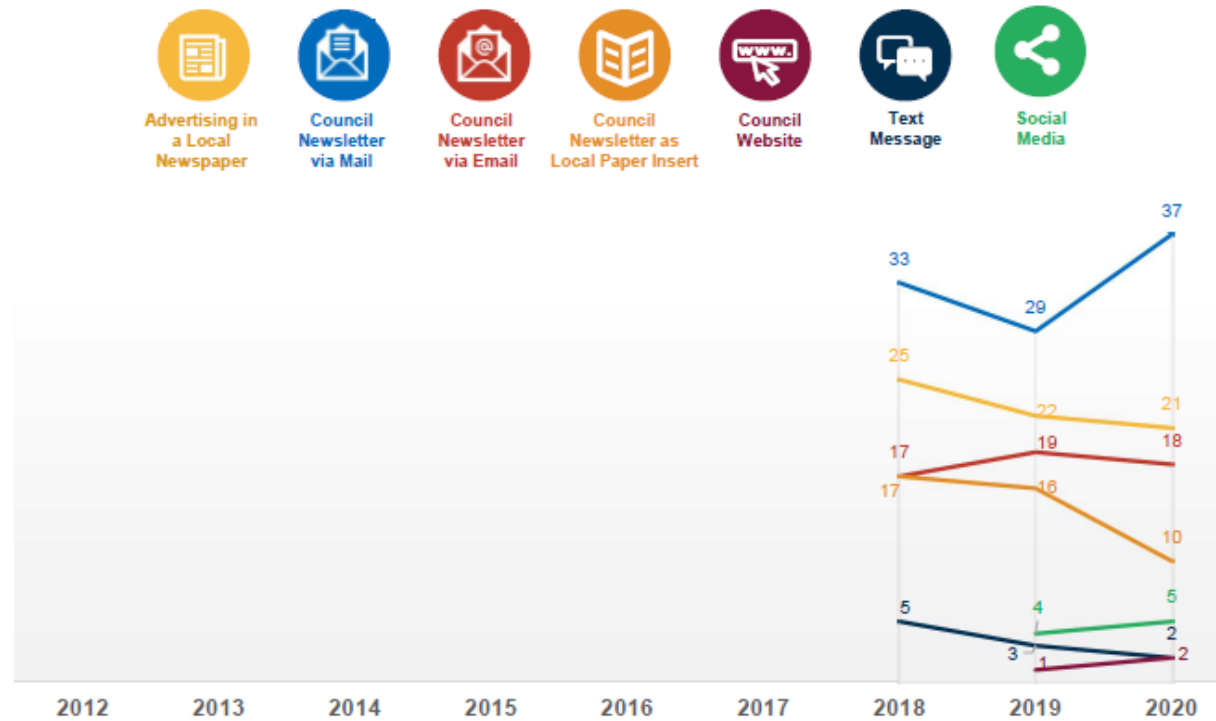
J W S R E S E A R C H 37

J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Best form of communication: over 50s

2020 over 50s best form of communication (%)



Q13. If Strathbogie Shire Council was going to get in touch with you to inform you about Council news and information and upcoming events, which ONE of the following is the BEST way to communicate with you?

Base: All respondents aged over 60. Councils asked state-wide: 33 Councils asked group: 10
Note: 'Social Media' was included in 2019.

J W S R E S E A R C H 38



Council direction

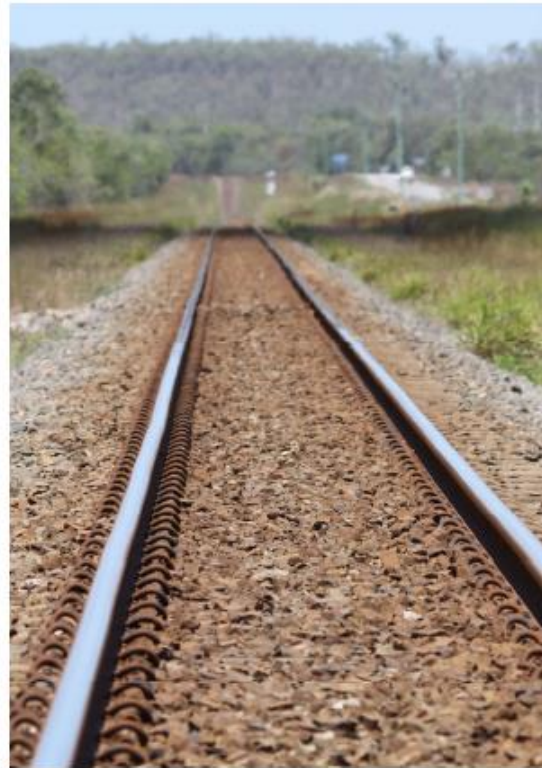
J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Council direction

Over the last 12 months, 57% of residents believe the direction of Council's performance has stayed the same, down three points from 2019 – a shift from the proportion who view Council's direction as improving.

- 21% believe the direction of Council has improved in the last 12 months (down five points on 2019).
- 18% believe it has deteriorated, up eight points on 2019.
- The most satisfied with council direction are those aged 18 to 34 years and Seven Creeks residents.
- The least satisfied with council direction are Honeysuckle Creek residents and those aged 65 years and over.

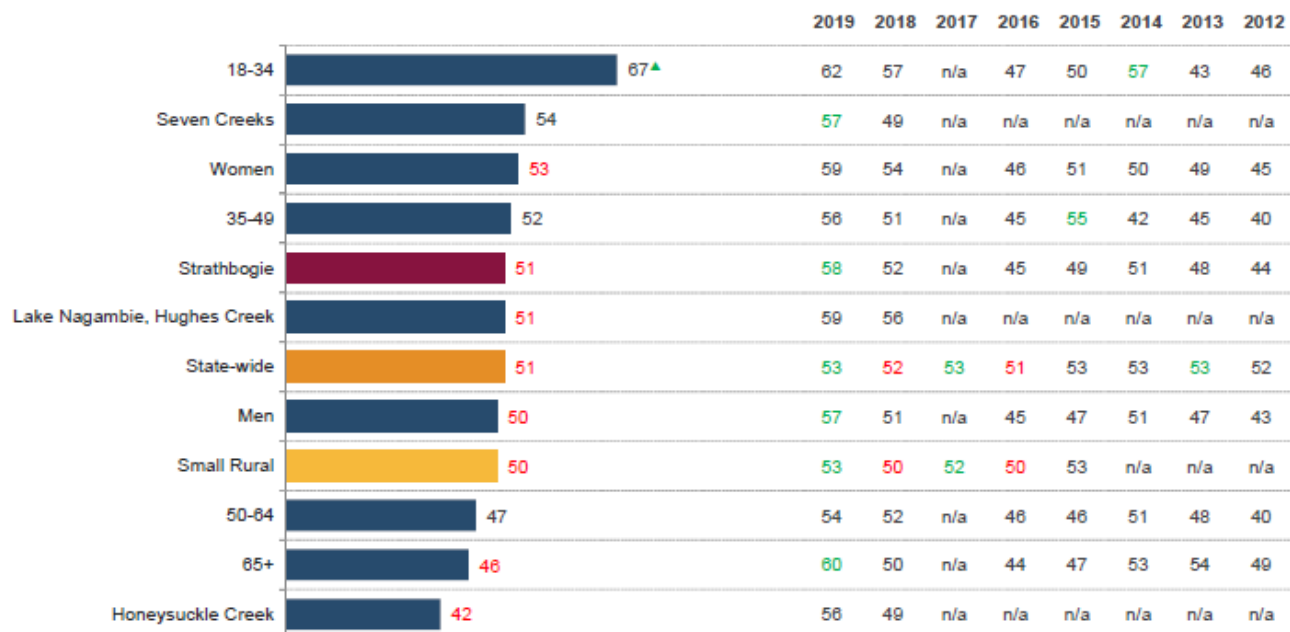


J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Overall council direction last 12 months

2020 overall direction (index scores)



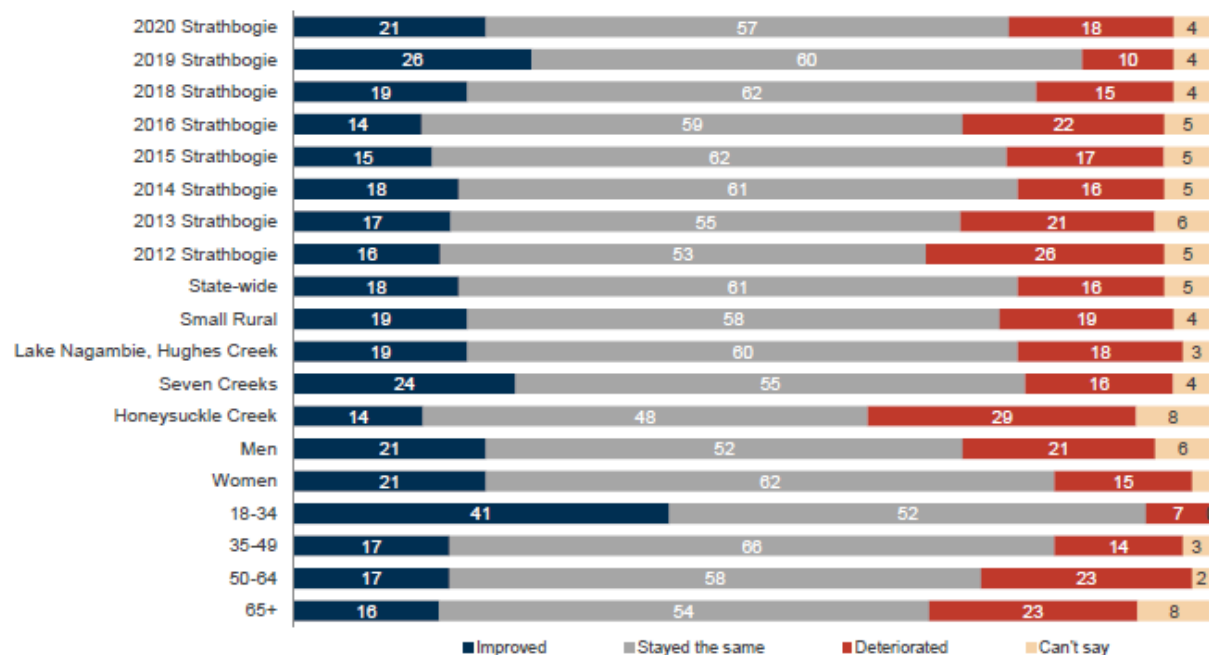
Q6. Over the last 12 months, what is your view of the direction of Strathbogie Shire Council's overall performance?
Base: All respondents. Councils asked state-wide: 62 Councils asked group: 18
Note: Please see Appendix A for explanation of significant differences.

J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Overall council direction last 12 months

2020 overall council direction (%)



Q6. Over the last 12 months, what is your view of the direction of Strathbogie Shire Council's overall performance?
Base: All respondents. Councils asked state-wide: 62 Councils asked group: 16

J W S R E S E A R C H 42

Individual service areas

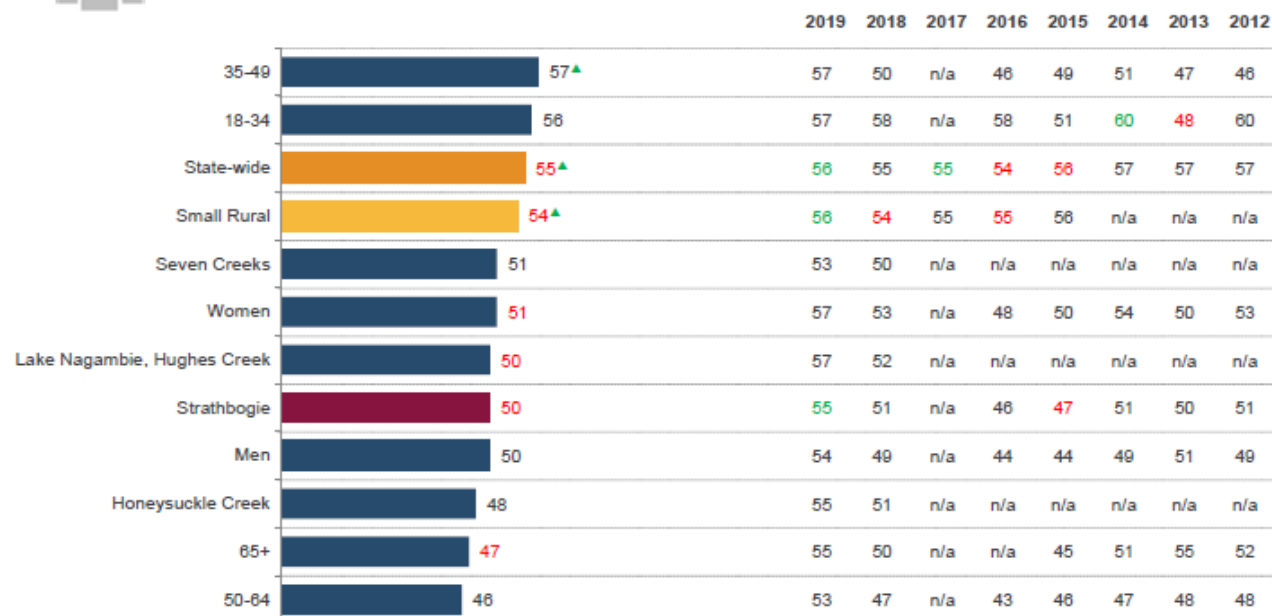


J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council

Community consultation and engagement performance



2020 consultation and engagement performance (index scores)



Q2. How has Council performed on 'Community consultation and engagement' over the last 12 months?
Base: All respondents. Councils asked state-wide: 62 Councils asked group: 18
Note: Please see Appendix A for explanation of significant differences.

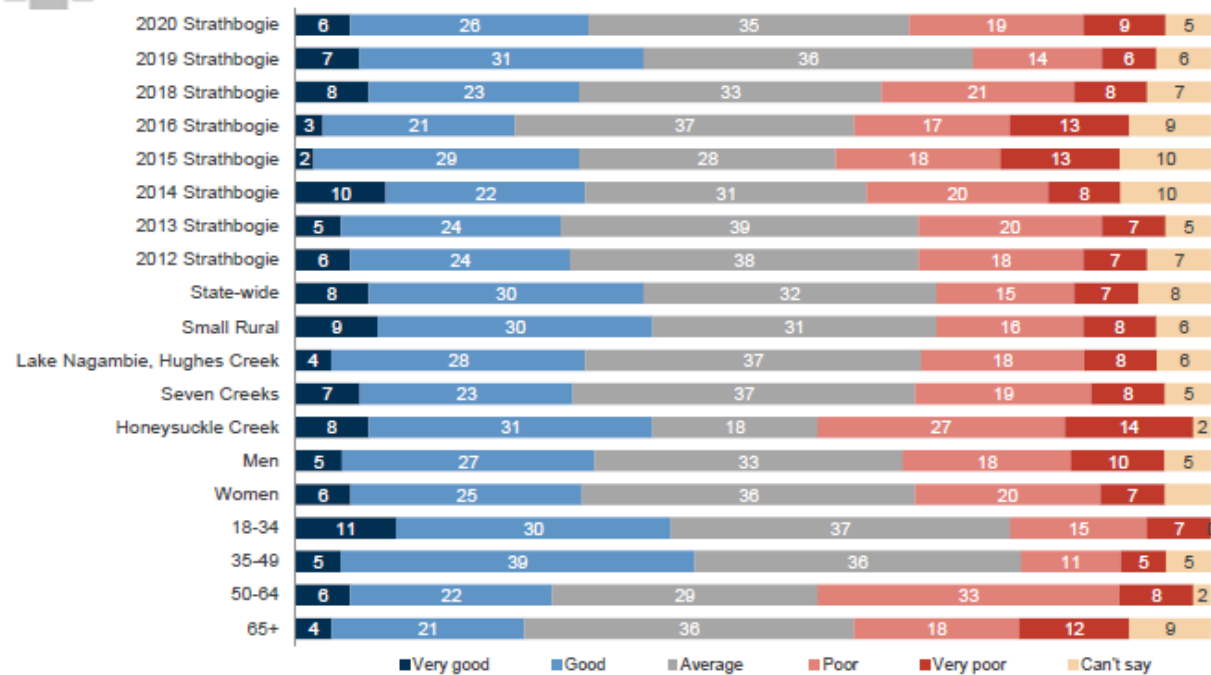
J W S R E S E A R C H 44

J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council

Community consultation and engagement performance



2020 consultation and engagement performance (%)



Q2: How has Council performed on 'Community consultation and engagement' over the last 12 months?
Base: All respondents. Councils asked state-wide: 62 Councils asked group: 16

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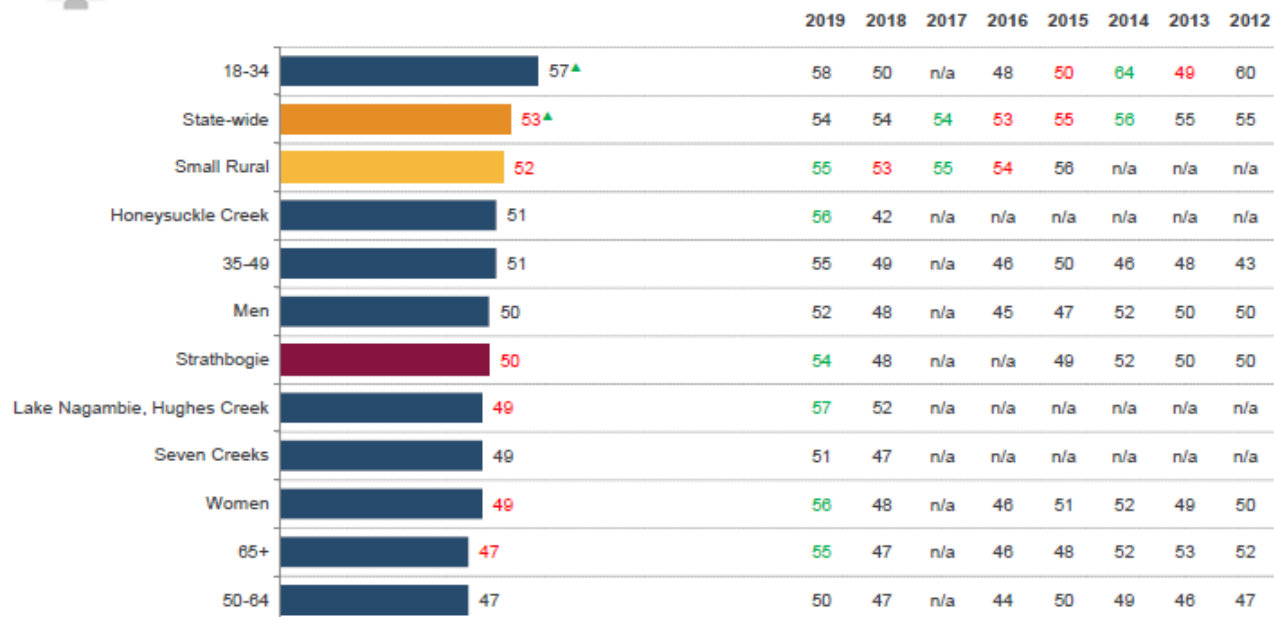
J00658 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Lobbying on behalf of the community performance



2020 lobbying performance (index scores)



Q2. How has Council performed on 'Lobbying on behalf of the community' over the last 12 months?
Base: All respondents. Councils asked state-wide: 62 Councils asked group: 18
Note: Please see Appendix A for explanation of significant differences.

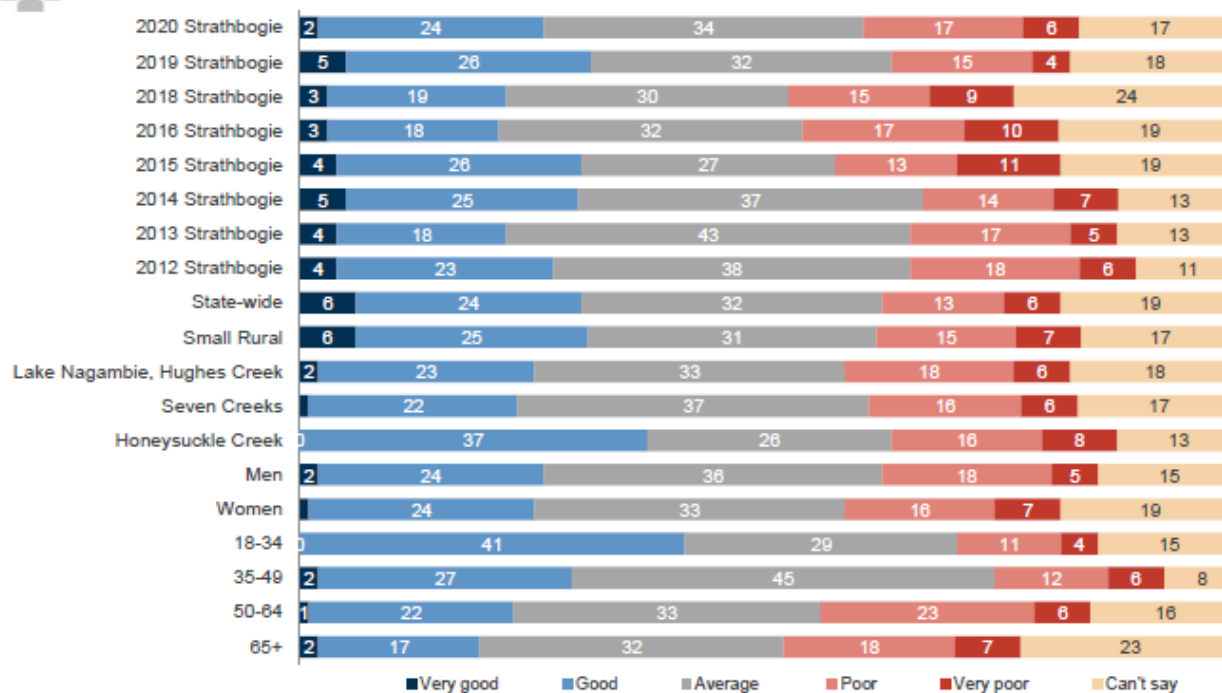
J00658 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Lobbying on behalf of the community performance



2020 lobbying performance (%)



Q2: How has Council performed on 'Lobbying on behalf of the community' over the last 12 months?
Base: All respondents. Councils asked state-wide: 62 Councils asked group: 16

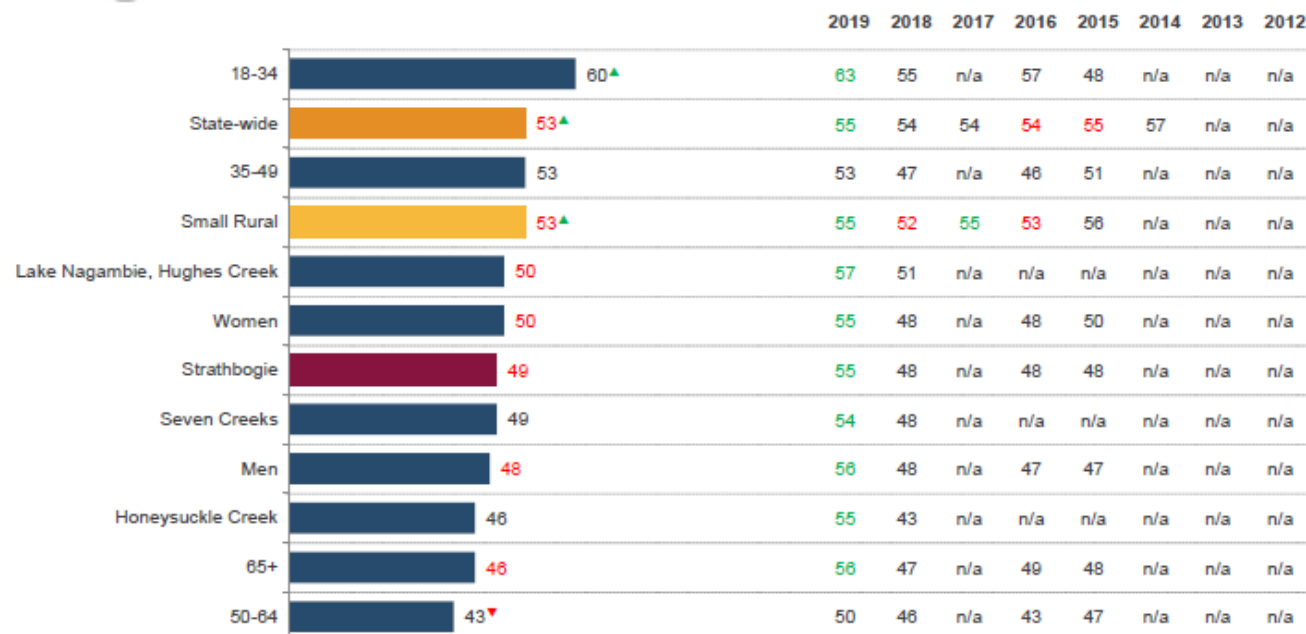
JWS RESEARCH 47

J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council

Decisions made in the interest of the community performance



2020 community decisions made performance (index scores)



Q2. How has Council performed on 'Decisions made in the interest of the community' over the last 12 months?
Base: All respondents. Councils asked state-wide: 62 Councils asked group: 18
Note: Please see Appendix A for explanation of significant differences.

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J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council

The condition of sealed local roads in your area performance



2020 sealed local roads performance (index scores)

| | | 2019 | 2018 | 2017 | 2016 | 2015 | 2014 | 2013 | 2012 |
|-----------------------------|-----|------|------|------|------|------|------|------|------|
| 18-34 | 58 | 55 | 49 | n/a | 50 | 36 | n/a | n/a | n/a |
| Honeysuckle Creek | 54 | 47 | 41 | n/a | n/a | n/a | n/a | n/a | n/a |
| 35-49 | 54 | 48 | 42 | n/a | 40 | 41 | n/a | n/a | n/a |
| State-wide | 54▲ | 56 | 53 | 53 | 54 | 55 | 55 | n/a | n/a |
| Women | 52 | 50 | 48 | n/a | 45 | 44 | n/a | n/a | n/a |
| Small Rural | 51 | 53 | 49 | 50 | 52 | 52 | n/a | n/a | n/a |
| Strathbogie | 51 | 51 | 47 | n/a | 44 | 43 | n/a | n/a | n/a |
| Seven Creeks | 50 | 51 | 48 | n/a | n/a | n/a | n/a | n/a | n/a |
| Lake Nagambie, Hughes Creek | 50 | 53 | 50 | n/a | n/a | n/a | n/a | n/a | n/a |
| Men | 49 | 52 | 47 | n/a | 44 | 42 | n/a | n/a | n/a |
| 65+ | 47 | 52 | 53 | n/a | 47 | 47 | n/a | n/a | n/a |
| 50-64 | 46 | 49 | 43 | n/a | 40 | 42 | n/a | n/a | n/a |

Q2: How has Council performed on 'The condition of sealed local roads in your area' over the last 12 months?
Base: All respondents. Councils asked state-wide: 62 Councils asked group: 19
Note: Please see Appendix A for explanation of significant differences.

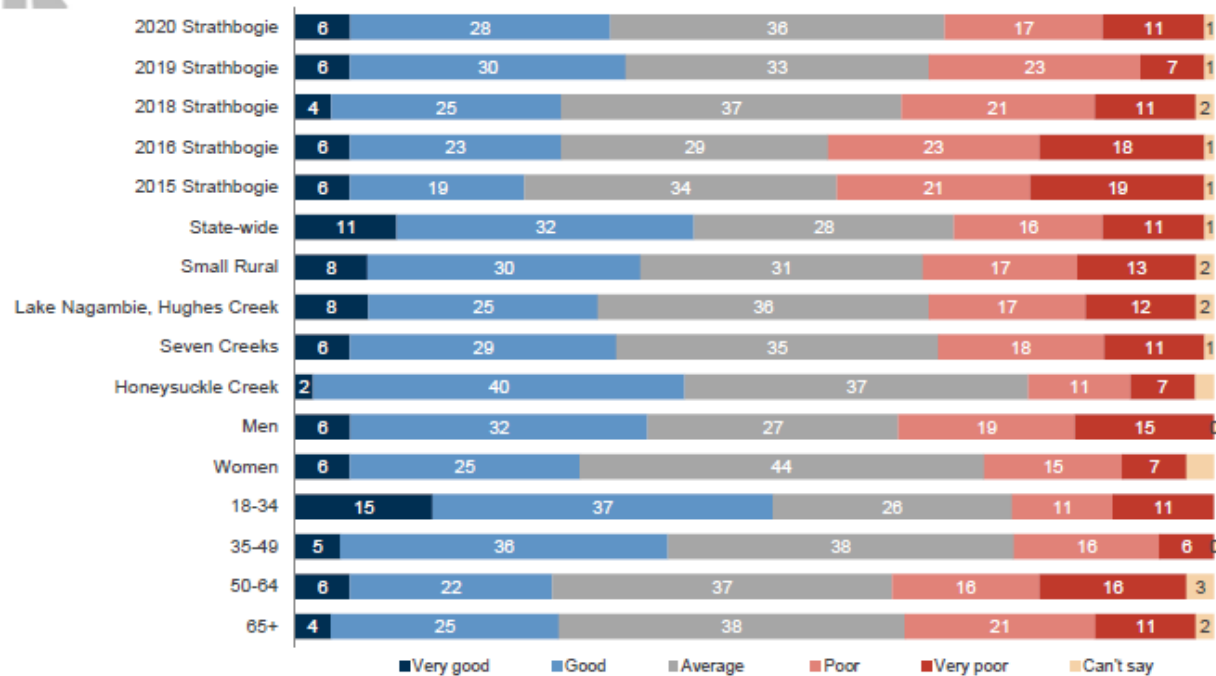
J W S R E S E A R C H 50

J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council

The condition of sealed local roads in your area performance



2020 sealed local roads performance (%)



Q2: How has Council performed on 'The condition of sealed local roads in your area' over the last 12 months?
Base: All respondents. Councils asked state-wide: 62 Councils asked group: 16

JWS RESEARCH 51

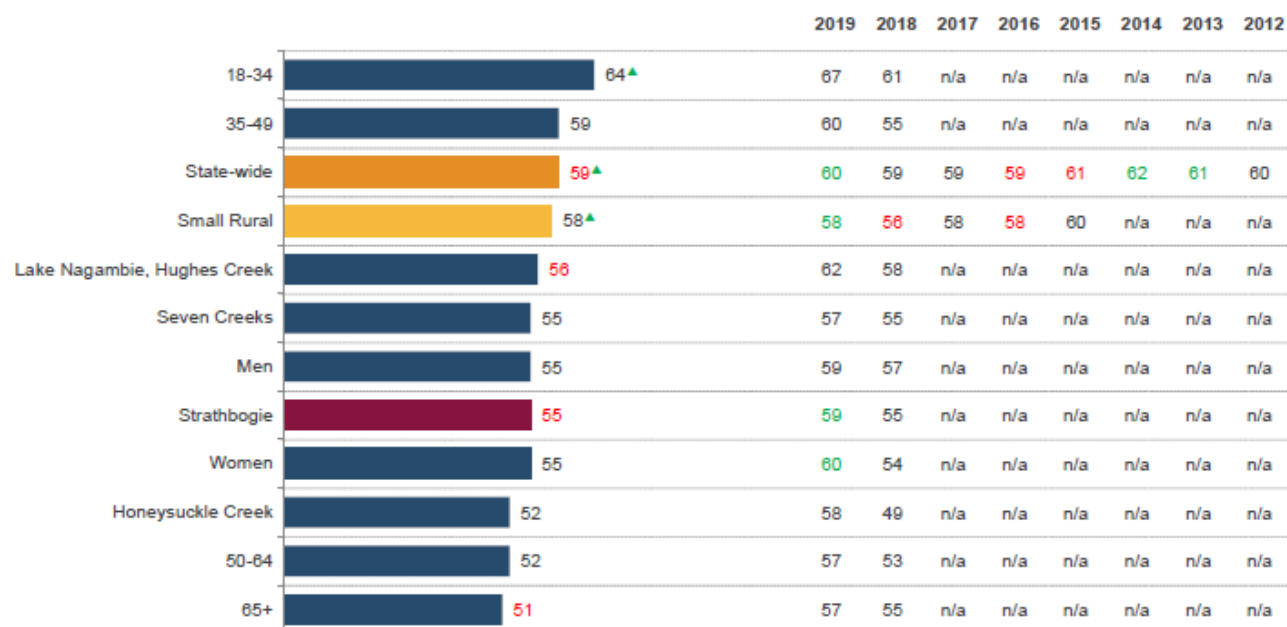
J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Informing the community performance



2020 informing community performance (index scores)



Q2. How has Council performed on 'informing the community' over the last 12 months?
Base: All respondents. Councils asked state-wide: 33 Councils asked group: 10
Note: Please see Appendix A for explanation of significant differences.

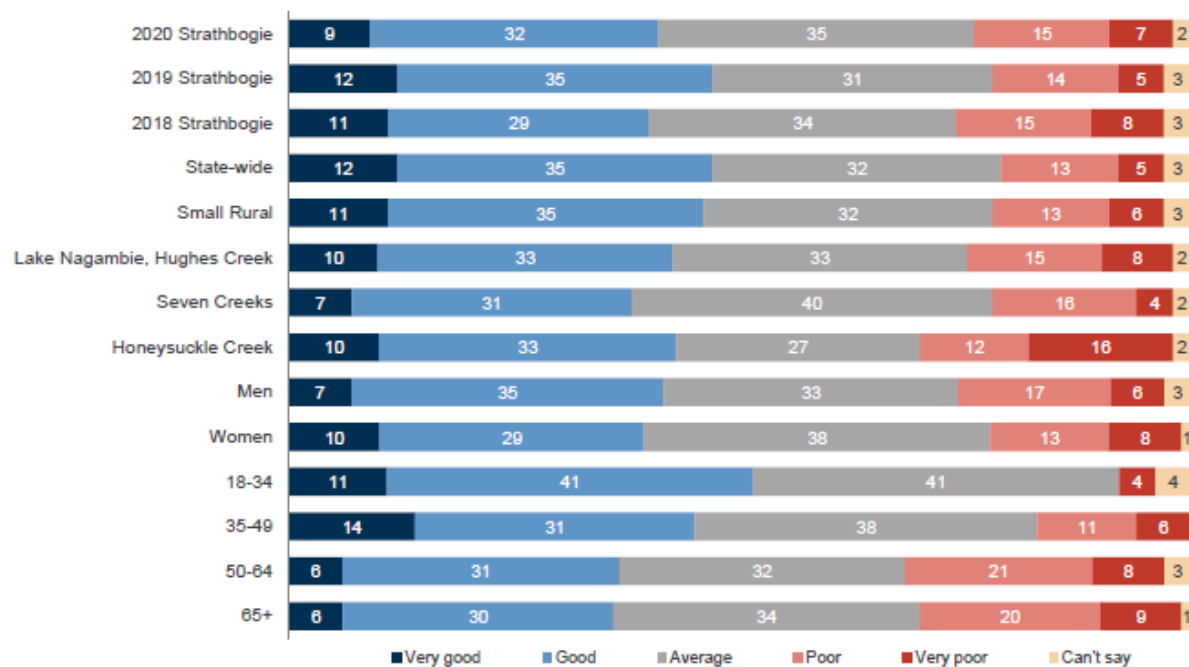
J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Informing the community performance



2020 informing community performance (%)



Q2. How has Council performed on 'informing the community' over the last 12 months?
Base: All respondents. Councils asked state-wide: 33 Councils asked group: 10

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J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council

The condition of local streets and footpaths in your area performance



2020 streets and footpaths performance (index scores)

| | | 2019 | 2018 | 2017 | 2016 | 2015 | 2014 | 2013 | 2012 |
|-----------------------------|-----|------|------|------|------|------|------|------|------|
| State-wide | 58▲ | 59 | 58 | 57 | 57 | 58 | 58 | 58 | 57 |
| Small Rural | 57▲ | 57 | 57 | 57 | 58 | 59 | n/a | n/a | n/a |
| 18-34 | 56▲ | 53 | 51 | n/a | n/a | n/a | n/a | n/a | n/a |
| Honeysuckle Creek | 51 | 46 | 42 | n/a | n/a | n/a | n/a | n/a | n/a |
| 35-49 | 48 | 48 | 47 | n/a | n/a | n/a | n/a | n/a | n/a |
| Men | 46 | 51 | 49 | n/a | n/a | n/a | n/a | n/a | n/a |
| Seven Creeks | 46 | 49 | 49 | n/a | n/a | n/a | n/a | n/a | n/a |
| Strathbogie | 46 | 48 | 46 | n/a | n/a | n/a | n/a | n/a | n/a |
| Women | 45 | 45 | 43 | n/a | n/a | n/a | n/a | n/a | n/a |
| Lake Nagambie, Hughes Creek | 45 | 48 | 43 | n/a | n/a | n/a | n/a | n/a | n/a |
| 50-64 | 44 | 47 | 43 | n/a | n/a | n/a | n/a | n/a | n/a |
| 65+ | 41 | 46 | 45 | n/a | n/a | n/a | n/a | n/a | n/a |

Q2. How has Council performed on 'The condition of local streets and footpaths in your area' over the last 12 months?
Base: All respondents. Councils asked state-wide: 36 Councils asked group: 9
Note: Please see Appendix A for explanation of significant differences.

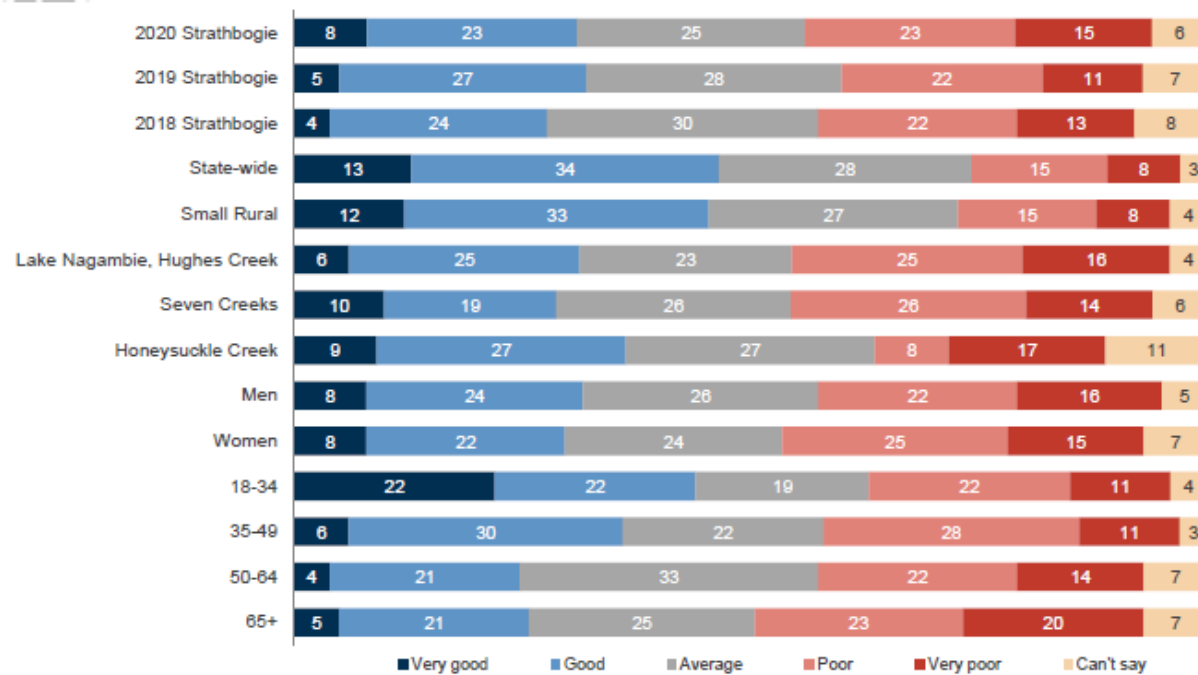
JWS RESEARCH 54

J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council

The condition of local streets and footpaths in your area performance



2020 streets and footpaths performance (%)



Q2: How has Council performed on 'The condition of local streets and footpaths in your area' over the last 12 months?
Base: All respondents. Councils asked state-wide: 36 Councils asked group: 9

JWS RESEARCH 55

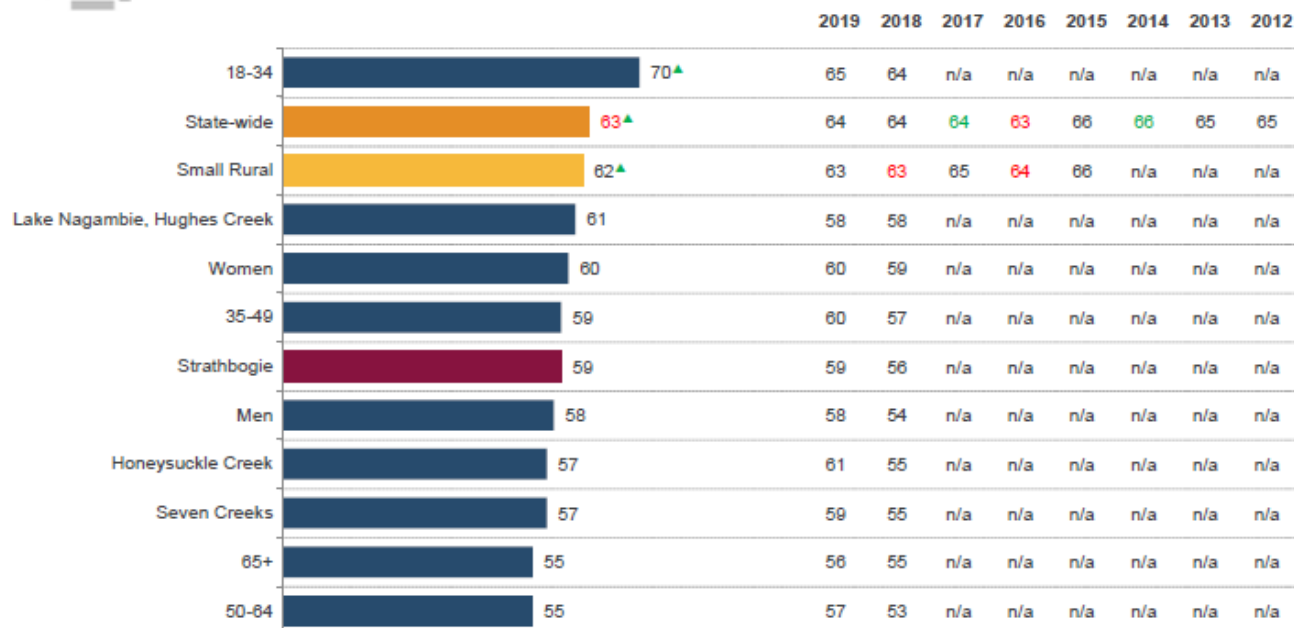
J00658 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Enforcement of local laws performance



2020 law enforcement performance (index scores)



Q2: How has Council performed on 'Enforcement of local laws' over the last 12 months?
Base: All respondents. Councils asked state-wide: 34 Councils asked group: 10
Note: Please see Appendix A for explanation of significant differences.

J W S R E S E A R C H 56

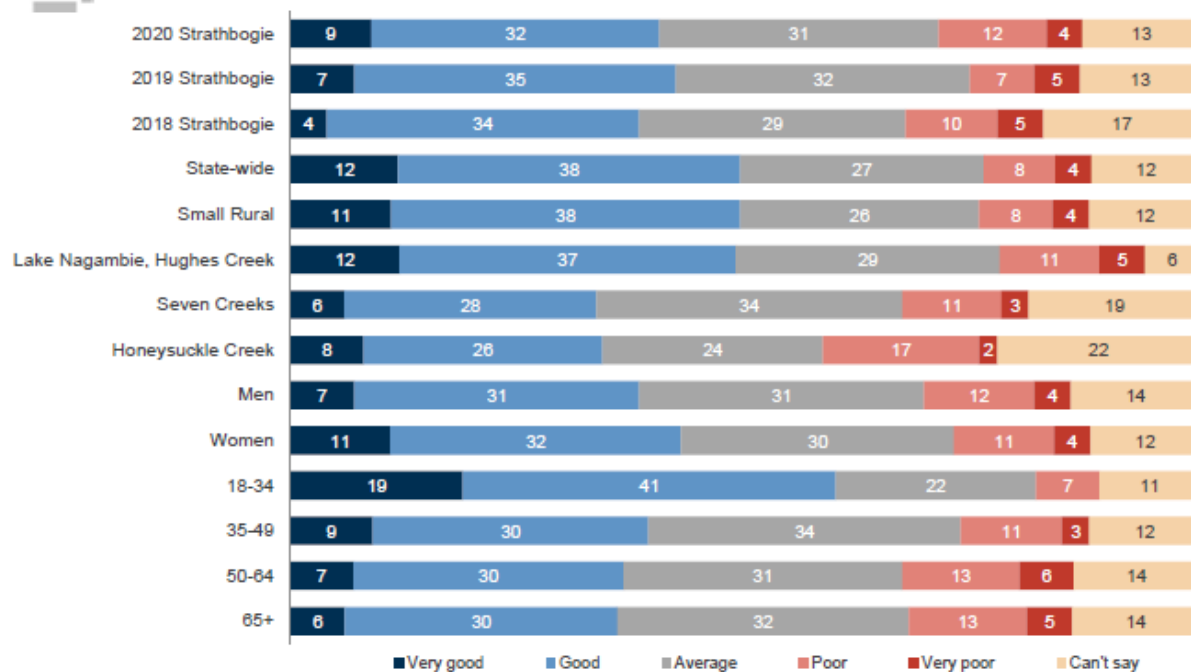
J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Enforcement of local laws performance



2020 law enforcement performance (%)



Q2: How has Council performed on 'Enforcement of local laws' over the last 12 months?
Base: All respondents. Councils asked state-wide: 34 Councils asked group: 10

J W S R E S E A R C H 57

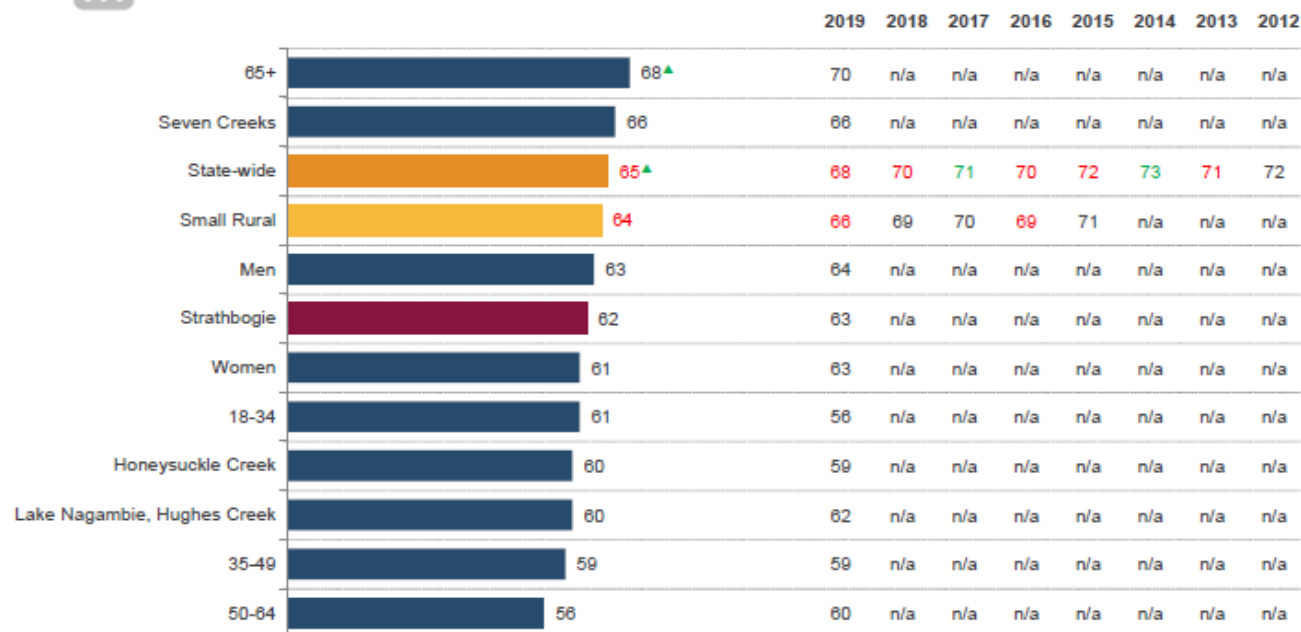
J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Waste management performance



2020 waste management performance (index scores)



Q2. How has Council performed on 'Waste management' over the last 12 months?
Base: All respondents. Councils asked state-wide: 41 Councils asked group: 13
Note: Please see Appendix A for explanation of significant differences.

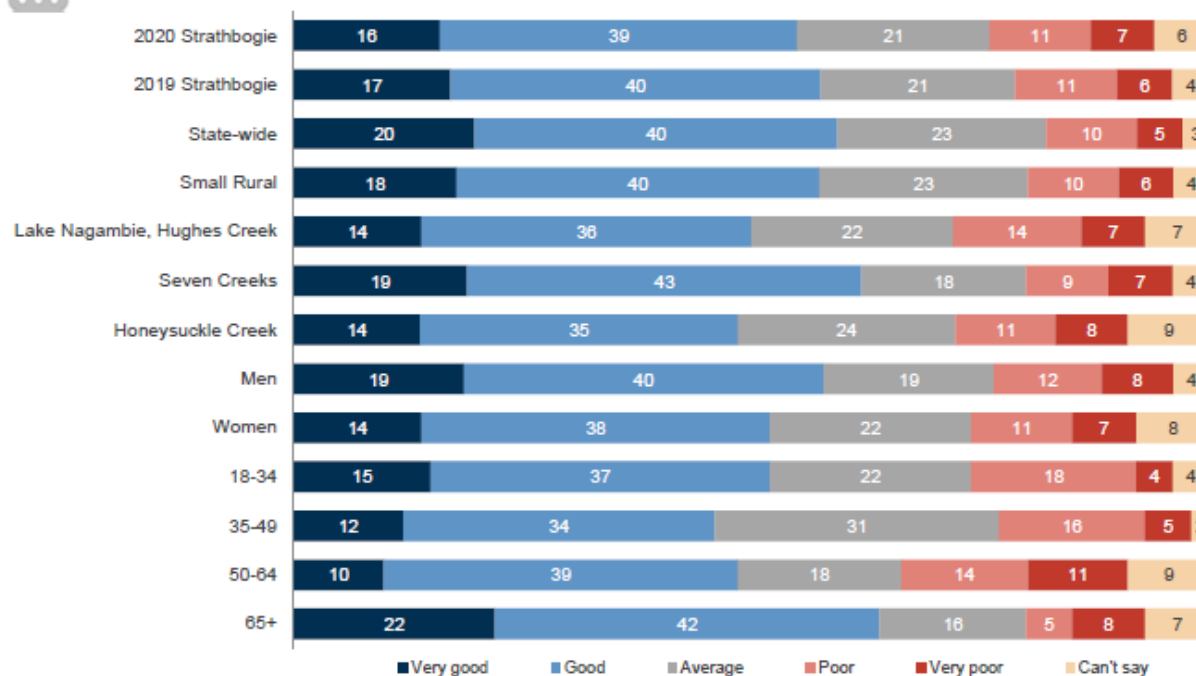
J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Waste management performance



2020 waste management performance (%)



Q2: How has Council performed on 'Waste management' over the last 12 months?
Base: All respondents. Councils asked state-wide: 41 Councils asked group: 13

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J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Environmental sustainability performance



2020 environmental sustainability performance (index scores)

| | | 2019 | 2018 | 2017 | 2016 | 2015 | 2014 | 2013 | 2012 |
|-----------------------------|-----|------|------|------|------|------|------|------|------|
| 18-34 | 61 | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| State-wide | 60▲ | 62 | 63 | 64 | 63 | 64 | 64 | 64 | 64 |
| 35-49 | 60 | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| Seven Creeks | 58 | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| Small Rural | 57 | 59 | 62 | 63 | 61 | 63 | n/a | n/a | n/a |
| Women | 56 | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| Strathbogie | 56 | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| Men | 55 | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| Lake Nagambie, Hughes Creek | 55 | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| 50-64 | 53 | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| 65+ | 53 | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| Honeysuckle Creek | 48 | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |

Q2: How has Council performed on 'Environmental sustainability' over the last 12 months?
Base: All respondents. Councils asked state-wide: 31 Councils asked group: 6
Note: Please see Appendix A for explanation of significant differences.

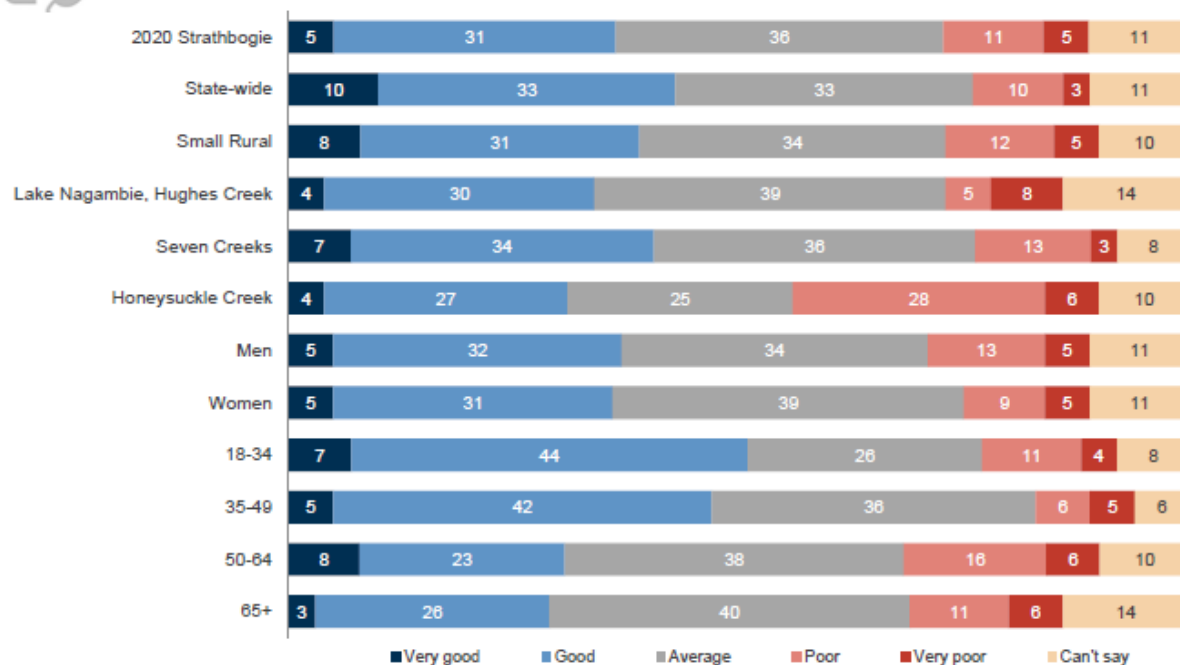
J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Environmental sustainability performance



2020 environmental sustainability performance (%)



Q2. How has Council performed on 'Environmental sustainability' over the last 12 months?
Base: All respondents. Councils asked state-wide: 31 Councils asked group: 6

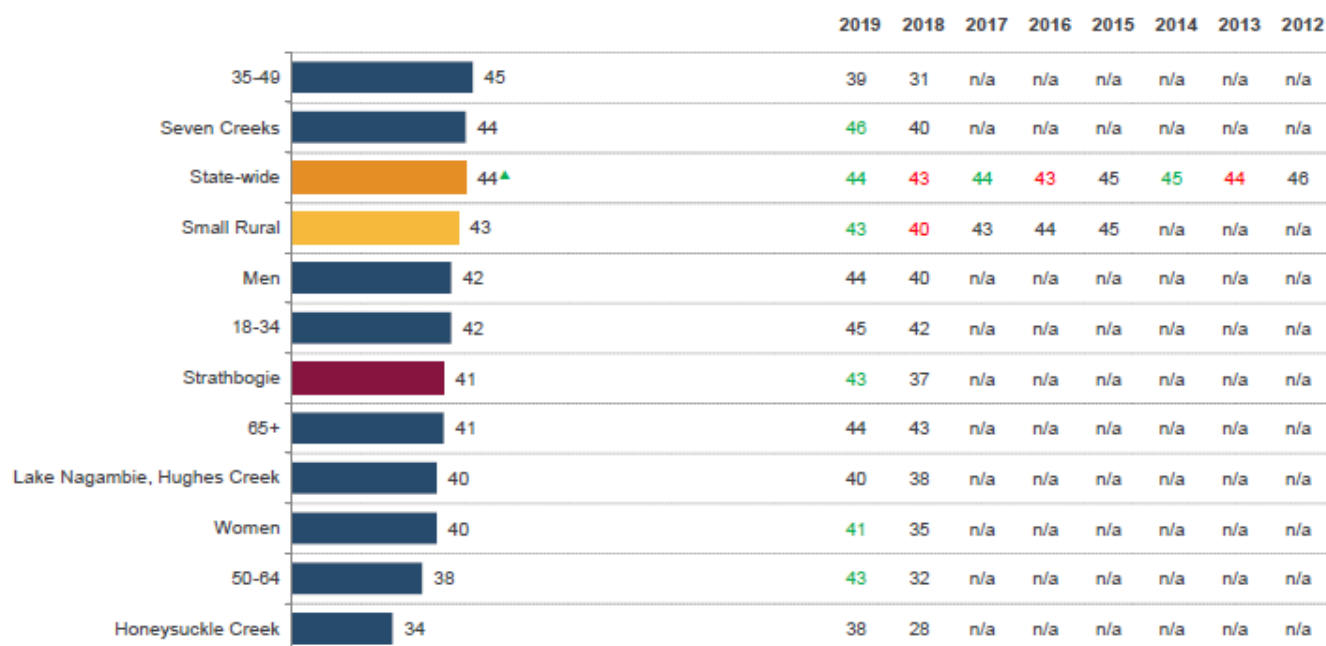
JWS RESEARCH 61

J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council

Maintenance of unsealed roads in your area performance



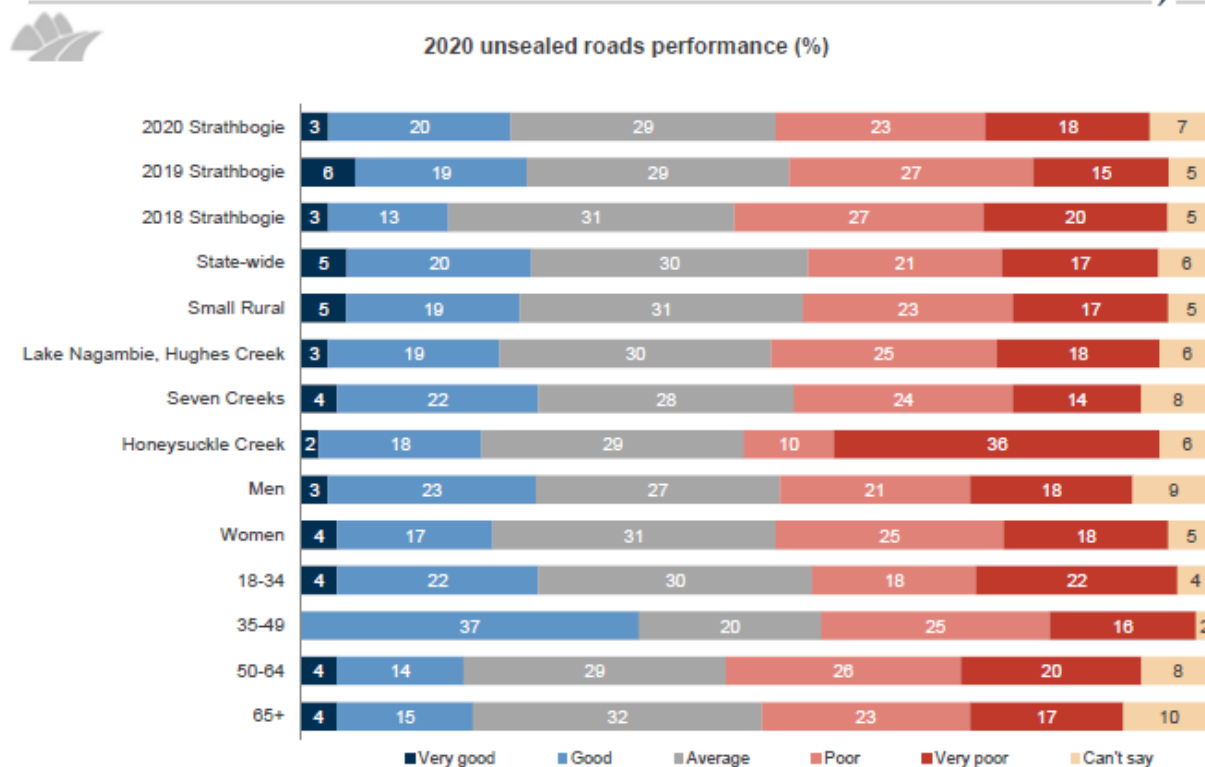
2020 unsealed roads performance (index scores)



Q2. How has Council performed on 'Maintenance of unsealed roads in your area' over the last 12 months?
Base: All respondents. Councils asked state-wide: 24 Councils asked group: 9
Note: Please see Appendix A for explanation of significant differences.

J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council

Maintenance of unsealed roads in your area performance



Q2: How has Council performed on 'Maintenance of unsealed roads in your area' over the last 12 months?
Base: All respondents. Councils asked state-wide: 24 Councils asked group: 9

J W S R E S E A R C H 63

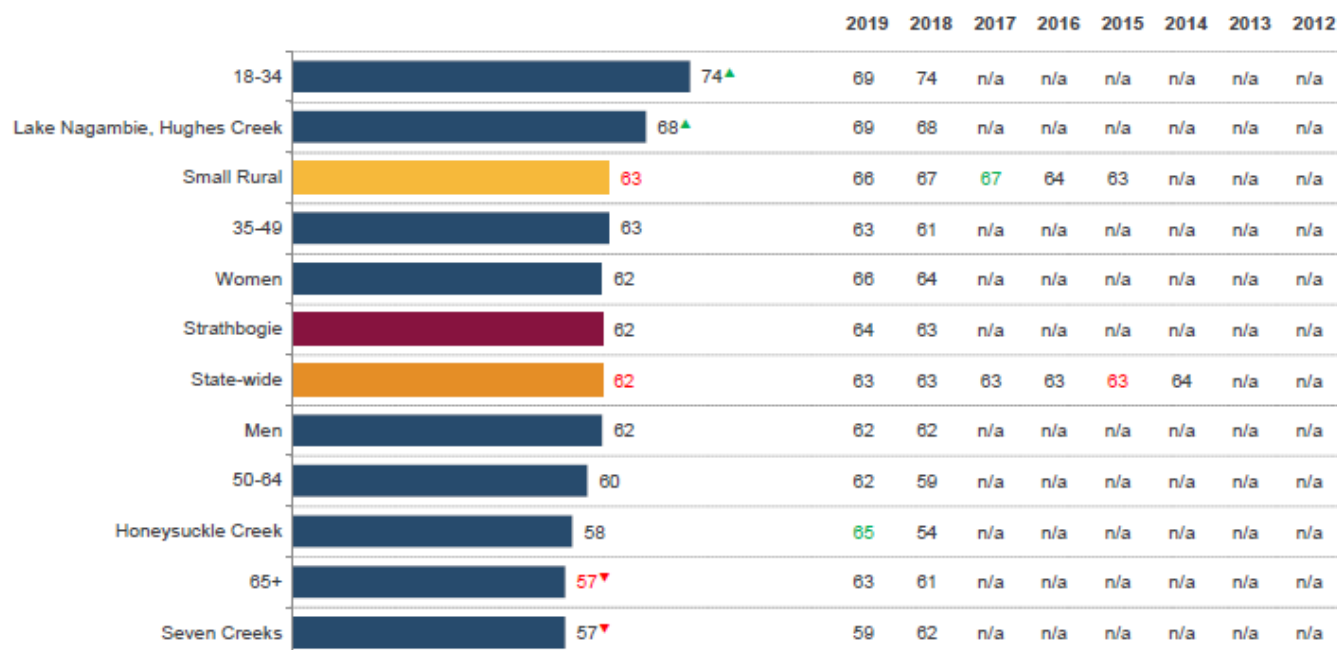
J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Tourism development performance



2020 tourism development performance (index scores)



Q2: How has Council performed on 'Tourism development' over the last 12 months?
Base: All respondents. Councils asked state-wide: 14 Councils asked group: 3
Note: Please see Appendix A for explanation of significant differences.

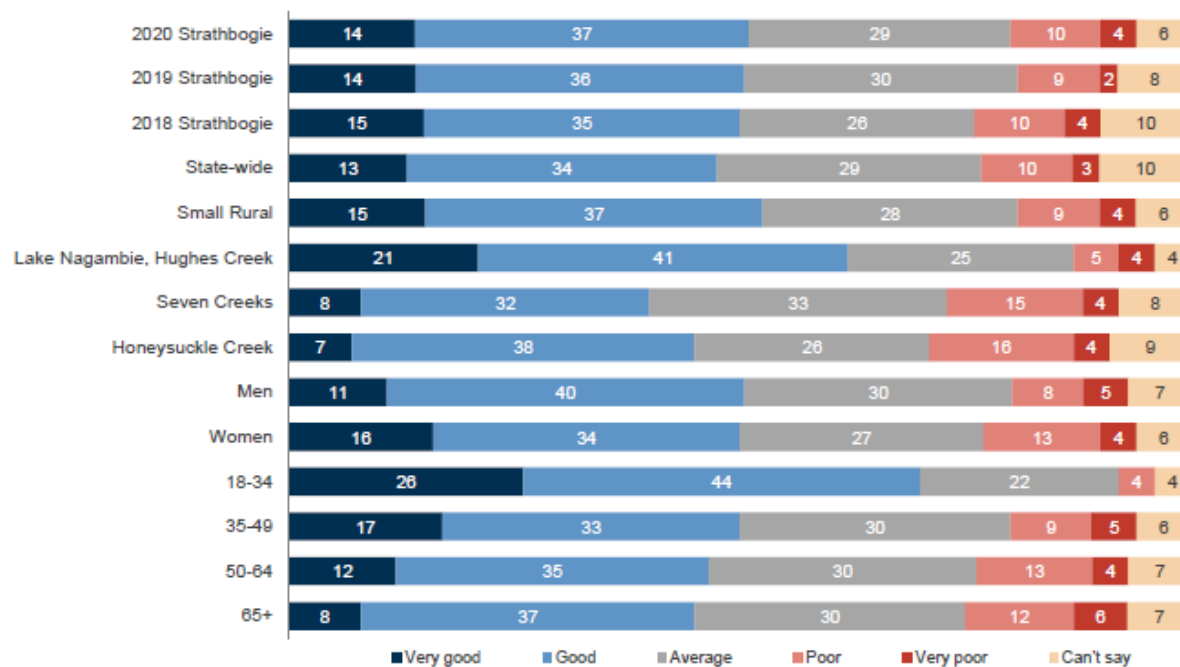
J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Tourism development performance



2020 tourism development performance (%)



Q2. How has Council performed on 'Tourism development' over the last 12 months?
Base: All respondents. Councils asked state-wide: 14 Councils asked group: 3

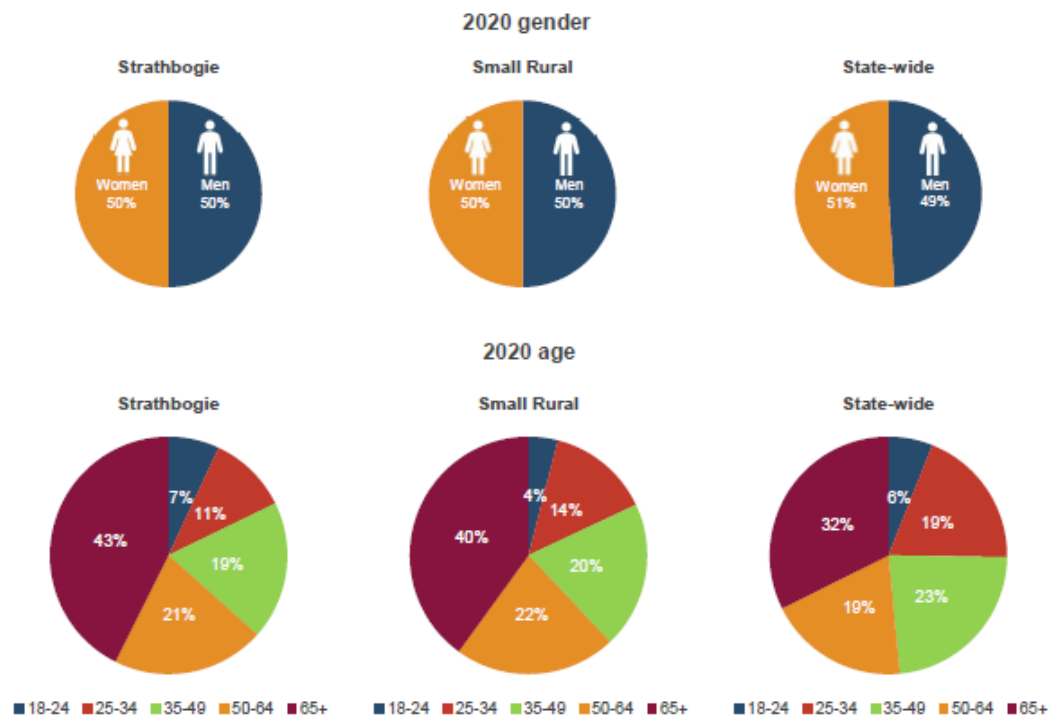
Detailed demographics



J00658 Community Satisfaction Survey 2020 – Strathbogie Shire Council



Gender and age profile



S3. [Record gender] / S4. To which of the following age groups do you belong?
Base: All respondents. Councils asked state-wide: 62 Councils asked group: 15
Please note that for the reason of simplifying reporting, interlocking age and gender reporting has not been included in this report. Interlocking age and gender analysis is still available in the dashboard and data tables provided alongside this report.

Appendix A: Index scores, margins of error and significant differences



Appendix A: Index Scores



Index Scores

Many questions ask respondents to rate council performance on a five-point scale, for example, from 'very good' to 'very poor', with 'can't say' also a possible response category. To facilitate ease of reporting and comparison of results over time, starting from the 2012 survey and measured against the state-wide result and the council group, an 'Index Score' has been calculated for such measures.

The Index Score is calculated and represented as a score out of 100 (on a 0 to 100 scale), with 'can't say' responses excluded from the analysis. The '% RESULT' for each scale category is multiplied by the 'INDEX FACTOR'. This produces an 'INDEX VALUE' for each category, which are then summed to produce the 'INDEX SCORE', equating to '60' in the following example.

Similarly, an Index Score has been calculated for the Core question 'Performance direction in the last 12 months', based on the following scale for each performance measure category, with 'Can't say' responses excluded from the calculation.

| SCALE CATEGORIES | % RESULT | INDEX FACTOR | INDEX VALUE |
|------------------|----------|--------------|-------------------|
| Very good | 9% | 100 | 9 |
| Good | 40% | 75 | 30 |
| Average | 37% | 50 | 19 |
| Poor | 9% | 25 | 2 |
| Very poor | 4% | 0 | 0 |
| Can't say | 1% | -- | INDEX SCORE 60 |

| SCALE CATEGORIES | % RESULT | INDEX FACTOR | INDEX VALUE |
|------------------|----------|--------------|-------------------|
| Improved | 36% | 100 | 36 |
| Stayed the same | 40% | 50 | 20 |
| Deteriorated | 23% | 0 | 0 |
| Can't say | 1% | -- | INDEX SCORE 56 |

Appendix A: Margins of error



The sample size for the 2020 State-wide Local Government Community Satisfaction Survey for Strathbogie Shire Council was n=400. Unless otherwise noted, this is the total sample base for all reported charts and tables.

The maximum margin of error on a sample of approximately n=400 interviews is +/-4.8% at the 95% confidence level for results around 50%. Margins of error will be larger for any sub-samples. As an example, a result of 50% can be read confidently as falling midway in the range 45.2% - 54.8%.

Maximum margins of error are listed in the table below, based on a population of 8,700 people aged 18 years or over for Strathbogie Shire Council, according to ABS estimates.

| Demographic | Actual survey sample size | Weighted base | Maximum margin of error at 95% confidence interval |
|-----------------------------|---------------------------|---------------|--|
| Strathbogie Shire Council | 400 | 400 | +/-4.8 |
| Men | 197 | 199 | +/-6.9 |
| Women | 203 | 201 | +/-6.8 |
| Lake Nagambie, Hughes Creek | 171 | 179 | +/-7.4 |
| Seven Creeks | 180 | 178 | +/-7.2 |
| Mount Wombat | - | - | - |
| Honeysuckle Creek | 49 | 44 | +/-14.1 |
| 18-34 years | 27 | 72 | +/-19.2 |
| 35-49 years | 64 | 74 | +/-12.3 |
| 50-64 years | 101 | 83 | +/-9.7 |
| 65+ years | 208 | 171 | +/-8.7 |

Appendix A: Significant difference reporting notation



Within tables and index score charts throughout this report, statistically significant differences at the 95% confidence level are represented by upward directing green (▲) and downward directing red arrows (▼).

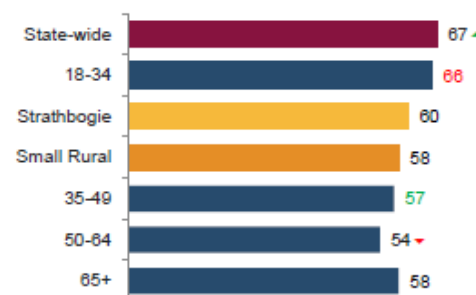
Significance when noted indicates a significantly higher or lower result for the analysis group in comparison to the 'Total' result for the council for that survey question for that year. Therefore in the example below:

- ▲ The state-wide result is significantly higher than the overall result for the council.
- ▼ The result among 50-64 year olds is significantly lower than for the overall result for the council.

Further, results shown in green and red indicate significantly higher or lower results than in 2019. Therefore in the example below:

- The result among 35-49 year olds in the council is **significantly higher** than the result achieved among this group in 2019.
- The result among 18-34 year olds in the council is **significantly lower** than the result achieved among this group in 2019.

Overall Performance – Index Scores
(example extract only)



Appendix A: Index score significant difference calculation



The test applied to the Indexes was an Independent Mean Test, as follows:

$$Z \text{ Score} = (\$1 - \$2) / \text{Sqrt} ((\$5^2 / \$3) + (\$6^2 / \$4))$$

Where:

- \$1 = Index Score 1
- \$2 = Index Score 2
- \$3 = unweighted sample count 1
- \$4 = unweighted sample count 2
- \$5 = standard deviation 1
- \$6 = standard deviation 2

All figures can be sourced from the detailed cross tabulations.

The test was applied at the 95% confidence interval, so if the Z Score was greater than +/- 1.954 the scores are significantly different.

Appendix B: Further project information



J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council

Appendix B: Further information



Further information about the report and explanations about the State-wide Local Government Community Satisfaction Survey can be found in this section including:

- Background and objectives
- Analysis and reporting
- Glossary of terms

Detailed survey tabulations

Detailed survey tabulations are available in supplied Excel file.

Contacts

For further queries about the conduct and reporting of the 2020 State-wide Local Government Community Satisfaction Survey, please contact JWS Research on

(03) 8685 8555 or via email:

admin@jwsresearch.com

Appendix B: Survey methodology and sampling



The 2020 results are compared with previous years, as detailed below:

- 2020, n=400 completed interviews, conducted in the period of 30th January – 22nd March.
- 2019, n=401 completed interviews, conducted in the period of 1st February – 30th March.
- 2018, n=400 completed interviews, conducted in the period of 1st February – 30th March.
- 2016, n=400 completed interviews, conducted in the period of 1st February – 30th March.
- 2015, n=400 completed interviews, conducted in the period of 1st February – 30th March.
- 2014, n=400 completed interviews, conducted in the period of 31st January – 11th March.
- 2013, n=400 completed interviews, conducted in the period of 1st February – 24th March.
- 2012, n=400 completed interviews, conducted in the period of 18th May – 30th June.

Minimum quotas of gender within age groups were applied during the fieldwork phase. Post-survey weighting was then conducted to ensure accurate representation of the age and gender profile of the Strathbogie Shire Council area.

Any variation of +/-1% between individual results and net scores in this report or the detailed survey tabulations is due to rounding. In reporting, '—' denotes not mentioned and '0%' denotes mentioned by less than 1% of respondents. 'Net' scores refer to two or more response categories being combined into one category for simplicity of reporting.

This survey was conducted by Computer Assisted Telephone Interviewing (CATI) as a representative random probability survey of residents aged 18+ years in Strathbogie Shire Council.

Survey sample matched to the demographic profile of Strathbogie Shire Council as determined by the most recent ABS population estimates was purchased from an accredited supplier of publicly available phone records, including up to 60% mobile phone numbers to cater to the diversity of residents within Strathbogie Shire Council, particularly younger people.

A total of n=400 completed interviews were achieved in Strathbogie Shire Council. Survey fieldwork was conducted in the period of 30th January – 22nd March, 2020.

Appendix B: Analysis and reporting



All participating councils are listed in the State-wide report published on the DELWP website. In 2020, 62 of the 79 Councils throughout Victoria participated in this survey. For consistency of analysis and reporting across all projects, Local Government Victoria has aligned its presentation of data to use standard council groupings. Accordingly, the council reports for the community satisfaction survey provide analysis using these standard council groupings. Please note that councils participating across 2012-2020 vary slightly.

Council Groups

Strathbogie Shire Council is classified as a Small Rural council according to the following classification list:

- Metropolitan, Interface, Regional Centres, Large Rural & Small Rural.

Councils participating in the Small Rural group are:

- Alpine, Ararat, Benalla, Buloke, Central Goldfields, Gannawarra, Hepburn, Hindmarsh, Indigo, Loddon, Mansfield, Murrindindi, Northern Grampians, Pyrenees, Queenscliffe, Strathbogie, West Wimmera and Yarriambiack.

Wherever appropriate, results for Strathbogie Shire Council for this 2020 State-wide Local Government Community Satisfaction Survey have been compared against other participating councils in the Small Rural group and on a state-wide basis. Please note that council groupings changed for 2015, and as such comparisons to council group results before that time can not be made within the reported charts.

Appendix B: 2012 survey revision



The survey was revised in 2012. As a result:

- The survey is now conducted as a representative random probability survey of residents aged 18 years or over in local councils, whereas previously it was conducted as a 'head of household' survey.
- As part of the change to a representative resident survey, results are now weighted post survey to the known population distribution of Strathbogie Shire Council according to the most recently available Australian Bureau of Statistics population estimates, whereas the results were previously not weighted.
- The service responsibility area performance measures have changed significantly and the rating scale used to assess performance has also changed.

As such, the results of the 2012 State-wide Local Government Community Satisfaction Survey should be considered as a benchmark. Please note that comparisons should not be made with the State-wide Local Government Community Satisfaction Survey results from 2011 and prior due to the methodological and sampling changes. Comparisons in the period 2012-2020 have been made throughout this report as appropriate.

Appendix B: Core, optional and tailored questions



Core, optional and tailored questions

Over and above necessary geographic and demographic questions required to ensure sample representativeness, a base set of questions for the 2020 State-wide Local Government Community Satisfaction Survey was designated as 'Core' and therefore compulsory inclusions for all participating Councils.

These core questions comprised:

- Overall performance last 12 months (Overall performance)
- Lobbying on behalf of community (Advocacy)
- Community consultation and engagement (Consultation)
- Decisions made in the interest of the community (Making community decisions)
- Condition of sealed local roads (Sealed local roads)
- Contact in last 12 months (Contact)
- Rating of contact (Customer service)
- Overall council direction last 12 months (Council direction)

Reporting of results for these core questions can always be compared against other participating councils in the council group and against all participating councils state-wide. Alternatively, some questions in the 2020 State-wide Local Government Community Satisfaction Survey were optional. Councils also had the ability to ask tailored questions specific only to their council.

J00858 Community Satisfaction Survey 2020 – Strathbogie Shire Council

Appendix B: Analysis and reporting



Reporting

Every council that participated in the 2020 State-wide Local Government Community Satisfaction Survey receives a customised report. In addition, the State government is supplied with this State-wide summary report of the aggregate results of 'Core' and 'Optional' questions asked across all council areas surveyed, which is available at:

<http://www.delwp.vic.gov.au/local-government/strengthening-councils/council-community-satisfaction-survey>.

Tailored questions commissioned by individual councils are reported only to the commissioning council and not otherwise shared unless by express written approval of the commissioning council.

Appendix B: Glossary of terms



Core questions: Compulsory inclusion questions for all councils participating in the CSS.

CSS: 2020 Victorian Local Government Community Satisfaction Survey.

Council group: One of five classified groups, comprising: metropolitan, interface, regional centres, large rural and small rural.

Council group average: The average result for all participating councils in the council group.

Highest / lowest: The result described is the highest or lowest result across a particular demographic sub-group e.g. men, for the specific question being reported. Reference to the result for a demographic sub-group being the highest or lowest does not imply that it is significantly higher or lower, unless this is specifically mentioned.

Index score: A score calculated and represented as a score out of 100 (on a 0 to 100 scale). This score is sometimes reported as a figure in brackets next to the category being described, e.g. men 50+ (60).

Optional questions: Questions which councils had an option to include or not.

Percentages: Also referred to as 'detailed results', meaning the proportion of responses, expressed as a percentage.

Sample: The number of completed interviews, e.g. for a council or within a demographic sub-group.

Significantly higher / lower: The result described is significantly higher or lower than the comparison result based on a statistical significance test at the 95% confidence limit. If the result referenced is statistically higher or lower then this will be specifically mentioned, however not all significantly higher or lower results are referenced in summary reporting.

Statewide average: The average result for all participating councils in the State.

Tailored questions: Individual questions tailored by and only reported to the commissioning council.

Weighting: Weighting factors are applied to the sample for each council based on available age and gender proportions from ABS census information to ensure reported results are proportionate to the actual population of the council, rather than the achieved survey sample.

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John Scales
Managing Director
jscales@jwsresearch.com

Mark Zuker
Managing Director
mzucker@jwsresearch.com

Katrina Cox
Director of Client Services
kcox@jwsresearch.com



ATTACHMENT 2:



We know we need to do better right across our organisation.

There are the simple things we can do.

Things like getting back to our community in a timely manner.

Then there are some more complicated things we must do.

By this we mean changing the way we engage with our community to ensure you are involved in the decisions that affect you.

Right across the board you – our community – has told us to lift our game.

In our 2020 Community Satisfaction Survey we have seen satisfaction drop across the board.

Perhaps most significantly is a six-point decrease in our overall performance index score, bringing it to 50, which is the lowest level since 2016.

This score compares to a state-wide average index score of 58 and a small rural shire average index score of 56.

To put it simply we are below average!

(We can hear you saying you already know that).

There are four key areas the survey draws out as areas for improvement. These being:

- **Customer Service.** We must ensure our customers have a good experience when dealing with all areas of Council, not just our frontline customer service staff.
- **Communication.** We must be more transparent. We must get better at informing our community.
- **Community decisions.** We must bring our community into our decision making process. We will make better decisions if we work together.
- **Consultation and Engagement.** We must engage genuinely and authentically with our community. This includes developing true public participation opportunities to improve outcomes and build trust.

Principles

Our community engagement principles

We've developed a set of minimal requirements and objectives that our community engagement must adhere to. Think of these as our engagement principles.

Genuine and transparent:

We will be open and honest in our engagement approach. Our scope will be outlined, the purpose clear and we won't shy away from telling the truth – even when it is hard.

Inclusive and accessible:

We will be approachable. We will create an environment where diversity of opinion is welcomed and everyone is heard.

Responsive and flexible:

Our engagement approach will be adaptable to ensure it meets its purpose and generates participation. There is no one-size-fits-all approach so we will be watchful and ready to change.

Making changes for our community



Listen and learn:

We will evaluate and monitor our engagement and consultation to ensure we continually improve.

Commitments

Our community commitments

To do better we have developed a five-point plan to success.

- 1. Develop meaningful service standards.** We will work with our community to review our current service standards (those outlined in our Customer Service Charter) and develop new standards in the areas that matter to you.
- 2. Commit to a public Community Report Card.** We will be transparent on how we're tracking on the service standards you helped us develop. We'll do this through the release of a six-monthly community report card.
- 3. Advance tools to measure improvement.** Our Customer Service team will create

a program of continual testing and improvement by developing an ongoing pulse survey.

- 4. Host an annual Community Forum.** We will create an annual Community Forum that will include deliberative engagement, participatory budgeting, community education and genuine and transparent engagement opportunities.
- 5. Improve our communications.** We know improving our key avenues for communication is essential. We will build a new website that meets your needs, create an eNews for more regular updates and work with you to ensure our quarterly newsletter provides information on topics that are relevant and timely.

Our timeline to success

The simple changes we're making will start now. Internal monitoring, reporting and accountability of our current service standards. Working on improving communications, including our new website.

For the commitments that require community engagement this will occur after the Local Government elections and into early 2021.

Satisfaction

About the Community Satisfaction Survey

Each year, our Council participates in the Victorian Government's Community Satisfaction Survey.

This survey is coordinated state-wide by the Department of Environment, Land, Water and Planning.

The survey asks the opinions of 400 local people about the place they live, work and play. It also provides us to compare our results with previous years and against state-wide results and that of other small rural shires.

Most questions ask respondents to rate Council performance on a five-point scale from very good to very poor. This is then used to develop an index score, which is represented as a score out of 100.

The table below provides a summary of Council performance.

| Service | 2020 result | 2019 result | Small rural average | State-wide average |
|------------------------------|-------------|-------------|---------------------|--------------------|
| Overall performance | 50 | 56 | 56 | 58 |
| Overall Council direction | 51 | 58 | 50 | 51 |
| Customer service | 72 | 75 | 70 | 70 |
| Waste management | 62 | 63 | 64 | 65 |
| Tourism development | 62 | 64 | 63 | 62 |
| Enforcement of local laws | 59 | 59 | 62 | 63 |
| Environmental sustainability | 56 | - | 57 | 60 |
| Informing the community | 55 | 59 | 58 | 59 |
| Sealed local roads | 51 | 51 | 51 | 54 |
| Consultation and Engagement | 50 | 55 | 54 | 55 |
| Lobbying | 50 | 54 | 52 | 53 |
| Community decisions | 49 | 55 | 53 | 53 |
| Local streets and footpaths | 46 | 48 | 57 | 58 |
| Unsealed roads | 41 | 43 | 43 | 44 |

Follow us on our socials for regular updates @strathbogrieshire

9.7.8 New Audit and Risk Committee Charter

Author: Executive Manager, Governance & Customer Service

Responsible Director: Chief Executive Officer

EXECUTIVE SUMMARY

The *Local Government Act 2020 (the Act)*, which came into force on 6 April this year, has introduced changes to the provisions relating to what is currently known as the Audit Committee. The new Act requires this committee to be named the Audit and Risk Committee and broadens the scope and mandate of the Committee. A new charter must be prepared and adopted by Council by 1 September 2020.

Once the Charter is finalised, Council will have to bring the existing Audit Committee to an end and reform it into the Audit and Risk Committee to operate under the new charter.

There are new public reporting requirements for the Committee, including a requirement to prepare a workplan and report back on its implementation. Best practice requires the preparation of a skills matrix and the development of a position description when recruiting new independent community members.

While the new Charter has strong similarities to the existing Committee charter adopted in October 2019, it reflects the new requirements around transparency and the Committee's broadened role.

Local Government Victoria (LGV) released some guidance as to what changes need to be made to existing Charters or Terms of Reference to be compliant with the new Act and have provided an example charter, workplan and position description for the independent members of the Committee. This information, along with the current Charter and examples from North East Victoria, have been used to inform the development of the new charter.

In keeping with the public engagement and consultation principles of the new Act, the draft Audit and Risk Committee Charter was placed on public exhibition for comment for a period of three weeks. One submission has been received and an amendment made to the draft Charter in response in relation to the ability of officers from the Victorian Auditor General's Office being able to meet with the Committee without management being present.

A meeting was held with Council's existing Audit Committee on 7 August 2020 regarding the new Charter. In response, several changes were made to the draft Charter focussing on inserting a provision around the review of the internal audit charter, clarifying arrangements for the failure to reach a quorum, calling of meetings by the Chair and inserting a reference to the Councillor Code of Conduct applying to its members.

This report seeks adoption of the Audit and Risk Committee Charter, the disbanding of Council's current Audit Committee and the reappointment of the Committee, with the same membership and term expiry dates, to operate under the new Charter.

9.7.8 New Audit and Risk Committee Charter (cont.)

RECOMMENDATION

That Council:

1. ***Having received and considered the submission made during the community consultation period, along with the input from Council's current Audit Committee, adopt the Audit and Risk Committee Charter, as attached to this report.***
2. ***Send a letter to the submitter outlining the changes made to the policy in response to the issues raised and thanking them for taking the time to participate in our engagement process.***
3. ***Make the adopted Charter available on Council's website.***
4. ***Disband the current Strathbogie Shire Audit Committee, which operates under the charter adopted by Council on 15 October 2019.***
5. ***Re-appoint the following as members of the new Strathbogie Shire Audit and Risk Committee, to operate under the Audit and Risk Committee Charter, for the term specified:***
 - ***Ms Clare Taranto (Chair) - term expires May 2021***
 - ***Mr Mark Freudenstein – term expires May 2022***
 - ***Mr Alister Purbrick – term expires May 2022***
 - ***Mr Geoff Dobson – term expires May 2021***
 - ***Mayor Amanda McClaren – term expires 23 October 2020***
 - ***Cr Robert Gardner – term expires 23 October 2020***
6. ***Appoint Claire Taranto as Chair of the Audit and Risk Committee until May 2021, as per the Council resolution of 19 May 2020.***

PURPOSE AND BACKGROUND

Council must reform its existing Audit Committee into the newly termed Audit and Risk Committee, with a new charter by 1 September 2020 under the new Local Government Act.

The existing Terms of Reference was reviewed in the past year in response to the need for additional independent community and councillor members in response to recommendations from the Victorian Auditor General's Office (VAGO) report into Fraud and Corruption in Local Government, June 2019.

At its May 2020 Council Meeting, Claire Taranto's term as Chair was extended until May 2021 to provide continuity through the reformation of the committee under the new Act.

9.7.8 New Audit and Risk Committee Charter (cont.)

Under the draft Charter, the Committee will be comprised of six members, being two Councillors and four independent community members, as appointed by Council. The Chair must be an independent community member. In accordance with the Act the Members must:

- include members who are Councillors of the Council
- consist of a majority of members who are not Councillors of the Council and who collectively have:
 - expertise in financial management and risk
 - experience in public sector management
- not be a member of Council staff.

ISSUES, OPTIONS AND DISCUSSION

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

The reformation of the existing committee into an Audit and Risk Committee with a new, broadened charter and remit of responsibilities is a good outcome for our community as it ensures there is a highly skilled ‘watchdog’ reviewing the following Council activities:

- monitor compliance of Council policies and procedures with the overarching governance principles the Act, its regulations and any Ministerial directions, other relevant laws and regulations
- monitor Council financial and performance reporting
- monitor and provide advice on risk management and fraud prevention systems and controls
- oversee internal and external audit functions
- monitor the achievement of the highest standards of corporate governance including monitoring compliance with Council's Code of Conduct
- monitor internal controls
- monitor compliance with various laws and regulations.

COMMUNITY ENGAGEMENT

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the municipal community is to be engaged in strategic planning and strategic decision making.

Although the Charter is largely operational in nature, it was considered appropriate to provide both the Audit Committee and our community with the opportunity to review and comment on the draft charter as per our Community Engagement Strategy.

9.7.8 New Audit and Risk Committee Charter (cont.)

Notices were placed in locally circulating papers and several posts appeared on Council's social media sites and on the home page of the website providing three weeks for community comment to be submitted.

One submission was received from a community member, with significant experience in auditing, requesting an amendment to the Charter be made to permit the members of the Committee to meet with representatives from VAGO without management present.

After discussions with the submitter, it was agreed that the wording of section 4.5.5 be amended to read:

Provide the opportunity for committee members to meet with the external auditor and/or officers of the VAGO as the need arises without management being present.

An extraordinary Audit Committee meeting was held on 7 August 2020 to seek input from the current Committee on the draft charter. A number of amendments to the charter have been made in relation to:

- insertion of a provision around the review of the internal audit charter
- clarifying arrangements for the failure to reach a quorum
- calling of meetings by the Chair
- inserting a reference to the Councillor Code of Conduct applying to its members
- inserting provisions around notice provisions should an independent member be terminated, wish to give notice of resignation or give notice that they will not be seeking a reappointment at the end of their term
- other grammatical changes.

POLICY CONSIDERATIONS

Council Plans and Policies

Our Values and Council Plan highlight the need for openness, the highest ethical standards and transparency.

Our Community Engagement Strategy 2019 – 22 identifies the form of public consultation undertaken for the draft charter as Consultation and is the second level of public participation on the IAP 2 Public Participation Spectrum.

Regional, State and National Plans and Policies

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be considered in strategic planning and decision-making.

The State government has mandated the requirements for these changes to the existing Committee and its broadened remit is consistent with recommendations from audits and investigations undertaken by the VAGO, the Victorian Ombudsman, Local Government Inspectorate and the Independent Broad-Based Anti-Corruption Commission.

9.7.8 New Audit and Risk Committee Charter (cont.)

LEGAL CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

The charter has been drafted in accordance with the provisions of the Act.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

Public transparency has been achieved through the public exhibition of the draft Charter for community comment.

Furthermore, the Committee itself has more comprehensive requirements around public reporting of its activities under the new Act and charter through:

- the tabling of an annual Audit & Risk Committee Performance Report at a Council meeting
- the requirement for the Chief Executive Officer to conduct a 360 degree review of the Committee every three years
- the review of the performance of independent members should they seek additional terms on the Committee
- twice yearly (biannual) reports at a Council meeting outlining its activities, recommendations and related actions.

Representatives from VAGO and Council's independent internal auditors will continue to participate in the Audit and Risk Committee as a means of providing additional external oversight and advice around Council activities.

The current practice of reporting the recommendations of the Audit Committee to Council for review and noting will continue.

FINANCIAL VIABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

One of the main functions of the Audit & Risk Committee under the new Act is to review Council planning, decision making and actions around short and long term financial planning and asset management. This is the Committee's key contribution the Shire's ongoing financial viability.

The Committee is required to review the Annual Statements, which are also reviewed by VAGO, and recommend to Council whether or not those statements should be approved and included in Council's Annual Report.

9.7.8 New Audit and Risk Committee Charter (cont.)

SUSTAINABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

The Audit and Risk Committee's new remit is a broad one and an integral way in which Council decisions, actions, operations and responses to internal and external audits are managed to ensure Council is in a position to support economic, social and environmental programs and objectives.

The Committee is also responsible for ensuring Council complies with its own policies, as well as the sustainability principles of the Act.

INNOVATION AND CONTINUOUS IMPROVEMENT

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is the pursuit of innovation and continuous improvement.

COLLABORATION

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that collaboration with other councils, levels of government and statutory bodies is to be sought.

Officers have been involved in workshops held by both Local Government Victoria (LGV) and the North East Governance Officer's Networks (which has recently reformed in response to the demands of the new Act) as a means of sharing ideas and templates for the new charter. Charters from Campaspe and Moira Shires have been reviewed in the creation of the new charter, along with a review of the example posted on LGV's website.

HUMAN RIGHTS CONSIDERATIONS

This policy has been reviewed against and complies with the rights and protections outlined by the *Charter of Human Rights and Responsibilities Act 2006*.

CONCLUSION

The Audit and Risk Committee Charter has been created to ensure compliance with new statutory requirements under the *Local Government Act 2020*.

As per our Community Engagement Strategy the draft charter was placed on public exhibition for three weeks and a change made to the charter in response to the submission received. Changes were also made in response to input from the existing Audit Committee.

ATTACHMENTS

Attachment 1: Audit and Risk Committee Charter

ATTACHMENT 1:



AUDIT & RISK COMMITTEE CHARTER

DRAFT

Adopted by Council [18 August 2020](#)

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DRAFT

Strathbogie Shire Council has established an Audit and Risk Committee (the Committee) in compliance with section 53(1) of the *Local Government Act 2020* (the Act).

1 Purpose

Council is committed to good governance, public transparency and accountability to its community. The Audit and Risk Committee is established to achieve the Overarching Governance Principles of the *Local Government Act 2020* (the Act) and has a focus on strengthening Council's governance and risk management frameworks, monitoring the organisation's financial management and to help drive continuous improvement.

The Committee is designated as an advisory committee under section 53(2) of the Act and does not have any delegated powers, executive powers, management functions or delegated financial responsibilities.

The Committee's role is to:

- monitor compliance of Council policies and procedures with the overarching governance principles the Act, its regulations and any Ministerial directions, other relevant laws and regulations
- monitor Council financial and performance reporting
- monitor and provide advice on risk management and fraud prevention systems and controls
- oversee internal and external audit functions
- monitor the achievement of the highest standards of corporate governance including monitoring compliance with Council's Code of Conduct.

The Committee will engage with management in a constructive and professional manner in discharging its responsibilities and formulating its advice to the Council.

The Committee operates to advise the Council on how best to fulfil its responsibilities and facilitate decision making by providing a forum for improving communication between the Council members and senior management, finance, risk and compliance managers, internal auditors and external auditors.

2 Authority

The Council authorises the Committee, within its responsibilities, to:

- perform its activities within the scope of this Charter
- obtain any information it requires from any Council, management or other external party (subject to any legal obligation to protect information)
- discuss any matters with the Victorian Auditor General's Office (VAGO), or other external parties (subject to confidentiality considerations)
- request the attendance of any official, including Councillors and Council Officers, at Committee meetings
- obtain legal or other professional advice at the entity's expense, as considered necessary to meet its responsibilities
- seek resolution on any disagreements between management and the external auditors on financial reporting
- seek resolution of any disagreement between management and the internal

auditors on internal audit recommendations.

3 Membership

The Committee is comprised of six [voting](#) members (two Councillors and four independent external members), appointed by Council. In accordance with the Act the Members must:

- include members who are Councillors of the Council
- consist of a majority of members who are not Councillors of the Council and who collectively have:
 - expertise in financial management and risk
 - experience in public sector management
- not be a member of Council staff.

The Council will appoint the Chair of the Committee, who in accordance with section 53 of the Act:

- must not be a Councillor
- must not be a member of Council staff.

In the absence of the Chair, the Committee will elect a temporary Chair for the meeting from the remaining independent members who are present.

[Voting members of the Committee will act in accordance with the Councillor Code of Conduct.](#)

3.1 Other Committee attendees

The Council or Council Officers, Chief Executive Officer, Director Corporate Operations, Executive Manager Governance & Customer Service, Manager Finance, Risk Coordinator or other management representatives may attend meetings as advisers or observers but will not be members of the committee.

A representative(s) of the VAGO will be invited to attend meetings of the Committee as an observer and to build a constructive and open relationship with the Office. Such a representative will be required to act in accordance with the governance principles in addition to the obligations of confidentiality (Section 125) and conflict of interest (Part 6, Division 2) as outlined within this Charter and the Act.

A representative(s) of the appointed internal audit contractor will be invited to attend meetings of the Committee, as an observer. Such a representative will be required to act in accordance with the governance principles in addition to the obligations of confidentiality (Section 125) and conflict of interest (Part 6, Division 2) as outlined within the Act.

The Mayor of Council or Chief Executive Officer of Council and other Council Officers may attend committee meetings, and when they elect to do so, will require copies of committee papers.

3.2 Term of membership

Membership of the committee will be reviewed at least every three years by the Council with the aim of ensuring an appropriate balance between continuity of membership, the contribution of fresh perspectives and a suitable mix of qualifications, knowledge, skills and experience.

Councillor members will be appointed for a one-year term of office.

The initial appointment of independent Committee members shall be for a three-year period.

The position for an independent member(s) will be publicly advertised at the end of each

term. This does not preclude existing members from being re-appointed through a competitive process.

Council may reappoint current independent members if exceptional circumstances are considered to exist.

Where possible, the end of the terms of Independent Members will be staggered to avoid losing continuity in the Committee's membership.

3.3 Induction and training

The Committee will adopt and maintain a program of induction, training and awareness-raising for its members, with the objective of enabling the Committee to keep abreast of contemporary developments and leading practices in relation to its functions.

3.4 Payment of a stipend

Pursuant to section 53(6) of the Act, the Council will pay a stipend to independent committee members. This stipend will be based on a per annum amount, determined by the Council, which will be indexed in alignment with the rate cap % each 1 July.

Payment will be made each quarter following receipt of a Tax Invoice after each meeting.

Once every three years the Chief Executive Officer will benchmark the stipend paid to Independent Members against other small rural councils in the Hume region to inform the review of stipend amounts by the Council. The first benchmarking exercise will be undertaken at the start of the new Audit and Risk Committee's term.

3.5 Notice requirements

Twenty eight (28) day's written notice must be given:

- By Council to a member of its intention to propose to remove them from the Committee and provide that member with the opportunity to be heard at a Council meeting which is open to the public, if that member so requests
- By a committee member should they wish to resign from the committee
- By a committee member should they not be seeking a further term.

4 Functions

In accordance with section 54(2) of the Act, the functions and responsibilities of the Committee include:

4.1 Monitor the compliance of Council policies and procedures with the overarching governance principles and the Local Government Act 2020 and the regulations and any ministerial directions (section 54(2a))

- 4.1.1 Monitor Council processes for compliance of Council policies and procedures.
- 4.1.2 Assess the Council's procurement framework with a focus on the probity and transparency of policies and procedures/processes.
- 4.1.3 Assess the Council's policy framework and procedures to ensure the embedding of the governance principles.
- 4.1.4 Monitor the implementation of financial management policies, including they are aligned with the achievement of the Act's financial management principles.
- 4.1.5 Review the CEO Employment and Remuneration Policy Employment Matters Policy annually as per section 45 of the Act.

- 4.1.6 Monitor work by the council to mitigate and plan for climate change risk.
- 4.1.7 Monitor the achievement of the highest standards of corporate governance including monitoring compliance with Council's Code of Conduct,
- 4.1.8 Review issues relating to national competition policy and Local Government Performance Reporting Framework.

4.2 Monitor Council financial and performance reporting (section 54(2b))

- 4.2.1 Review the appropriateness of the systems and procedures in place for collecting and analysing information and data for the purposes of measuring the performance of individual programs and activities to monitor progress in implementing the Council Plan and Community Vision.
- 4.2.2 Review management's processes for ensuring and monitoring compliance with legislation and other requirements on the external reporting by the Council of financial and non-financial information, performance reporting under the Act, and other relevant legislation.
- 4.2.3 Assess whether a comprehensive process has been established for the purposes of legislative disclosure reporting requirements.
- 4.2.4 Assess internal control systems covering the public release of information.
- 4.2.5 Assess any changes to Council's accounting policies and procedures and the methods of applying them, with the input of management, external and internal auditors, ensuring that they are in accordance with the stated financial reporting framework.
- 4.2.6 Review the appropriateness of accounting policies and disclosures to present a true and fair view.
- 4.2.7 Review the financial reporting provided to Council and monitor the financial performance and sustainability of Council.
- 4.2.8 Assess reports from internal and external auditors that make recommendations about the quality of financial reports such as actual and potential material audit adjustments, financial report disclosures, non-compliance with legislation and regulations, internal control issues.
- 4.2.9 Recommend to the Council whether the financial report including the performance statement section of the Annual Report should be approved based on the Committee's assessment of them.

4.3 Monitor and provide advice on risk management and fraud prevention systems and controls (section 54(2c))

- 4.3.1 Monitor the implementation of the Risk Management Strategy and progress in managing risk identified on the Risk Register priorities. The progress against these documents will be reported to the Committee at each meeting.
- 4.3.2 Review and recommend enhancements to Council's policy for the oversight and management of business risks.
- 4.3.3 Review management's overall risk profile, risk management framework and implementation strategy and advise Council of any concerns regarding the appropriate resourcing of the required actions.
- 4.3.4 Receive regular risk reports, which:
 - provide an overview of management of each strategic risk by strategic risk owners

- identify key risks, the status and the effectiveness of the risk management systems to ensure that identified risks are monitored and new risks are identified, mitigated and reported.
- 4.3.5 Assess Council processes for management's identification and control of material risks, including business, financial and legal compliance risks in accordance with Council's identified tolerance for risk particularly in the following areas:
 - potential non-compliance with legislation regulations and standards and Council's policies
 - important accounting judgements or estimates that prove to be wrong
 - litigation and claims
 - fraud and theft
 - significant business risks recognising that responsibility for general or specific risk areas, for example, environmental risk, occupational health and safety, and how they are managed by the Council.
- 4.3.6 Assess adequacy of Council process to manage insurable risks.
- 4.3.7 Review whether the Council has a current and active business continuity plan and disaster recovery plan which is tested periodically as determined by the plan.
- 4.3.8 Ascertain whether fraud risks have been:
 - identified, analysed, evaluated, have an appropriate treatment plan which has been implemented, communicated, monitored and there is regular reporting and ongoing management of fraud risks
 - included in the assessment of the risk profile of the Council and have been appropriately addressed.
- 4.3.9 Receive summary reports from management on all suspected and actual frauds, thefts and material breaches of legislation, ensuring reporting to the Council and/or relevant authorities.
- 4.3.10 Monitor the Council's fraud prevention and detection framework, including any action taken with respect to actual and suspected instances of fraud.
- 4.3.11 Monitor management's efforts to create and maintain a strong internal control environment, including the design and implementation of anti-fraud strategies and programs, conduct of fraud awareness seminars or training courses to increase staff awareness of activities that amount to fraud.
- 4.4 **Oversee internal audit function (section 54(2d))**
 - 4.4.1 Review the Internal Audit Charter regularly to determine that it provides an appropriate functional and organisational framework to enable Council's internal audit function to operate effectively and without limitations.
 - ~~4.4.14.4.2~~ Recommend to Council the appropriate method for the provision of the internal audit function including the evaluation criteria and the appointment of the contractor.
 - ~~4.4.24.4.3~~ Monitor the performance and ongoing effectiveness of the contractor, which can include making a recommendation to Council to terminate the contractor should performance not meet the standards set out in the contract.

~~4.4.2~~~~4.4.4~~ Monitor the implementation of a three-year internal audit improvement plan. The progress against this plan will be reported to the Committee at each meeting.

~~4.4.4~~~~4.4.5~~ Review the allocation of internal audit resources through the Strategic Annual Internal Audit Plan, against Council's Audit Universe, 3-year Audit Plan, Assurance Map and Council's strategic risks.

~~4.4.5~~~~4.4.6~~ Assess if there has been any obstruction to the work reported through to the Committee.

~~4.4.6~~~~4.4.7~~ Review the planning and scope for each internal audit to ensure that the audit objectives and scope are fit for purpose.

~~4.4.7~~~~4.4.8~~ Provide the opportunity for Committee members to meet with the internal auditors without management being present.

~~4.4.8~~~~4.4.9~~ Review the reporting on completed internal audits, seeking clarification through critical analysis to assure the Committee that management is responding adequately to the findings and key risks are mitigated.

~~4.4.9~~~~4.4.10~~ Monitor the progress of the strategic annual internal audit plan and work program and consider the implications of internal audit findings for the control and operating environment.

~~4.4.10~~~~4.4.11~~ Monitor the implementation of internal audit's findings and recommendations.

~~4.4.11~~~~4.4.12~~ Require Internal Audit contractor to conduct periodic testing of whether audit actions reported as completed by management have been effectively implemented.

4.5 Oversee external audit function (section 54(2d))

4.5.1 Seek information from the external auditor to outline the external audit plan including proposed audit strategies and how they might relate to identified risk areas, discuss audit results and consider the implications of the external audit findings for the control environment.

4.5.2 Ask the external auditor if there have been any significant resolved or unresolved disagreements with management.

4.5.3 Monitor and critique management's response to the external auditor's findings and recommendations.

4.5.4 Sight all representation letters signed by management and consider the completeness and appropriateness of the information provided.

4.5.5 Provide the opportunity for committee members to meet with the external auditor and/or officers of the VAGO as the need arises without management being present.

4.5.6 Maintain an awareness of local government performance audits undertaken by the VAGO and ensure recommendations are brought to the attention of the Council for action/implementation where appropriate.

4.5.7 Provide advice to management on action to be taken on significant issues raised in relevant VAGO reports or better practice guides.

4.5.8 Provide feedback to the VAGO on draft strategies, reports and opportunities for improvement.

4.6 Monitor internal controls

- 4.6.1 Review the effectiveness of the Council's internal control system with management and the internal and external auditors.
- 4.6.2 Assess whether management has controls in place for unusual types of transactions and/or any potential transactions that might carry more than an acceptable degree of risk.
- 4.6.3 Should the need arise, meet periodically with key management, internal and external auditors, and compliance staff, to understand and discuss any changes in the Council's control environment.

4.7 Monitor compliance with relevant laws and regulations

- 4.7.1 Monitor Council's processes regarding compliance with legislation and regulations.
- 4.7.2 Comply with legislative and regulatory requirements imposed on audit committee members, including not misusing their position (section 123 of the Act) to gain an advantage for themselves or another or to cause detriment to the Council and disclosing conflicts of interest (section 125 of the Act)
- 4.7.3 Monitor ethical standards and related party transactions by determining whether the systems of control are adequate.

5 Authority of the Committee

The Committee does not have any delegated powers from Council or any delegated financial responsibilities.

All recommendations of the Committee shall be referred to the Council for review and noting, other than the:

- three-year Internal Audit Plan
- planning and terms of reference for internal audits that do not require the approval of the Council
- management responses to audit recommendations arising from Internal Audit Reports.

The Committee has the authority to review the Annual Financial Statements and Performance Statement and provide advice to the Council. The Committee can recommend to Council its approval 'in principal', the signing of the Annual Financial Statements and Performance Statement.

6 Evaluating the Committee's Performance

6.1 Annual Committee Performance Report

The Committee will undertake an annual assessment of its own performance against the Audit and Risk Committee Charter in accordance with section 54(4a) of the Act. This assessment will be reported in accordance with section 8 of this Charter.

The Chief Executive Officer will assist the Committee in undertaking a broader 360 degree self-assessment of its performance every three years. This review will invite feedback from the Council, each Committee member, Council's Executive Leadership Team, Council's appointed Internal Auditors, the VAGO, and any other relevant stakeholders. The self-assessment will be reported through the Annual Committee Performance Report.

6.2 Review of Independent Member's performance if seeking additional terms

The Chair, in conjunction with the Chief Executive Officer, will undertake formal reviews of the performance and independence of Independent Members in the event that the member wishes to seek reappointment for an additional term in response to expressions of interest being called from the wider community for the Committee vacancy.

7 Reporting

7.1 Annual Committee Performance Report

The Committee will prepare an Annual Committee Performance Report that includes an assessment of the Committee's performance against the Audit and Risk Committee Charter in accordance with Section 54(4a) of the Act. This report will be provided to the Chief Executive Officer for presentation to Council in accordance with Section 54(4b) of the Act. This report will be made available to the public via Council's website.

The Chair of the Committee, or a representative on behalf of the Committee, will present this Annual Committee Performance Report to an informal Councillor briefing prior to the report being presented to Council.

7.2 Biannual Audit and Risk Report

The Committee will prepare a biannual audit and risk report that describes the activities of the Audit and Risk Committee and includes the Committee's findings and recommendations in accordance with section 54(5a) of the Act, along with the agreed actions. This report will be provided to the Chief Executive Officer for reporting to Council twice a year in July and January.

The Chair of the Committee, or a representative on behalf of the Committee, will present the Annual Internal Audit Plan to a Councillor Briefing prior to commencement of the financial year.

8 Administrative Arrangements

8.1 Meetings

The Committee must meet at least every quarter. One or more additional meetings may be held to review the Council's annual financial statements and performance statement, or to meet other responsibilities of the committee.

All committee members are expected to attend each meeting, in person or via tele-or-video conference. Failure to attend a meeting may result in non-payment of members fees for the associated quarter but this will be at the discretion of the Chief Executive Officer and Committee Chair.

The Chair has discretion to decide if a meeting will be held following the receipt of a request by another Independent Member, internal auditor or the VAGO.

8.2 Planning

The Committee will develop a forward meeting schedule that includes the dates and location for each meeting for the forthcoming year.

In accordance with section 54(3) of the Act the Committee will develop an annual work program that includes the timing of reporting for all of the responsibilities outlined in this Charter.

8.3 Quorum

A quorum will consist of a majority of Committee members, with a minimum of 2 independent members and 1 Councillor. The quorum must be in attendance at all times during the meeting. If a quorum cannot be achieved at the commencement of the meeting, or maintained during a meeting, the Chair will call a meeting at the earliest possible time to deal with the unfinished business on the agenda.

8.4 Minutes and Agendas

In accordance with section 54(6a) of the Act, the CEO will appoint a Council Officer to provide support to the Committee to ensure:

- the agenda for each meeting is approved by the Chief Executive in consultation with the Committee Chair
- the agenda and supporting papers are circulated, at least one week before the meeting
- the minutes of the meetings are prepared and maintained.

Minutes must be reviewed by both the Chief Executive Officer of Council and the Committee Chair and circulated within two weeks of the meeting to each member and committee observers, as appropriate.

In alignment with the Meeting Procedure Local Law (to be replaced by the Governance Rules by 1 September 2020), Public Transparency principles and Governance principles in the Act, summary minutes from each Committee meeting are to be presented to Council for review and noting after each Committee meeting summarising progress, matters discussed and any issues the Committee wishes to share with all Councillors.

Internal audit reports and external audit reports will not be made public unless a recommendation from the Committee is passed by Council to do so.

Pursuant to section 54(6b) of the Act, the Chief Executive Officer is required to table reports upon request by the chairperson of the Audit and Risk Committee.

9 Conflicts of Interest

Committee recommendations must be transparent and accountable, protect the public interest, maintain the integrity of the Committee and Council and enable the public to be confident that the Committee is performing its duties properly.

If a conflict of interest exists, it must be declared and managed.

Division 2 of Part 6 of the Local Government Act 2020 applies to Independent Members in the same way it does to members of any delegated Committee. An independent member has a conflict of interest if they have:

- a general conflict of interest within the meaning of section 127 of the Act
- a material conflict of interest within the meaning of section 128 of the Act.

Committee members are required to provide written declarations relating to their material personal interests to the Chair by completing Council's Conflict of Interest Form. This declaration and information will be forwarded by the Chair to the Executive Manager, Governance & Customer Service for review and recording.

External members should consider past employment, consultancy arrangements and related party issues in making these declarations and the Council, in consultation with the Chair, should be satisfied that there are sufficient processes in place to manage any real or perceived conflict.

At the beginning of each committee meeting, members will be required to declare any material personal interests that may apply to specific matters on the meeting agenda.

Where the Independent member believes, after consultation with the Chair, that the conflict cannot be appropriately managed the member must leave the meeting prior to any discussion or debate on the matter in which they have declared an interest.

The time of exit will be noted in the minutes, along with the reason for the Independent Member's temporary absence from the meeting. The Chair will ask for the Independent Member to re-join the meeting when the matter has been finalised. The time of re-entry to the meeting will be noted in the minutes.

The Chair is also responsible for deciding if he/she should excuse themselves from the meeting or from the committee's consideration of the relevant agenda item(s).

If a quorum cannot be maintained due to declarations of conflict of interest, the provisions of clause 24 of the Strathbogie Shire Governance Rules will apply.

10 Misuse of Position

Section 123 of the *Local Government Act 2020* applies to Independent Members in that the Independent Member must not intentionally misuse their position -

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

11 Confidential Information

Section 125 of the *Local Government Act 2020* applies to Independent Members and the requirements include:

- (1) Unless subsection (2) or (3) applies, a person who is, or has been, an Independent Member must not intentionally or recklessly disclose information that the person knows, or should reasonably know, is confidential information.
- (2) Subsection (1) does not apply if the information that is disclosed is information that the Council has determined should be publicly available.
- (3) A person who is, or has been, an Independent Member may disclose information that the person knows, or should reasonably know, is confidential information in the following circumstances—
 - (a) for the purposes of any legal proceedings arising out of this Act
 - (b) to a court or tribunal in the course of legal proceedings
 - (c) pursuant to an order of a court or tribunal
 - (d) in the course of an internal arbitration and for the purposes of the internal arbitration process
 - (e) in the course of a Councillor Conduct Panel hearing and for the purposes of the hearing

- (f) to a Municipal Monitor to the extent reasonably required by the Municipal Monitor
- (g) to the Chief Municipal Inspector to the extent reasonably required by the Chief Municipal Inspector
- (h) to a Commission of Inquiry to the extent reasonably required by the Commission of Inquiry
- (i) to the extent reasonably required by a law enforcement agency.

12 Recruitment

A position description for independent members will be established and maintained for each of the four independent member positions. The position description will include a matrix skills assessment that identifies the particular blend of skills and experience required for each particular role.

13 Induction

New members will receive relevant information and briefings on their appointment to assist them to meet their committee responsibilities.

14 Review of the Committee Charter

At least once a year the Committee will review this charter. This review will include consultation with the Council.

Any substantive changes to the charter will be recommended by the Committee and must be formally considered and adopted by the Council.

| | |
|-------------------------------|-------------------------------|
| _____ , Chair | _____ , Independent Member |
| _____ , Independent Member | _____ , Independent Member |
| _____ , Councillor Member | _____ , Councillor Member |

, Councillor Member

DRAFT

9.7.9 Proposed Memorandum of Understanding with the Taungurung Land & Waters Council

Responsible Director: Community & Planning

EXECUTIVE SUMMARY

The purpose of the report is to recommend to Council that a Memorandum of Understanding (MoU) should be entered into with the Taungurung Land & Water Council (TLAWC) to ensure compliance with the following legislation, reduce Council's risk exposure and most importantly strengthen the relationship with first peoples, and the Traditional Owners of Taungurung Country:

- Native Title Act 1993 (Commonwealth);
- Traditional Owner Settlement Act 2010 (State); and
- Victorian Aboriginal Heritage Act 2006 (State).

In addition; the MoU recognises Australia's (and therefore Council's) obligations arising out of the United Nations Declaration on the Rights of Indigenous Peoples.

RECOMMENDATION

That Council authorise the Mayor and Chief Executive Officer to enter into a Memorandum of Understanding (MoU) with the Taungurung Land & Waters Council as per the draft MoU attached.

PURPOSE AND BACKGROUND

TLAWC approached the MOU discussions with Strathbogie Shire with a general understanding that Strathbogie is a progressive Council genuinely interested in working with Taungurung Community (& TLAWC) to ensure maximum traditional owner recognition, consultation and opportunities for further Taungurung community development. In light of this general understanding TLAWC have been keen to settle the terms of the MoU and then promote the relationship between TLAWC and Strathbogie as the exemplar of 'best practice' for all other Councils on Taungurung Country.

Implicit within this is the highlighting (and recognition of) Strathbogie Shire as the first Council to commit to implementation of all the Reconciliation Action Plan (RSA) obligations (Annexure 3 of the MoU), as well as endorsing the guiding framework and principles of the United Nations Declaration of the Rights of Indigenous Peoples that underpin the MoU. These are strong statements (and actions) that currently set Strathbogie Shire apart from other local Councils, in much the same way as Strathbogie Council is the only Victorian Council to endorse the Uluru Statement from the Heart. TLAWC feels it is therefore only appropriate that Strathbogie be properly individually acknowledged by TLAWC, rather than a collective of Councils entering into the agreement; Strathbogie have done the hard work required and TLAWC wish to ensure Council is properly recognised as having done so.

9.7.9 Proposed Memorandum of Understanding with the Taungurung Land & Waters Council (cont.)

ISSUES, OPTIONS AND DISCUSSION

In the spirit of reconciliation and partnership; the intent of the MoU is to provide guidance and governance in the interaction between the parties under the relevant Acts and Agreements and to build practical and mutually beneficial connections.

The Council is local government body responsible for the administration of the municipal area of Shire of Strathbogie under the *Local Government Act 1989*. TLaWC is the corporate representative of the Taungurung people, the first nation and Traditional Owners of the lands north of the Dividing Range, bounded by the Campaspe River in the west, the Ovens River in the east. Those areas administered by the Council, and the traditional lands of the Taungurung, overlap and correspond, meaning that both parties have an interest in caring for country, and in building a relationship of trust and resilience.

COMMUNITY ENGAGEMENT

The MoU is considered an internal operational document to ensure compliance with relevant legislation; hence, there is no requirement for community feedback on the MoU.

Notwithstanding the above, the MoU will provide an avenue through the formal relationship with TLaWC to conduct public education, engagement and presentations for our community by the first peoples and traditional owners.

POLICY CONSIDERATIONS

The MoU is consistent with Council's endorsement of the Uluru Statement from the Heart.

Also, it is envisaged that if the MoU is ratified by Council, a number of CEO Directives (internal) and procedures will be implemented to complement the MoU.

LEGAL CONSIDERATIONS

The MoU is guided by and consistent with the following Acts:

- *Local Government Act 2020 (State)*
- *Native Title Act 1993 (Commonwealth)*
- *Traditional Owner Settlement Act 2010 (State)*
- *Victorian Aboriginal Heritage Act 2006 (State)*
- *Crown Land (Reserves) Act 1978 (State)*
- *Planning and Environment Act 1987 (State)*

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

9.7.9 Proposed Memorandum of Understanding with the Taungurung Land & Waters Council (cont.)

The MoU will be made available to the public and any stakeholders conducting activities or development on Crown Land on Taungurung Country in the Strathbogie Shire Council.

FINANCIAL VIABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

There are no budget implications in the signing of the MoU, i.e. costs incurred are contained within operational allocations associated with activities on Crown Land that need approval from other Authorities. The MoU assists Council to streamline approvals and mitigate risks under its obligations against the relevant Acts (refer Legal Considerations section).

SUSTAINABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

The MoU will help in educating staff and the Strathbogie community with sustainable land practices developed over thousands of years by the traditional owners. In addition, the purpose of the MoU and relevant legislation is to protect and preserve aboriginal heritage.

HUMAN RIGHTS CONSIDERATIONS

In the draft MoU, the Council acknowledges and commits to meeting Australia's obligations arising out of the United Nations Declaration on the Rights of Indigenous Peoples as reproduced in Annexure 1 of the MoU. This is a direct action by Council to protect the human rights of indigenous peoples in our community.

CONCLUSION

Council has been at the forefront to develop an MoU with TLaWC to strengthen its relationship with the Taungurung peoples, the first nation and Traditional Owners of the land in our Shire; and, to be compliant with the governing legislation and State policy. The MoU will decrease Council's exposure to risks associated with disturbance and destruction of indigenous heritage and streamline the processes for approvals.

Furthermore, the MoU will be reviewed every two years and schedules will be drafted for consideration by both parties to further improve the approvals process and timeframes. It should be noted that either party can terminate the MoU by resolution (draft clause 13).

Therefore, it is considered beneficial for Council to sign the MoU with TLaWC for reasons outlined in this report.

9.7.9 Proposed Memorandum of Understanding with the Taungurung Land & Waters Council (cont.)

ATTACHMENTS

Attachment 1: Draft MoU.

Attachment 2: Annexure 1 of draft MoU (United Nations Declaration).

Attachment 3: Annexure 2 of draft MoU (Land Map).

Attachment 4: Annexure 3 of draft MoU (Schedule 5 – LG Engagement Strategy)

ATTACHMENT 1:

Taungurung | Memorandum of Understanding | Strathbogrie Shire



Memorandum of Understanding

THIS Memorandum of Understanding is made the day of 2020

BETWEEN: **TAUNGURUNG LAND AND WATERS COUNCIL**, of 37 High St, Broadford
VIC 3658
("TLWC")

AND: **STRATHBOGRIE SHIRE COUNCIL** of 109a Binney Street, Euroa VIC 3666
("Council")

Taungurung | Memorandum of Understanding | Strathbogrie Shire

1. Background

- 1.1 The Council is local government body responsible for the administration of the municipal area of Shire of Strathbogrie under the *Local Government Act 1989*.
- 1.2 TLaWC is the corporate representative of the Taungurung people, the first nation and Traditional Owners of the lands north of the Dividing Range, bounded by the Campaspe River in the west, the Ovens River in the east.
- 1.3 Those areas administered by the Council, and the traditional lands of the Taungurung, overlap and correspond, meaning that both parties have an interest in caring for country, and in building a relationship of trust and resilience.
- 1.4 The Council also acknowledges and is committed to meeting Australia's obligations arising out of the United Nations Declaration on the Rights of Indigenous Peoples as reproduced in Annexure 1
- 1.5 In a spirit of reconciliation and partnership, the Council and TLaWC enter into this MOU, to govern their interactions, and to build practical and mutually beneficial connections.

2. Definitions and Interpretations

- 2.1 In this MOU, unless the context otherwise requires:
 - (a) **Aboriginal Cultural Heritage** has the same meaning as in the Victorian Aboriginal Heritage Act 2006 (Vic).
 - (b) **Council** means the Strathbogrie Shire Council, being the local government body responsible for the administration of the municipal area of Shire of Strathbogrie under the Local Government Act 1989.
 - (c) **MOU** means this Memorandum of Understanding.
 - (d) **Principles** means those guiding principles forming the basis of the mutual commitment and relationship between the parties and set out in clause 3.1.
 - (e) **Registered Aboriginal Party** has the same meaning as in the Victorian Aboriginal Heritage Act 2006 (Vic).
 - (f) **Taungurung Country** for the purposes of this MOU, means that land for which TLaWC is the appointed Registered Aboriginal Party, as shown in the map at Annexure 2.
 - (g) **TLaWC** means the Taungurung Land & Waters Council.

3. Principles

- 3.1 This MOU is underpinned by the Principles, which establish the basis for the mutual commitment and relationship between the parties. The Principles are as follows:
 - (a) The Taungurung people are acknowledged as the first peoples, and Traditional Owners of Taungurung Country.

Taungurung | Memorandum of Understanding | Strathbogie Shire

- (b) The arrival of non-aboriginal people to Taungurung Country brought massive change to the landscape and way of life of the Taungurung people.
- (c) The Council desires to address the past and embrace the process of reconciliation.
- (d) TLaWC and the Council are committed to working together to support the Taungurung people's self-determination.
- (e) The Council respect, and hold in strong regard the Aboriginal Cultural Heritage, traditions, customs and beliefs of the Taungurung people.
- (f) The parties agree that improvements in Aboriginal participation, health and wellbeing outcomes will realise long term benefits for the community as a whole.

4. Acknowledgement of legal rights and obligation

4.1 TLaWC acknowledges that the Council has legal rights and obligations:

- (a) in its role as a local government body under the *Local Government Act 2020* and as a *Planning Authority* and *Responsible Authority* under the *Planning and Environment Act 1987*; and
- (b) by its appointment as the committee of management for various parcels of Crown Land, under the *Crown Land (Reserves) Act 1978*, and potentially other Victorian legislation.

4.2 The Council acknowledges that TLaWC has legal rights and obligations:

- (a) with respect to the management and protection of Aboriginal Cultural Heritage through its appointment as the Registered Aboriginal Party under the *Victorian Aboriginal Heritage Act 2006 (Vic)*; and
- (b) with respect to native title rights and interests and has entered into a Recognition and Settlement Agreement (RSA) with the State of Victoria under the *Traditional Owner Settlement Act 2010*, which provides it certain rights with respect to the development and use of Crown Land.

4.3 The parties agree to:

- (a) respect the legal rights and obligations of the other; and
- (b) work together in good faith, and where possible, to assist the other party to meet its legal obligations, and realise its rights, under legislation.

5. Specific Acknowledgements and Commitments

5.1 Consistent with the Principles, TLaWC and the Council each make the following specific acknowledgements and commitments to each other:

- (a) TLaWC:
 - (i) acknowledges and respects the ongoing interests and rights of all

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- (ii) peoples in the Shire of Strathbogie;
will work with Council in developing accessible and appropriate local government services for the benefit of Aboriginal people and therefore the whole community;
 - (iii) will work together with Council so that programs and services have a greater opportunity to create sustainable change;
 - (iv) will work together with, and educate, Council on local Aboriginal Cultural Heritage matters and opportunities for improved Council practice; and
 - (v) will act to comply in good faith with all relevant legislation, including the:
 - (A) *Native Title Act 1993* (Cth);
 - (B) *Traditional Owner Settlement Act 2010* (Vic); and
 - (C) *Victorian Aboriginal Heritage Act 2006* (Vic).
- (b) **Council:**
 - (i) acknowledges and respects the ongoing interests and rights of the Taungurung people;
 - (ii) is committed to working with TLaWC and supporting the efforts of non-Aboriginal people in understanding Aboriginal culture and values;
 - (iii) will advocate for the rights and interests of the Taungurung people and promote the principles of reconciliation;
 - (iv) will promote Taungurung cultural heritage in a way that is desired by and respectful to Taungurung People;
 - (v) is committed to working towards the implementation of all the actions listed in schedule 5 'Local Government Engagement Strategy' of the RSA, as reproduced in annexure 3;
 - (vi) will consult with TLaWC prior to any proposed high or low impact works being undertaken by the Council within Aboriginal Sensitivity zones and commits to adopting any reasonable advice provided by TLaWC arising from these consultations (*and both parties will work towards developing agreed guidelines for providing exemptions for some low impact works with standard conditions, within 12 months of signing this MOU*);
 - (vii) will ensure any planning permit application proposing high or low impact works to be undertaken in Aboriginal Sensitivity zones will require the planning permit applicant consult with TLaWC, and adopt any TLaWC's reasonable advice consistent with relevant legislation which may arise from these consultations, as a pre-condition to the Council granting approval for any such planning permit (*and both parties will work towards developing agreed*

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guidelines for providing exemptions for some low impact works with standard conditions, within 12 months of signing this MOU);

- (viii) is committed to working towards establishing a framework to support increased participation by the Taungurung people in Council decision-making;
- (ix) commits to ensure the consideration of local Taungurung issues as part of any review process for Council programs and services;
- (x) will acknowledge traditional owners of the land before each Council meeting and at civic receptions;
- (xi) will permanently fly the Aboriginal flag at each Council office, building and service centre;
- (xii) will act to comply in good faith with all relevant legislation, including the:
 - (A) *Native Title Act 1993 (Cth)*;
 - (B) *Traditional Owner Settlement Act (2010) (Vic)*; and
 - (C) *Victorian Aboriginal Heritage Act 2006 (Vic)*.

6. Procurement

6.1 In an order to:

- (a) support TLaWC's aspirations to achieve economic independence for the Taungurung people; and
- (b) support local business, and local jobs;

the Council will provide TLaWC with the opportunity to apply for contracts providing works or services to the Council and develop a "weighting system" within its procurement guidelines to assist TLaWC in achieving goals (a) and (b) above, while acknowledging Council's obligations to ensure value for money under the Local Government Act 1989, the need to comply with the provisions of Council's

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Procurement Policy and Council's obligations to comply with the National Competition Policy and Principles.

- 6.2 TLaWC will provide the Council with information in writing as to what service it is able to provide, and following receipt of this information, the Council will provide TLaWC (or any subsidiary of TLaWC) with:

- (a) an opportunity to provide a quote, as part of any broader competitive quotation or tender process; and
- (b) opportunities to undertake any such contract in accordance with 6.1 above;

for any works or services Council requires, and which TLaWC can provide at the same or similar standard, quality and price to other providers of those works or services.

7. Implementation of the MOU

- 7.1 The responsibility for ensuring the implementation, progression and fulfilment of this MOU is held by the Chief Executive Officer of each party on behalf of their respective organisations.

- 7.2 Each party nominates the person below to be the principal contact responsible for the day to day management of the MOU, and who will additionally be responsible for monitoring and reporting on the MOU's progress:

| Party | Principal Contact |
|---------|---|
| TLaWC | Mathew Burns CEO 37 High St, Broadford VIC 3658 CEO@Taungurung.com.au (03) 5784 1433 |
| Council | [Name] [Title] [Address, email, Phone number] |

8. Resourcing and engagement

- 8.1 The parties agree to provide reasonable resourcing to the nominated principal contact to ensure that coordination and day-to-day management of the MOU can be achieved.

- 8.2 In keeping with best practice on engaging with Traditional Owners in Victoria, meetings will be conducted to review the relationship on the following terms:

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- (a) the nominated principal contacts from each party commit to meeting once each quarter;
- (b) the Chief Executive Officer from each party commit to meeting twice-annually; and
- (c) the elected Councillors of the Council, and the TLaWC board of directors, commit to meeting annually.

9. Marketing and publicity

- 9.1 *For any public information that requires mention of either party, the requesting party shall obtain the other's prior approval to ensure compliance with any relevant policy or procedure.*

10. Exchange of information

- 10.1 From time to time either party may request from the other access to documents or information relating to issues relevant to either the party, and each party will assist the other to meet the request, so far as is reasonably practicable and provided that the request is consistent with the provisions of the Privacy and Data Protection Act 1994 and Council's Privacy and Data Protection Policy.
- 10.2 This does not apply to documents subject to privilege, any privacy laws, which are commercial-in-confidence, or information that was provided to either party in confidence.

11. Settlement of disputes

- 11.1 If any party is dissatisfied with any decision or action of the other regarding the implementation of this MOU, the identified principal contacts must notify the Chief Executive Officer of each party in writing.
- 11.2 Should the dispute remain unresolved by discussions between the parties, the matter will be referred to an independent Mediator agreed to by the Chief Executive Officers or referred to the Dispute Settlement Centre of Victoria for resolution if a suitable Mediator is not found.

12. Evaluation and evolution

- 12.1 The MOU will be jointly evaluated for progress on an annual basis by the principal contact of each party, and an annual progress report will be prepared respectively by each party. The annual progress report will be submitted to each party's board or Council for noting.
- 12.2 A review of the MOU will be undertaken in every two years, whereby:
- (a) minor adjustments will be allowable by mutual written agreement of the Chief Executives Officer of each party, and adopted by Council, provided the spirit and substance of the MOU is not materially altered;
 - (b) any proposed changes that would materially alter the spirit or substance of the MOU will require formal approval by both the TLaWC board of directors, and the elected Councillors of the Council.
- 12.3 The parties additionally agree to build on the momentum gained by implementing this MOU by progressing the development of a Reconciliation Action Plan within 24

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months of the execution of this document and affixation of Council's Common Seal by way of Council resolution.

13. Termination of the MOU

- 13.1 The MOU may be terminated at any time by either party, in writing and where endorsed by a valid resolution of the TLaWC board of directors, or the elected Councillors of the Council.

This Memorandum of Understanding is brought into effect this day _____ of _____ 2020:

Signed by Taungurung Land & Waters Council)
(ABN 47 145 916 168) in accordance with section)
99-5 of the Corporations (Aboriginal & Torres Strait)
Islander) Act 2006 (Cth):)

Signature of Director

Full Name of Director (Printed)

Date

Signature of Director

Full Name of Director (Printed)

Date

Signed by [Council] in accordance with the Local)
Government Act 1989:)
)
)

Common Seal clause needs including

Signature of Mayor

Full Name of Mayor (Printed)

Date

Signature of CEO

Full Name of CEO (Printed)

Date

ATTACHMENT 2:

Annexure 1

United Nations

A/RES/61/295



General Assembly

Distr.: General
2 October 2007

Sixty-first session
Agenda item 68

Resolution adopted by the General Assembly on 13 September 2007

[without reference to a Main Committee (A/61/L.67 and Add.1)]

61/295. United Nations Declaration on the Rights of Indigenous Peoples

The General Assembly,

Taking note of the recommendation of the Human Rights Council contained in its resolution 1/2 of 29 June 2006,¹ by which the Council adopted the text of the United Nations Declaration on the Rights of Indigenous Peoples,

Recalling its resolution 61/178 of 20 December 2006, by which it decided to defer consideration of and action on the Declaration to allow time for further consultations thereon, and also decided to conclude its consideration before the end of the sixty-first session of the General Assembly,

Adopts the United Nations Declaration on the Rights of Indigenous Peoples as contained in the annex to the present resolution.

*107th plenary meeting
13 September 2007*

Annex

United Nations Declaration on the Rights of Indigenous Peoples

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and good faith in the fulfilment of the obligations assumed by States in accordance with the Charter,

Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

Affirming also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

¹ See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53 (A/61/53)*, part one, chap. II, sect. A.

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Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

Reaffirming that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

Recognizing also the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur,

Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

Recognizing that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

Emphasizing the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,

Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

Considering that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

Considering also that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

Acknowledging that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights² and the International Covenant on Civil and Political Rights,² as well as the Vienna Declaration and Programme of

² See resolution 2200 A (XXI), annex.

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Action,³ affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Bearing in mind that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law,

Convinced that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

Encouraging States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

Emphasizing that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,

Believing that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

Recognizing and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

Recognizing that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,

Solemnly proclaims the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect:

Article 1

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights⁴ and international human rights law.

Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

³ A/CONF.157/24 (Part I), chap. III.

⁴ Resolution 217 A (III).

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Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 6

Every indigenous individual has the right to a nationality.

Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
 - (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
 - (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - (d) Any form of forced assimilation or integration;
 - (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

Article 9

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the

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community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 11

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12

1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those

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living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

Article 15

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.

2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

Article 16

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.

2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

Article 17

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.

2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.

3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

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Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 22

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

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Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

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Article 30

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.

2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Article 33

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.

2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

Article 34

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

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Article 35

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

Article 36

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.

2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

Article 37

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.

2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

Article 38

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

Article 39

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

Article 40

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

Article 41

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

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Article 42

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

Article 43

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 44

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

Article 45

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

Article 46

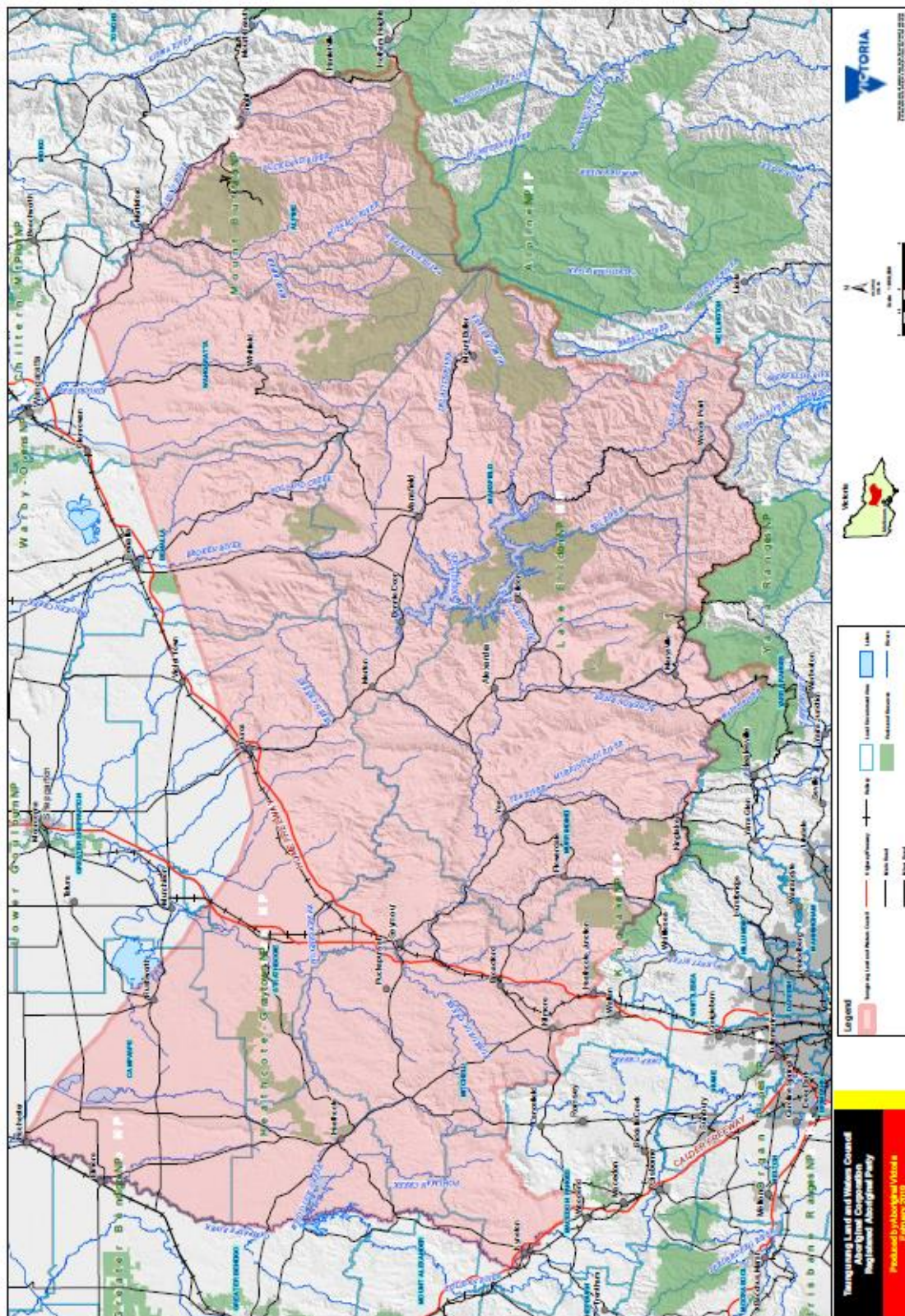
1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.

3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

ATTACHMENT 3:

Annexure 2



ATTACHMENT 4:

Annexure 3

Recognition and Settlement Agreement

Schedule 5 Local Government Engagement Strategy (Clause 3.5)

**Schedule 5 Local Government Engagement Strategy
(Clause 3.5)**

1. Local governments have the means to offer significant on-ground and practical opportunities by which to improve the economic and social standing of Aboriginal people and communities within their municipal boundaries.
2. The State must facilitate the development of relationships, both formal and informal, between local governments (councils) and Aboriginal people and communities. At the time of commencement of the Recognition and Settlement Agreement, the State department with primary responsibility for local government is the Department of Environment, Land, Water and Planning (DELWP).
3. The Taungurung Recognition and Settlement Agreement area (Agreement Area) encompasses parts of fifteen different council areas. Where the Taungurung Clans Aboriginal Corporation (Corporation) seeks to engage with any or all of those councils, the State must facilitate initiating contact and the development of a relationship.
4. After commencement of the Recognition and Settlement Agreement, at a time that is reasonably acceptable to the State and the Corporation (but within twelve months of the Effective Date), representatives of the Corporation and DELWP (or other relevant department) will meet to commence discussions for the development of a plan for DELWP, where reasonably practicable, to facilitate the Corporation to develop relationships with relevant local councils for the purposes of discussing the actions as listed in Table A.

Table A

| Action |
|---|
| (A) Local government compliance with relevant legislation and agreements in relation to public and private land management, including the Land Use Activity Agreement and the <i>Aboriginal Heritage Act 2006</i> (including through training of local government personnel). |
| (B) Educating local government in relation to the role of the Corporation as the Registered Aboriginal Party under the <i>Aboriginal Heritage Act 2006</i> for the Agreement Area and building partnerships for the maintenance and protection of significant sites. |
| (C) Engagement by local government with the Corporation in relation to the management of parks, reserves and other crown land for which relevant councils are the land manager. |
| (D) Development of a Reconciliation Action Plan with the assistance of Reconciliation Australia. |
| (E) Contracting by local government of the Corporation and/or its subsidiaries to perform natural resources management, cultural awareness training, or other work for which the Corporation and/or its subsidiaries have relevant expertise. |

EXECUTION VERSION

Recognition and Settlement Agreement

Schedule 5 Local Government Engagement Strategy (Clause 3.5)

| Action |
|---|
| (F) Flying the Aboriginal flag. |
| (G) Acknowledging the Taungurung as the traditional owners of relevant areas in official documents and websites and seeking welcomes to country for council events (by adoption of the Protocol on Acknowledgements and Welcomes to Country contained in the Recognition and Settlement Agreement). |
| (H) Adoption of traditional Taungurung names for new local roads, bridges and public spaces in relevant council areas in consultation with the Corporation. |
| (I) Installation of appropriate signage, keeping places and interpretive information to recognise the Taungurung as the traditional owners for the Agreement Area following appropriate consultation between Taungurung and relevant councils. |
| (J) Support for the development of cultural awareness strategies and projects (such as local history research, language preservation). |
| (K) Mandate the use of the strategic planning tools available within the planning system to protect places of significant Aboriginal cultural heritage. |
| (L) Education of the broader community about the Taungurung people and their customs, language, spirituality and history. |
| (M) Employment of Indigenous Liaison Officers in consultation with Taungurung Clans Aboriginal Corporation. |

9.7.10 Instrument of Delegation from Council to Members of Council Staff

Responsible Director: Executive Manager, Governance & Customer Service

EXECUTIVE SUMMARY

The passing of the new *Local Government Act 2020* (the Act) requires a review and remaking of all instruments of delegation.

The Council to Officers instrument of delegation is the way in which Council enables day to day decisions, made under a raft of legislation and local laws, to be made. Without this delegation of power, all decisions would have to be made by a resolution of Council, which cannot occur due to the volume of decisions made by the administration on behalf of Council every day.

This instrument provides for delegations that our legal counsel state cannot be sub delegated by the Chief Executive Officer (CEO), that is, they must be directly delegated from Council to the subject matter experts. The delegations cover specialised legislation such as the *Planning and Environment Act 1987*, *Roads Management Act 2004* and the *Environmental Protection Act 1970*.

The draft Instrument before Council is based on the current delegation. There are some powers, such as setting fees, that are not delegated to any officer. The draft instrument before Council reflects organisational structural changes and position title changes that have occurred in recent months.

There are conditions against some delegated powers requiring notification of the CEO or Council through written notice within a specified period of a decision being made to ensure transparency and that information flows between the delegated officers and Council.

A public register of delegations must be maintained by the CEO under the Act and Council's Public Transparency Policy 2020, and so this instrument, once signed, will be available for inspection by the public upon request.

The deadline under the new Act for all the instruments to be adopted is 1 September 2020.

9.7.10 Instrument of Delegation from Council to Members of Council Staff (cont.)

RECOMMENDATION

That Council in the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Strathbogie Shire Council (Council) resolves that –

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.***
- 2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.***
- 3. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.***
- 4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.***

PURPOSE AND BACKGROUND

The new Act requires the preparation and adoption of a new set of Instruments of Delegation.

The various acts and regulations referred to in the instrument allow the delegation of powers from Council to members of Council staff.

The purpose of this report is to facilitate the adoption of this Instrument so that day to day decision making can be efficient and seamless.

ISSUES, OPTIONS AND DISCUSSION

The Instrument before Council is based on the current instrument S6.

The draft instrument before Council reflects organisational structural changes and position title changes that have occurred in recent months.

The instrument is based on a template provided by Council's governance lawyers.

9.7.10 Instrument of Delegation from Council to Members of Council Staff (cont.)

It should be noted that a review of all delegations needs to be undertaken within 12 months of a general Council election, meaning the new Council must adopt its own instruments by October 2021. It is considered a more in depth review of these delegations be undertaken with the new Council and that any supporting guidelines for the use of these delegated powers be developed in consultation with the Council.

COMMUNITY ENGAGEMENT

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

Given the operational nature of the Instrument, this matter has not been subjected to any form of community engagement.

POLICY CONSIDERATIONS

Council Plans and Policies

The adoption of an Instrument of Delegation from Council to members of Council staff is consistent with the Council Plan in that it:

- ensures the Council focuses on key strategic decisions, rather than operational matters
- enables day to day decisions to be made by the administration, thereby providing our community with responsive and timely services.

LEGAL CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

The Instrument of Delegation has been developed in consultation with Council's governance lawyers and has been informed through the participation of the author in several workshops relating to preparing the new instruments as required under the Act.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

The new Act requires Council to maintain a public register of delegations. Once the Common Seal has been affixed to the Instrument, it will be made available on Council's website and copies made available in hard copy upon request, as required by our Public Transparency Policy 2020.

9.7.10 Instrument of Delegation from Council to Members of Council Staff (cont.)

FINANCIAL VIABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

The draft instrument delegates some operational financial decisions to members of Council staff, however the setting of fees and charges and other more strategic financial decisions have not been delegated.

INNOVATION AND CONTINUOUS IMPROVMENT

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is the pursuit of innovation and continuous improvement.

The review of instruments of delegation is one way in which our operations are constantly reviewed and refined to identify areas where operational efficiency and timely decision making can be enhanced.

This does not, however, come at a cost of transparency or loss of control for the Council given there are restrictions within the Instrument around the use of delegated powers by members of Council staff. Furthermore, just because the officer has a delegation, it does not mean that it is always prudent to exercise it without referring matters back to Council or consulting with Council prior to such power being used.

COLLABORATION

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that collaboration with other councils, levels of government and statutory bodies is to be sought.

The author of the draft Instrument has participated in a number of workshops around the new delegation requirements under the 2020 Act and discussions with counterparts through the North East Governance Officers' Network.

HUMAN RIGHTS CONSIDERATIONS

This report does not raise any significant issues or impact on human rights as defined by the *Charter of Human Rights and Responsibilities Act 2006*.

CONCLUSION

The draft Instrument of Delegation from Council to members of Council staff is based on the current delegation, with some minor amendments to reflect the requirements of amended legislation and changes to the organisation's structure and position titles.

ATTACHMENTS

Attachment 1: Instrument of Delegation – Council to Members of Council Staff (s6)

ATTACHMENT 1:

Maddocks Delegations and Authorisations

S6 Instrument of Delegation — Members of Staff

Strathbogie Shire Council

Instrument of Delegation

to

Members of Council Staff

Instrument of Delegation

In exercise of the powers conferred by the legislation referred to in the attached Schedule, the Council:

11. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;

12. record that references in the Schedule are as follows:

CCO means Customer Contact Officer - Planning

CEO means Chief Executive Officer

CRTL means Community Relations Team Leader

DCP means Director Community & Planning

DCO means Director Corporate Operations

DMBS means Deputy Municipal Building Surveyor

EMGCS means Executive Manager Governance & Customer Service

EMPC means Executive Manager People & Culture

SEHO means Senior Environmental Health Officer

LLO means Local Laws Officer

MBS means Municipal Building Surveyor

MEM means Municipal Emergency Manager

MERO means Municipal Emergency Resource Officer

MF means Manager Finance

MFPO means Municipal Fire Prevention Officer

MI means Manager Infrastructure

MPI means Manager Planning & Investment

PP means Principal Planner

TLS means Team Leader Compliance

TP means Town Planner

13. declares that:

- 13.1 this Instrument of Delegation is authorised by a **resolution** of Council passed on 18 August 2020; and

- 13.2 the delegation:

- 13.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 13.2.2 remains in force until varied or revoked;
 - 13.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
 - 13.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
- 13.3 the delegate must not determine the issue, take the action or do the act or thing:
- 13.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
 - 13.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategyadopted by Council;
 - 13.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
 - 13.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

##insert Council seal

SCHEDULE

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| DOMESTIC ANIMALS ACT 1994 | | | |
|----------------------------------|---|------------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISIO N | THING DELEGATED | DELEGATE | CONDITIONS AND LIMITATIONS |
| s 41A(1) | Power to declare a dog to be a menacing dog | CEO, DCO, TLC | Council may delegate this power to a Council authorised officer. |

| ENVIRONMENT PROTECTION ACT 1970 | | | |
|--|---|-----------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 53M(3) | Power to require further information | DCO, TLC, SEHO | |
| s 53M(4) | Duty to advise applicant that application is not to be dealt with | DCO, TLC, SEHO | |
| s 53M(5) | Duty to approve plans, issue permit or refuse permit | DCO, TLC, SEHO | Refusal must be ratified by Council or it is of no effect |
| s 53M(6) | Power to refuse to issue septic tank permit | DCO, TLC, SEHO | Refusal must be ratified by Council or it is of no effect |
| s 53M(7) | Duty to refuse to issue a permit in circumstances in (a)-(c) | DCO, TLC, SEHO | Refusal must be ratified by Council or it is of no effect |

| FOOD ACT 1984 | | | |
|----------------------|---|-----------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 19(2)(a) | Power to direct by written order that the food premises be put into a clean and sanitary condition | DCO, TLC, SEHO | If s 19(1) applies |
| s 19(2)(b) | Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable | DCO, TLC, SEHO | If s 19(1) applies |
| s 19(3) | Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process | DCO, TLC, SEHO | If s 19(1) applies Only in relation to temporary food premises or mobile food premises |
| s 19(4)(a) | Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise | DCO, TLC, SEHO | If s 19(1) applies |
| s 19(6)(a) | Duty to revoke any order under s 19 if satisfied that an order has been complied with | DCO, TLC, SEHO | If s 19(1) applies |
| s 19(6)(b) | Duty to give written notice of revocation under s 19(6)(a) if satisfied that an order has been complied with | DCO, TLC, SEHO | If s 19(1) applies |

| FOOD ACT 1984 | | | |
|----------------------|--|-----------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 19AA(2) | Power to direct, by written order, that a person must take any of the actions described in (a)-(c). | DCO, TLC, SEHO | Where Council is the registration authority |
| s 19AA(4)(c) | Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises | DCO, TLC, SEHO | Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution |
| s 19AA(7) | Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with | DCO, TLC, SEHO | Where Council is the registration authority |
| s 19CB(4)(b) | Power to request copy of records | DCO, TLC, SEHO | Where Council is the registration authority |
| s 19E(1)(d) | Power to request a copy of the food safety program | DCO, TLC, SEHO | Where Council is the registration authority |
| s 19GB | Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor | DCO, TLC, SEHO | Where Council is the registration authority |
| s 19M(4)(a) & (5) | Power to conduct a food safety audit and take actions where deficiencies are identified | DCO, TLC, SEHO | Where Council is the registration authority |
| s 19NA(1) | Power to request food safety audit reports | DCO, TLC, SEHO | Where Council is the registration authority |

| FOOD ACT 1984 | | | |
|----------------------|--|-----------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 19U(3) | Power to waive and vary the costs of a food safety audit if there are special circumstances | DCO, TLC, SEHO | |
| s 19UA | Power to charge fees for conducting a food safety assessment or inspection | DCO, TLC, SEHO | Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39 |
| s 19W | Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB | DCO, TLC, SEHO | Where Council is the registration authority |
| s 19W(3)(a) | Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction | DCO, TLC, SEHO | Where Council is the registration authority |
| s 19W(3)(b) | Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises | DCO, TLC, SEHO | Where Council is the registration authority |
| --- | Power to register, renew or transfer registration | DCO, TLC, SEHO | Where Council is the registration authority Refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s 58A(2)) |
| s 38AA(5) | Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt | DCO, TLC, SEHO | Where Council is the registration authority |

| FOOD ACT 1984 | | | |
|----------------------|--|-----------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 38AB(4) | Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1) | | Not delegated. Where Council is the registration authority |
| s 38A(4) | Power to request a copy of a completed food safety program template | TLC, SEHO | Where Council is the registration authority |
| s 38B(1)(a) | Duty to assess the application and determine which class of food premises under s 19C the food premises belongs | TLC, SEHO | Where Council is the registration authority |
| s 38B(1)(b) | Duty to ensure proprietor has complied with requirements of s 38A | TLC, SEHO | Where Council is the registration authority |
| s 38B(2) | Duty to be satisfied of the matters in s 38B(2)(a)-(b) | TLC, SEHO | Where Council is the registration authority |
| s 38D(1) | Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39 | DCO, TLC, SEHO | Where Council is the registration authority |
| s 38D(2) | Duty to be satisfied of the matters in s 38D(2)(a)-(d) | DCO, TLC, SEHO | Where Council is the registration authority |
| s 38D(3) | Power to request copies of any audit reports | DCO, TLC, SEHO | Where Council is the registration authority |

| FOOD ACT 1984 | | | |
|----------------------|---|-----------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 38E(2) | Power to register the food premises on a conditional basis | DCO, TLC, SEHO | Where Council is the registration authority; not exceeding the prescribed time limit defined under s 38E(5) |
| s 38E(4) | Duty to register the food premises when conditions are satisfied | DCO, TLC, SEHO | Where Council is the registration authority |
| s 38F(3)(b) | Power to require proprietor to comply with requirements of this Act | DCO, TLC, SEHO | Where Council is the registration authority |
| s 39A | Power to register, renew or transfer food premises despite minor defects | DCO, TLC, SEHO | Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c) |
| s 40(2) | Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i> | DCO, TLC, SEHO | |
| s 40C(2) | Power to grant or renew the registration of food premises for a period of less than 1 year | DCO, TLC, SEHO | Where Council is the registration authority |
| s 40D(1) | Power to suspend or revoke the registration of food premises | DCO, TLC, SEHO | Where Council is the registration authority |

| FOOD ACT 1984 | | | |
|----------------------|---|-----------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 43F(6) | Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business | DCO, TLC, SEHO | Where Council is the registration authority |
| s 43F(7) | Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements | TLC, SEHO | Where Council is the registration authority |
| s 46(5) | Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged | CEO, DCO, TLC | Where Council is the registration authority |

| HERITAGE ACT 2017 | | | |
|--------------------------|--|-----------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 116 | Power to sub-delegate Executive Director's functions, duties or powers | CEO, DCP | Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation |

| LOCAL GOVERNMENT ACT 1989 | | | |
|----------------------------------|--|------------------------|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 181H | Power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge | CEO¹ | |
| s 185L(4) | Power to declare and levy a cladding rectification charge | CEO² | |

¹ The only member of staff who can be a delegate in Column 3 is the CEO.

² The only member of staff who can be a delegate in Column 3 is the CEO.

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|-----------------------------|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 4B | Power to prepare an amendment to the Victorian Planning Provisions | DCP, MPI, PP | If authorised by the Minister |
| s 4G | Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister | DCP, MPI, PP | |
| s 4H | Duty to make amendment to Victorian Planning Provisions available | DCP, MPI, PP, TP, CCO, CRTL | |
| s 4I | Duty to keep Victorian Planning Provisions and other documents available | DCP, MPI, PP, TP, CCO, CRTL | |
| s 8A(2) | Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A | DCP, MPI, PP | |
| s 8A(3) | Power to apply to Minister to prepare an amendment to the planning scheme | DCP, MPI, PP, TP | |
| s 8A(5) | Function of receiving notice of the Minister's decision | DCP, MPI, PP, TP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|-------------------|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 8A(7) | Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days | DCP, MPI, PP, TP | |
| s 8B(2) | Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district | DCP, MPI, PP, TP | |
| s 12(3) | Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons | CEO, DCP, MPI, PP | |
| s 12A(1) | Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s 19 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>) | DCP, MPI, PP, TP | |
| s 12B(1) | Duty to review planning scheme | DCP, MPI, PP, TP | |
| s 12B(2) | Duty to review planning scheme at direction of Minister | DCP, MPI, PP, TP | |
| s 12B(5) | Duty to report findings of review of planning scheme to Minister without delay | DCP, MPI, PP, TP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|-----------------------------|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 14 | duties of a Responsible Authority as set out in s 14(a) to (d) | DCP, MPI, PP, TP | |
| s 17(1) | Duty of giving copy amendment to the planning scheme | DCP, MPI, PP, TP | |
| s 17(2) | Duty of giving copy s 173 agreement | DCP, MPI, PP, TP, CCO, CRTL | |
| s 17(3) | Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days | DCP, MPI, PP, TP | |
| s 18 | Duty to make amendment etc. available | DCP, MPI, PP, TP | |
| s 19 | Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme | DCP, MPI, PP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|-----------------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 19 | Function of receiving notice of preparation of an amendment to a planning scheme | DCP, MPI, PP | Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority |
| s 20(1) | Power to apply to Minister for exemption from the requirements of s 19 | CEO, DCP, MPI, PP | Following a resolution approving this action from Council. |
| s 21(2) | Duty to make submissions available | DCP, MPI, PP, TP, CCO, CRTL | |
| s 21A(4) | Duty to publish notice | DCP, MPI, PP | |
| s 22 | Duty to consider all submissions | CEO, DCP, MPI, PP, TP | Except submissions which request a change to the items in s 22(5)(a) and (b) |
| s 23(1)(b) | Duty to refer submissions which request a change to the amendment to a panel | CEO, DCP, MPI, PP | |
| s 23(2) | Power to refer to a panel submissions which do not require a change to the amendment | DCP, MPI, PP, TP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|-----------------------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 24 | Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D) | DCP, MPI, PP, TP | |
| s 26(1) | Power to make report available for inspection | DCP, MPI, PP, TP, CCO, CRTL | |
| s 26(2) | Duty to keep report of panel available for inspection | DCP, MPI, PP, TP, CCO, CRTL | |
| s 27(2) | Power to apply for exemption if panel's report not received | DCP, MPI | |
| s 28 | Duty to notify the Minister if abandoning an amendment | CEO, DCP, MPI, PP | Note: the power to make a decision to abandon an amendment cannot be delegated, so this power can be exercised following a resolution of Council to abandon the amendment. |
| s 30(4)(a) | Duty to say if amendment has lapsed | DCP, MPI, PP | |
| s 30(4)(b) | Duty to provide information in writing upon request | DCP, MPI, PP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|-----------------------------|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 32(2) | Duty to give more notice if required | CEO, DCP, MPI, PP | |
| s 33(1) | Duty to give more notice of changes to an amendment | CEO, DCP, MPI, PP | |
| s 36(2) | Duty to give notice of approval of amendment | CEO, DCP, MPI, PP | |
| s 38(5) | Duty to give notice of revocation of an amendment | CEO, DCP, MPI, PP | |
| s 39 | Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT | CEO, DCP, MPI, PP | |
| s 40(1) | Function of lodging copy of approved amendment | DCP, MPI, PP | |
| s 41 | Duty to make approved amendment available | DCP, MPI, PP, TP, CCO, CRTL | |
| s 42 | Duty to make copy of planning scheme available | DCP, MPI, PP, TP, CCO, CRTL | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|-----------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46AAA | Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity | | Not relevant to Strathbogie Shire. |
| s 46AW | Function of being consulted by the Minister | CEO, DCP, MPI | Where Council is a responsible public entity |
| s 46AX | (a) Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy | CEO, DCP, MPI | Where Council is a responsible public entity. Power to endorse the draft Statement of Planning Policy not delegated. |
| s 46AZC(2) | Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity | CEO, DCP, MPI, PP, TP | Where Council is a responsible public entity |
| s 46AZK | Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area | CEO, DCP, MPI, PP, TP | Where Council is a responsible public entity |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46GI(2)(b)(i) | Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction | CEO, DCP | Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency |
| s 46GJ(1) | Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans | CEO, DCP, DCO | |
| s 46GK | Duty to comply with a Minister's direction that applies to Council as the planning authority | CEO, DCP, MPI, PP, TP, MI | |
| s 46GN(1) | Duty to arrange for estimates of values of inner public purpose land | DCP, DCO, MPI, MF, MI | |
| s 46GO(1) | Duty to give notice to owners of certain inner public purpose land | DCP, DCO, MPI, MI | |
| s 46GP | Function of receiving a notice under s 46GO | CEO, DCP, DCO | Where Council is the collecting agency |

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| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46GQ | Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land | CEO, DCP, DCO, MPI | |
| s 46GR(1) | Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO | CEO, DCP, DCO, MPI | |
| s 46GR(2) | Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister | CEO, DCP, DCO, MPI | |
| s 46GS(1) | Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ | CEO, DCP, DCO | |
| s 46GS(2) | Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general | CEO, DCP, DCO | |
| s 46GT(2) | Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference | CEO, DCP, DCO | |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46GT(4) | Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land | CEO, DCP, DCO, MPI, MI | |
| s 46GT(6) | Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5) | CEO, DCP, DCO, MPI, MI | |
| s 46GU | Duty not to adopt an amendment under s 29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met | CEO, DCP, DCO, MPI, MI | |
| s 46GV(3) | Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made | CEO, DCP, DCO, MPI, MF, MI | Where Council is the collecting agency |
| s 46GV(3)(b) | Power to enter into an agreement with the applicant | CEO, DCP, DCO, MPI, MI | Where Council is the collecting agency |

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| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46GV(4)(a) | Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6) | DCP, DCO, MPI, MI | Where Council is the development agency |
| s 46GV(4)(b) | Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6) | DCP, DCO, MPI, MI | Where Council is the collecting agency |
| s 46GV(7) | Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area | DCP, DCO, MPI, MI | |
| s 46GV(9) | Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction | CEO, DCP, DCO, MPI, MI | Where Council is the collecting agency |
| s 46GX(1) | Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable | CEO, DCP, DCO, MPI, MI | Where Council is the collecting agency |
| s 46GX(2) | Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan | CEO, DCP, DCO, MPI, MI | Where Council is the collecting agency |

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| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46GY(1) | Duty to keep proper and separate accounts and records | CEO, DCP, DCO, MPI, MF, MI | Where Council is the collecting agency |
| s 46GY(2) | Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i> | CEO, DCP, DCO, MPI, MF, MI | Where Council is the collecting agency |
| s 46GZ(2)(a) | Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs | CEO, DCP, DCO, MPI, MF, MI | Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority |
| s 46GZ(2)(a) | Function of receiving the monetary component | DCP, DCO, MPI, MF, MI | Where the Council is the planning authority This duty does not apply where Council is also the collecting agency |

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| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46GZ(2)(b) | Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities | CEO, DCP, DCO, MPI, MF, MI | Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency |
| s 46GZ(2)(b) | Function of receiving the monetary component | DCP, DCO, MPI, MF, MI | Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency |
| s 46GZ(4) | Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5) | CEO, DCP, DCO, MPI, MI | Where Council is the collecting agency under an approved infrastructure contributions plan |
| s 46GZ(5) | Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency | CEO, DCP, DCO, MPI, MI | Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency |

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| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46GZ(5) | Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land | CEO, DCP, DCO, MPI, MI | Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency |
| s 46GZ(7) | Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW | CEO, DCP, DCO, MPI, MF, MI | Where Council is the collecting agency under an approved infrastructure contributions plan |
| s 46GZ(9) | Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land | CEO, DCP, DCO, MPI, MF, MI | If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s 46GV(4) Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency |

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| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46GZ(9) | Function of receiving the fee simple in the land | CEO, DCP, DCO, MPI, MF, MI | Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency |
| s 46GZA(1) | Duty to keep proper and separate accounts and records | CEO, DCP, DCO, MPI, MF, MI | Where Council is a development agency under an approved infrastructure contributions plan |
| s 46GZA(2) | Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i> | CEO, DCP, DCO, MPI, MF, MI | Where Council is a development agency under an approved infrastructure contributions plan |
| s 46GZB(3) | Duty to follow the steps set out in s 46GZB(3)(a) – (c) | CEO, DCP, DCO, MPI, MI | Where Council is a development agency under an approved infrastructure contributions plan |

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| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46GZB(4) | Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA | CEO, DCP, DCO, MPI, MI | If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan |
| s 46GZD(2) | Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b) | CEO, DCP, DCO, MPI, MI | Where Council is the development agency under an approved infrastructure contributions plan |
| s 46GZD(3) | Duty to follow the steps set out in s 46GZD(3)(a) and (b) | CEO, DCP, DCO, MPI, MF, MI | Where Council is the collecting agency under an approved infrastructure contributions plan |
| s 46GZD(5) | Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b) | CEO, DCP, DCO, MPI, MF | Where Council is the collecting agency under an approved infrastructure contributions plan |

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| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46GZE(2) | Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires | CEO, DCP, DCO, MPI, MF | Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency |
| s 46GZE(2) | Function of receiving the unexpended land equalisation amount | CEO, DCP, DCO, MPI, MI | Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency |
| s 46GZE(3) | Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b) | CEO, DCP, DCO, MPI, MF, MI | Where Council is the collecting agency under an approved infrastructure contributions plan |
| s 46GZF(2) | Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land | CEO, DCP, DCO, MPI, MI | Where Council is the development agency under an approved infrastructure contributions plan |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46GZF(3) | Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b) | CEO, DCP, DCO, MPI, MI | Where Council is the development agency under an approved infrastructure contributions plan |
| s 46GZF(3) | s 46GZF(3)(a) function of receiving proceeds of sale | CEO, DCP, DCO, MPI | Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency |
| s 46GZF(4) | Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5) | CEO, DCP, DCO, MPI, MF | Where Council is the collecting agency under an approved infrastructure contributions plan |
| s 46GZF(6) | Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b) | CEO, DCP, DCO, MPI, MF, MI | Where Council is the collecting agency under an approved infrastructure contributions plan |
| s 46GZH | Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction | CEO, DCP, DCO, MPI, MF, MI | Where Council is the collecting agency under an approved infrastructure contributions plan |

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| s 46GZI | Duty to prepare and give a report to the Minister at the times required by the Minister | CEO, DCP, DCO, MPI, MF | Where Council is a collecting agency or development agency |
| s 46GZK | Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council | CEO, DCP, DCO, MPI, MI | Where Council is a collecting agency or development agency |
| s 46LB(3) | Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2) | CEO, DCP, DCO, MPI, MF | |
| s 46N(1) | Duty to include condition in permit regarding payment of development infrastructure levy | CEO, DCP, DCO, MPI, PP, TP, MI | |
| s 46N(2)(c) | Function of determining time and manner for receipt of development contributions levy | CEO, DCP, DCO, MPI, MF, MI | |
| s 46N(2)(d) | Power to enter into an agreement with the applicant regarding payment of development infrastructure levy | CEO, DCP, DCO, MPI | |
| s 46O(1)(a) & (2)(a) | Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit | CEO, DCP, DCO, MPI, MF | |

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| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46O(1)(d) & (2)(d) | Power to enter into agreement with the applicant regarding payment of community infrastructure levy | CEO, DCP, DCO, MPI, MF | |
| s 46P(1) | Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured | CEO, DCP, DCO, MPI, MF | |
| s 46P(2) | Power to accept provision of land, works, services or facilities in part or full payment of levy payable | CEO, DCP, DCO, MPI | |
| s 46Q(1) | Duty to keep proper accounts of levies paid | CEO, DCP, DCO, MPI, MF | |
| s 46Q(1A) | Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency | CEO, DCP, DCO, MPI, MF | |
| s 46Q(2) | Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc | CEO, DCP, DCO, MPI | |
| s 46Q(3) | Power to refund any amount of levy paid if it is satisfied the development is not to proceed | CEO, DCP, DCO, MPI, MF | Only applies when levy is paid to Council as a 'development agency' |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46Q(4)(c) | Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a) | CEO, DCP, DCO, MPI, MF | Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister |
| s 46Q(4)(d) | Duty to submit to the Minister an amendment to the approved development contributions plan | CEO, DCP, DCO, MPI, MI | Must be done in accordance with Part 3 |
| s 46Q(4)(e) | Duty to expend that amount on other works etc. | CEO, DCP, DCO, MPI, MF | With the consent of, and in the manner approved by, the Minister |
| s 46QC | Power to recover any amount of levy payable under Part 3B | CEO, DCP, DCO, MPI, MF | |
| s 46QD | Duty to prepare report and give a report to the Minister | CEO, DCP, DCO, MPI, MF | Where Council is a collecting agency or development agency |
| s 46V(3) | Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available | | Not applicable to Strathbogie Shire |

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| s 46Y | Duty to carry out works in conformity with the approved strategy plan | | Not applicable to Strathbogie Shire |
| s 47 | Power to decide that an application for a planning permit does not comply with that Act | MPI, PP, TP | |
| s 49(1) | Duty to keep a register of all applications for permits and determinations relating to permits | MPI, PP, TP | |
| s 49(2) | Duty to make register available for inspection | MPI, PP, TP, CCO, CRTL | |
| s 50(4) | Duty to amend application | MPI, PP, TP | |
| s 50(5) | Power to refuse to amend application | DCP, MPI, PP | |
| s 50(6) | Duty to make note of amendment to application in register | MPI, PP, TP | |
| s 50A(1) | Power to make amendment to application | MPI, PP, TP | |
| s 50A(3) | Power to require applicant to notify owner and make a declaration that notice has been given | MPI, PP, TP | |
| s 50A(4) | Duty to note amendment to application in register | MPI, PP, TP | |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 51 | Duty to make copy of application available for inspection | MPI, PP, TP, CCO, CRTL | |
| s 52(1)(a) | Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person | MPI, PP, TP | |
| s 52(1)(b) | Duty to give notice of the application to other municipal council where appropriate | MPI, PP, TP | |
| s 52(1)(c) | Duty to give notice of the application to all persons required by the planning scheme | MPI, PP, TP | |
| s 52(1)(ca) | Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant | MPI, PP, TP | |
| s 52(1)(cb) | Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant | MPI, PP, TP | |
| s 52(1)(d) | Duty to give notice of the application to other persons who may be detrimentally effected | MPI, PP, TP | |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 52(1AA) | Duty to give notice of an application to remove or vary a registered restrictive covenant | MPI, PP, TP | |
| s 52(3) | Power to give any further notice of an application where appropriate | MPI, PP, TP | |
| s 53(1) | Power to require the applicant to give notice under s 52(1) to persons specified by it | MPI, PP, TP | |
| s 53(1A) | Power to require the applicant to give the notice under s 52(1AA) | MPI, PP, TP | |
| s 54(1) | Power to require the applicant to provide more information | MPI, PP, TP | |
| s 54(1A) | Duty to give notice in writing of information required under s 54(1) | MPI, PP, TP | |
| s 54(1B) | Duty to specify the lapse date for an application | MPI, PP, TP | |
| s 54A(3) | Power to decide to extend time or refuse to extend time to give required information | MPI, PP, TP | |
| s 54A(4) | Duty to give written notice of decision to extend or refuse to extend time under s 54A(3) | MPI, PP, TP | |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 55(1) | Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme | MPI, PP, TP | |
| s 57(2A) | Power to reject objections considered made primarily for commercial advantage for the objector | DCP, MPI | |
| s 57(3) | Function of receiving name and address of persons to whom notice of decision is to go | MPI, PP, TP | |
| s 57(5) | Duty to make available for inspection copy of all objections | MPI, PP, TP, CCO, CRTL | |
| s 57A(4) | Duty to amend application in accordance with applicant's request, subject to s 57A(5) | MPI, PP, TP | |
| s 57A(5) | Power to refuse to amend application | DCP, MPI | |
| s 57A(6) | Duty to note amendments to application in register | MPI, PP, TP | |
| s 57B(1) | Duty to determine whether and to whom notice should be given | MPI, PP, TP | |
| s 57B(2) | Duty to consider certain matters in determining whether notice should be given | MPI, PP, TP | |

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| s 57C(1) | Duty to give copy of amended application to referral authority | MPI, PP, TP | |
| s 58 | Duty to consider every application for a permit | MPI, PP, TP | |
| s 58A | Power to request advice from the Planning Application Committee | DCP, MPI | |
| s 60 | Duty to consider certain matters | DCP, DCO, MPI, PP, TP | |
| s 60(1A) | Duty to consider certain matters | DCP, DCO, MPI, PP, TP | |
| s 60(1B) | Duty to consider number of objectors in considering whether use or development may have significant social effect | DCP, MPI, PP, TP | |
| s 61(1) | Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application | DCP, MPI, PP, TP | The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i> |

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| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 61(2) | Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit | DCP, MPI, PP, TP | The refusal must be reported to Council through the monthly report on planning permit activity. |
| s 61(2A) | Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit | DCP, MPI, PP | The refusal must be reported to Council through the monthly report on planning permit activity. |
| s 61(3)(a) | Duty not to decide to grant a permit to use coastal Crown land without Minister's consent | | Not applicable to Strathbogie Shire. |
| s 61(3)(b) | Duty to refuse to grant the permit without the Minister's consent | | Not applicable to Strathbogie Shire. |
| s 61(4) | Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant | DCP, MPI, PP | |
| s 62(1) | Duty to include certain conditions in deciding to grant a permit | DCP, DCO, MPI, PP, TP | |
| s 62(2) | Power to include other conditions | DCP, DCO, MPI, PP, TP | |
| s 62(4) | Duty to ensure conditions are consistent with paragraphs (a),(b) and (c) | DCP, DCO, MPI, PP, TP | |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 62(5)(a) | Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan | DCP, DCO, MPI, PP, TP, MI | |
| s 62(5)(b) | Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement | DCP, DCO, MPI, PP, TP | |
| s 62(5)(c) | Power to include a permit condition that specified works be provided or paid for by the applicant | DCP, DCO, MPI, PP, TP | |
| s 62(6)(a) | Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5) | DCP, DCO, MPI, PP, TP | |
| s 62(6)(b) | Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a) | DCP, DCO, MPI, PP, TP | |
| s 63 | Duty to issue the permit where made a decision in favour of the application (if no one has objected) | MPI, PP, TP | In accordance with any guidelines in relation to the referral of planning permit applications to Council. |

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| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 64(1) | Duty to give notice of decision to grant a permit to applicant and objectors | MPI, PP, TP | This provision applies also to a decision to grant an amendment to a permit – see s 75 In accordance with any guidelines in relation to the referral of planning permit applications to Council. |
| s 64(3) | Duty not to issue a permit until after the specified period | MPI, PP, TP | This provision applies also to a decision to grant an amendment to a permit – see s 75 |
| s 64(5) | Duty to give each objector a copy of an exempt decision | MPI, PP, TP | This provision applies also to a decision to grant an amendment to a permit – see s 75 |
| s 64A | Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit | MPI, PP, TP | This provision applies also to a decision to grant an amendment to a permit – see s 75A In accordance with any guidelines in relation to the referral of planning permit applications to Council. |
| s 65(1) | Duty to give notice of refusal to grant permit to applicant and person who objected under s 57 | MPI, PP, TP | |
| s 66(1) | Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities | MPI, PP, TP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|-----------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 66(2) | Duty to give a recommending referral authority notice of its decision to grant a permit | MPI, PP, TP | If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority |
| s 66(4) | Duty to give a recommending referral authority notice of its decision to refuse a permit | MPI, PP, TP | If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit |
| s 66(6) | Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65 | MPI, PP, TP | If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit |
| s 69(1) | Function of receiving application for extension of time of permit | MPI, PP, TP | |
| s 69(1A) | Function of receiving application for extension of time to complete development | MPI, PP, TP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|-----------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 69(2) | Power to extend time | MPI, PP, TP | In accordance with any guidelines in relation to the referral of planning permit applications to Council. |
| s 70 | Duty to make copy permit available for inspection | MPI, PP, TP | |
| s 71(1) | Power to correct certain mistakes | MPI, PP, TP | |
| s 71(2) | Duty to note corrections in register | MPI, PP, TP | |
| s 73 | Power to decide to grant amendment subject to conditions | MPI, PP, TP | |
| s 74 | Duty to issue amended permit to applicant if no objectors | MPI, PP, TP | |
| s 76 | Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit | MPI, PP, TP | |
| s 76A(1) | Duty to give relevant determining referral authorities copy of amended permit and copy of notice | MPI, PP, TP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 76A(2) | Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit | MPI, PP, TP | If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority |
| s 76A(4) | Duty to give a recommending referral authority notice of its decision to refuse a permit | MPI, PP, TP | If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit |
| s 76A(6) | Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76 | MPI, PP, TP | If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit |
| s 76D | Duty to comply with direction of Minister to issue amended permit | DCP, MPI, PP, TP | |
| s 83 | Function of being respondent to an appeal | MPI, PP, TP | |
| s 83B | Duty to give or publish notice of application for review | MPI, PP, TP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|-----------------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 84(1) | Power to decide on an application at any time after an appeal is lodged against failure to grant a permit | | Not delegated. Any indication of what Council's decision may have been on an application subject to a failure to determine on the application must be decided by Council. |
| s 84(2) | Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit | CEO, DCP, MPI, PP, TP | |
| s 84(3) | Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit | MPI, PP, TP | |
| s 84(6) | Duty to issue permit on receipt of advice within 3 working days | MPI, PP, TP | |
| s 84AB | Power to agree to confining a review by the Tribunal | CEO, DCP, MPI, PP, TP | |
| s 86 | Duty to issue a permit at order of Tribunal within 3 working days | MPI, PP, TP | |
| s 87(3) | Power to apply to VCAT for the cancellation or amendment of a permit | CEO, DCP, MPI | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|-----------------------|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 90(1) | Function of being heard at hearing of request for cancellation or amendment of a permit | DCP, MPI, PP, TP | |
| s 91(2) | Duty to comply with the directions of VCAT | DCP, MPI, PP, TP | |
| s 91(2A) | Duty to issue amended permit to owner if Tribunal so directs | MPI, PP, TP | |
| s 92 | Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90 | DCP, MPI, PP, TP | |
| s 93(2) | Duty to give notice of VCAT order to stop development | CEO, DCP, MPI | |
| s 95(3) | Function of referring certain applications to the Minister | CEO, DCP, MPI | |
| s 95(4) | Duty to comply with an order or direction | CEO, DCP, MPI, PP, TP | |
| s 96(1) | Duty to obtain a permit from the Minister to use and develop its land | CEO, DCP, MPI | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|-----------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 96(2) | Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land | CEO, DCP, MPI, PP | |
| s 96A(2) | Power to agree to consider an application for permit concurrently with preparation of proposed amendment | DCP, MPI, PP | In accordance with any guidelines in relation to the referral of planning permit applications to Council. |
| s 96C | Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C | DCP, MPI | In accordance with any guidelines in relation to the referral of planning permit applications to Council. |
| s 96F | Duty to consider the panel's report under s 96E | CEO, DCP, MPI, PP, TP | In accordance with any guidelines in relation to the referral of planning permit applications to Council. |
| s 96G(1) | Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>) | CEO, DCP, MPI, PP, TP | In accordance with any guidelines in relation to the referral of planning permit applications to Council. |
| s 96H(3) | Power to give notice in compliance with Minister's direction | MPI, PP, TP | |
| s 96J | Power to issue permit as directed by the Minister | MPI, PP, TP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|------------------------|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 96K | Duty to comply with direction of the Minister to give notice of refusal | MPI, PP, TP | |
| s 96Z | Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate | MPI, PP, TP | |
| s 97C | Power to request Minister to decide the application | CEO, DCP, MPI, | |
| s 97D(1) | Duty to comply with directions of Minister to supply any document or assistance relating to application | CEO, DCP, MPI, PP, TP | |
| s 97G(3) | Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister | DCP, MPI, PP, TP | |
| s 97G(6) | Duty to make a copy of permits issued under s 97F available for inspection | MPI, PP, TP, CCO, CRTL | |
| s 97L | Duty to include Ministerial decisions in a register kept under s 49 | MPI, PP, TP | |
| s 97MH | Duty to provide information or assistance to the Planning Application Committee | CEO, DCP, MPI, PP, TP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|------------------|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 97MI | Duty to contribute to the costs of the Planning Application Committee or subcommittee | CEO, DCP, MPI | |
| s 97O | Duty to consider application and issue or refuse to issue certificate of compliance | DCP, MPI, PP | |
| s 97P(3) | Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate | DCP, MPI, PP, TP | |
| s 97Q(2) | Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate | DCP, MPI, PP, TP | |
| s 97Q(4) | Duty to comply with directions of VCAT | DCP, MPI, PP, TP | |
| s 97R | Duty to keep register of all applications for certificate of compliance and related decisions | MPI, PP, TP, CCO | |
| s 98(1)&(2) | Function of receiving claim for compensation in certain circumstances | DCP, MPI, PP | |
| s 98(4) | Duty to inform any person of the name of the person from whom compensation can be claimed | DCP, MPI, PP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|-------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 101 | Function of receiving claim for expenses in conjunction with claim | DCP, MPI, PP | |
| s 103 | Power to reject a claim for compensation in certain circumstances | CEO, DCP, MPI | |
| s 107(1) | Function of receiving claim for compensation | DCP, MPI, PP | |
| s 107(3) | Power to agree to extend time for making claim | CEO, DCP, MPI | |
| s 114(1) | Power to apply to the VCAT for an enforcement order | CEO, DCP, MPI, PP | The CEO and Council must be informed by memorandum within seven (7) days of the application being lodged. |
| s 117(1)(a) | Function of making a submission to the VCAT where objections are received | DCP, DCP, MPI, PP | |
| s 120(1) | Power to apply for an interim enforcement order where s 114 application has been made | CEO, DCP, MPI, PP | The CEO and Council must be informed by memorandum within seven (7) days of the application being lodged. |
| s 123(1) | Power to carry out work required by enforcement order and recover costs | CEO, DCP, DCO, MO | The CEO and Council must be informed by memorandum within seven (7) days of receipt of the order. |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|-----------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 123(2) | Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1) | CEO, DCP, DCO | Except Crown Land The CEO and Council must be informed by memorandum within seven (7) days of decision to sell any item. |
| s 129 | Function of recovering penalties | CEO, DCP, MPI | |
| s 130(5) | Power to allow person served with an infringement notice further time | CEO, DCP, MPI | |
| s 149A(1) | Power to refer a matter to the VCAT for determination | CEO, DCP, MPI | |
| s 149A(1A) | Power to apply to VCAT for the determination of a matter relating to the interpretation of a s 173 agreement | CEO, DCP, MPI | |
| s 156 | Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4) | CEO, DCP, MPI | Where Council is the relevant planning authority |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|------------------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 171(2)(f) | Power to carry out studies and commission reports | CEO, DCP, MPI, PP | |
| s 171(2)(g) | Power to grant and reserve easements | CEO, DCP, DCO, MPI, MI | |
| s 172C | Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan | CEO, DCP, DCO | Where Council is a development agency specified in an approved infrastructure contributions plan. The CEO and Council must be informed by memorandum within seven (7) days of the decision. |
| s 172D(1) | Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4) | CEO, DCP, DCO | Where Council is a collecting agency specified in an approved infrastructure contributions plan. The CEO and Council must be informed by memorandum within seven (7) days of the decision. |
| s 172D(2) | Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4) | CEO, DCP, DCO | Where Council is the development agency specified in an approved infrastructure contributions plan. The CEO and Council must be informed by memorandum within seven (7) days of the decision. |
| s 173(1) | Power to enter into agreement covering matters set out in s 174 | CEO, DCP, DCO, MPI | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|----------------------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 173(1A) | Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing | CEO, DCP, DCO, MPI | Where Council is the relevant responsible authority. |
| --- | Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority | CEO, DCP, DCO, MPI, PP, TP | |
| --- | Power to give consent on behalf of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority | CEO, DCP, DCO, MPI, PP | |
| s 177(2) | Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9 | CEO, DCP, DCO, MPI | |
| s 178 | Power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9 | CEO, DCP, DCO, MPI, PP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|---------------------------|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISIO N | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 178A(1) | Function of receiving application to amend or end an agreement | CEO, DCP, DCO, MPI, PP | |
| s 178A(3) | Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1) | CEO, DCP, MPI, PP | |
| s 178A(4) | Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal | CEO, DCP, MPI, PP | |
| s 178A(5) | Power to propose to amend or end an agreement | CEO, DCP, DCO, MPI, PP | |
| s 178B(1) | Duty to consider certain matters when considering proposal to amend an agreement | CEO, DCP, DCO, MPI, PP | |
| s 178B(2) | Duty to consider certain matters when considering proposal to end an agreement | CEO, DCP, DCO, MPI, PP | |
| s 178C(2) | Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end | CEO, DCP, DCO, MPI, PP | |
| s 178C(4) | Function of determining how to give notice under s 178C(2) | CEO, DCP, DCO, MPI, PP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|------------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 178E(1) | Duty not to make decision until after 14 days after notice has been given | CEO, DCP, DCO, MPI, PP | |
| s 178E(2)(a) | Power to amend or end the agreement in accordance with the proposal | CEO, DCP, DCO, MPI, PP | If no objections are made under s 178D Must consider matters in s 178B |
| s 178E(2)(b) | Power to amend or end the agreement in a manner that is not substantively different from the proposal | CEO, DCP, DCO, MPI, PP | If no objections are made under s 178D Must consider matters in s 178B |
| s 178E(2)(c) | Power to refuse to amend or end the agreement | CEO, DCP, DCO, MPI, PP | If no objections are made under s 178D Must consider matters in s 178B |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|----------------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 178E(3)(a) | Power to amend or end the agreement in accordance with the proposal | CEO, DCP, DCO, MPI, PP | After considering objections, submissions and matters in s 178B |
| s 178E(3)(b) | Power to amend or end the agreement in a manner that is not substantively different from the proposal | CEO, DCP, DCO, MPI, PP | After considering objections, submissions and matters in s 178B |
| s 178E(3)(c) | Power to amend or end the agreement in a manner that is substantively different from the proposal | CEO, DCP, DCO, MPI, PP | After considering objections, submissions and matters in s 178B |
| s 178E(3)(d) | Power to refuse to amend or end the agreement | CEO, DCP, DCO, MPI, PP | After considering objections, submissions and matters in s 178B |
| s 178F(1) | Duty to give notice of its decision under s 178E(3)(a) or (b) | CEO, DCP, DCO, MPI, PP, TP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|---------------------------------|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 178F(2) | Duty to give notice of its decision under s 178E(2)(c) or (3)(d) | CEO, DCP, DCO, MPI, PP, TP | |
| s 178F(4) | Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn | CEO, DCP, DCO, MPI, PP, TP | |
| s 178G | Duty to sign amended agreement and give copy to each other party to the agreement | CEO, DCP, DCO, MPI, PP | |
| s 178H | Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement | CEO, DCP, DCO, MPI, PP | |
| s 178I(3) | Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land | CEO, DCP, MPI, PP | |
| s 179(2) | Duty to make available for inspection copy agreement | CEO, DCP, DCO, MPI, PP, TP, CCO | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|----------------------------|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 181 | Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General | CEO, DCP, MPI, PP, TP | |
| s 181(1A)(a) | Power to apply to the Registrar of Titles to record the agreement | CEO, DCP, MPI, PP, TP | |
| s 181(1A)(b) | Duty to apply to the Registrar of Titles, without delay, to record the agreement | CEO, DCP, MPI, PP, TP | |
| s 182 | Power to enforce an agreement | CEO, DCP, DCO, MPI, PP, TP | |
| s 183 | Duty to tell Registrar of Titles of ending/amendment of agreement | DCP, MPI, PP, TP | |
| s 184F(1) | Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision | | Not delegated. |
| s 184F(2) | Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement | CEO, DCP, MPI, PP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|---------------------------|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 184F(3) | Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement | DCP, MPI, PP | |
| s 184F(5) | Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision | DCP, MPI, PP | |
| s 184G(2) | Duty to comply with a direction of the Tribunal | CEO, DCP, DCO, MPI, PP | |
| s 184G(3) | Duty to give notice as directed by the Tribunal | DCP, MPI, PP | |
| s 198(1) | Function to receive application for planning certificate | MPI, PP, TP, CCO | |
| s 199(1) | Duty to give planning certificate to applicant | MPI, PP, TP, CCO | |
| s 201(1) | Function of receiving application for declaration of underlying zoning | MPI, PP, TP | |
| s 201(3) | Duty to make declaration | DCP, MPI, PP, TP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|------------------|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| - | Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council | DCP, MPI, PP, TP | |
| | Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council | DCP, MPI, PP, TP | |
| | Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit | DCP, MPI, PP, TP | |
| - | Power to give written authorisation in accordance with a provision of a planning scheme | DCP, MPI, PP, TP | |
| s 201UAB(1) | Function of providing the Victoria Planning Authority with information relating to any land within municipal district | DCP, MPI, PP, TP | |
| s 201UAB(2) | Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible | DCP, MPI, PP, TP | |

| RESIDENTIAL TENANCIES ACT 1997 | | | |
|---------------------------------------|---|-----------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 91ZU(1) | Power to give a renter a notice to vacate rented premises | CEO, DCO | <p>Where Council is a public statutory authority engaged in the provision of housing.</p> <p>Decision must be reported to Council through a memorandum within seven (7) days of the decision.</p> <p>Note: this power is not yet in force and will commence on 1 January 2021, unless proclaimed earlier</p> |
| s 91ZZC(1) | Power to give a renter a notice to vacate rented premises | CEO, DCO | <p>Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes.</p> <p>Decision must be reported to Council through a memorandum within seven (7) days of the decision.</p> <p>Note: this power is not yet in force and will commence on 1 January 2021, unless proclaimed earlier</p> |

| RESIDENTIAL TENANCIES ACT 1997 | | | |
|---------------------------------------|---|---------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISIO N | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 91ZZE(1) | Power to give a renter a notice to vacate rented premises | CEO, DCO | Where Council is a public statutory authority engaged in the provision of housing. Decision must be reported to Council through a memorandum within seven (7) days of the decision. Note: this power is not yet in force and will commence on 1 January 2021, unless proclaimed earlier |
| s 91ZZE(3) | Power to publish Council's criteria for eligibility for the provision of housing | CEO, DCO | Where Council is a public statutory authority engaged in the provision of housing. Decision must be reported to Council through a memorandum within seven (7) days of the decision. Note: this power is not yet in force and will commence on 1 January 2021, unless proclaimed earlier |
| s 142D | Function of receiving notice regarding an unregistered rooming house | CEO, DCO, TLC, SEHO | |
| s 142G(1) | Duty to enter required information in Rooming House Register for each rooming house in municipal district | CEO, DCO, TLC, SEHO | |

| RESIDENTIAL TENANCIES ACT 1997 | | | |
|---------------------------------------|---|---------------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 142G(2) | Power to enter certain information in the Rooming House Register | CEO, DCO, TLC, SEHO | |
| s 142I(2) | Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry | CEO, DCO, TLC | |
| s 206AZA(2) | Function of receiving written notification | CEO, DCO, TLC, SEHO | Note: this power is not yet in force and will commence on 1 January 2021, unless proclaimed earlier |
| s 207ZE(2) | Function of receiving written notification | CEO, DCO, TLC, SEHO | Note: this power is not yet in force and will commence on 1 January 2021, unless proclaimed earlier |
| s 311A(2) | Function of receiving written notification | CEO, DCO, TLC, SEHO | |
| s 317ZDA(2) | Function of receiving written notification | CEO, DCO, TLC, SEHO | |
| s 518F | Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements | CEO, DCO, TLC, SEHO, MERO | |

| RESIDENTIAL TENANCIES ACT 1997 | | | |
|---------------------------------------|--|-----------------------|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 522(1) | Power to give a compliance notice to a person | CEO, DCO, TLC, SEHO | |
| s 525(2) | Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case) | CEO | |
| s 525(4) | Duty to issue identity card to authorised officers | CEO, DCO, EMGCS, EMPC | |
| s 526(5) | Duty to keep record of entry by authorised officer under s 526 | DCO, TLC | |
| s 526A(3) | Function of receiving report of inspection | DCO, TLC | |
| s 527 | Power to authorise a person to institute proceedings (either generally or in a particular case) | CEO, DCO | |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|---|-----------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 11(1) | Power to declare a road by publishing a notice in the Government Gazette | CEO, DCP, MI | Obtain consent in circumstances specified in s 11(2) |
| s 11(8) | Power to name a road or change the name of a road by publishing notice in Government Gazette | CEO, DCP, MI | |
| s 11(9)(b) | Duty to advise Registrar | DCP, MI | |
| s 11(10) | Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc. | DCP, MI | Subject to s 11(10A) |
| s 11(10A) | Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person | DCP, MI | Where Council is the coordinating road authority |
| s 12(2) | Power to discontinue road or part of a road | | Not delegated. Where Council is the coordinating road authority |
| s 12(4) | Power to publish, and provide copy, notice of proposed discontinuance | CEO, DCP, MI | Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies |
| s 12(5) | Duty to consider written submissions received within 28 days of notice | CEO, DCP, MI | Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|--|-----------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISIO N | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 12(6) | Function of hearing a person in support of their written submission | | Not delegated. Function of coordinating road authority where it is the discontinuing body Unless s 12(11) applies |
| s 12(7) | Duty to fix day, time and place of meeting under s 12(6) and to give notice | CEO, DCP, MI | Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies |
| s 12(10) | Duty to notify of decision made | DCP, MI | Duty of coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or given by the Minister |
| s 13(1) | Power to fix a boundary of a road by publishing notice in Government Gazette | CEO, DCP | Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate |
| s 14(4) | Function of receiving notice from the Head, Transport for Victoria | DCP, MI | |
| s 14(7) | Power to appeal against decision of the Head, Transport for Victoria | DCP, MI | |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|--|-----------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISIO N | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 15(1) | Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport | CEO, DCP | |
| s 15(1A) | Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority | CEO, DCP | |
| s 15(2) | Duty to include details of arrangement in public roads register | DCP, MI | |
| s 16(7) | Power to enter into an arrangement under s 15 | CEO, DCP | |
| s 16(8) | Duty to enter details of determination in public roads register | DCP, MI | |
| s 17(2) | Duty to register public road in public roads register | DCP, MI | Where Council is the coordinating road authority |
| s 17(3) | Power to decide that a road is reasonably required for general public use | CEO, DCP | Where Council is the coordinating road authority |
| s 17(3) | Duty to register a road reasonably required for general public use in public roads register | DCP, MI | Where Council is the coordinating road authority |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|---|-----------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 17(4) | Power to decide that a road is no longer reasonably required for general public use | CEO, DCP | Where Council is the coordinating road authority |
| s 17(4) | Duty to remove road no longer reasonably required for general public use from public roads register | DCP, MI | Where Council is the coordinating road authority |
| s 18(1) | Power to designate ancillary area | CEO, DCP | Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2) |
| s 18(3) | Duty to record designation in public roads register | DCP, MI | Where Council is the coordinating road authority |
| s 19(1) | Duty to keep register of public roads in respect of which it is the coordinating road authority | DCP, MI | |
| s 19(4) | Duty to specify details of discontinuance in public roads register | DCP, MI | |
| s 19(5) | Duty to ensure public roads register is available for public inspection | DCP, MI, CRTL | |
| s 21 | Function of replying to request for information or advice | DCP, MI | Obtain consent in circumstances specified in s 11(2) |
| s 22(2) | Function of commenting on proposed direction | DCP, MI | |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|--|-----------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 22(4) | Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report. | CEO, DCP | |
| s 22(5) | Duty to give effect to a direction under s 22 | CEO, DCP, MI | |
| s 40(1) | Duty to inspect, maintain and repair a public road. | DCP, MI, MO | |
| s 40(5) | Power to inspect, maintain and repair a road which is not a public road | DCP, MI, MO | |
| s 41(1) | Power to determine the standard of construction, inspection, maintenance and repair | DCP, MI, MO | |
| s 42(1) | Power to declare a public road as a controlled access road | CEO, DCP | Power of coordinating road authority and sch 2 also applies |
| s 42(2) | Power to amend or revoke declaration by notice published in Government Gazette | CEO, DCP | Power of coordinating road authority and sch 2 also applies |
| s 42A(3) | Duty to consult with VicRoads before road is specified | CEO, DCP | Where Council is the coordinating road authority If road is a municipal road or part thereof |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|--|-----------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 42A(4) | Power to approve Minister's decision to specify a road as a specified freight road | | Not delegated. Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road |
| s 48EA | Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport) | CEO, DCP, MI | Where Council is the responsible road authority, infrastructure manager or works manager |
| s 48M(3) | Function of consulting with the relevant authority for purposes of developing guidelines under s 48M | CEO, DCP, MI | |
| s 49 | Power to develop and publish a road management plan | CEO, DCP, MI | |
| s 51 | Power to determine standards by incorporating the standards in a road management plan | CEO, DCP, MI | |
| s 53(2) | Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan | CEO, DCP, MI | |
| s 54(2) | Duty to give notice of proposal to make a road management plan | CEO, DCP, MI | |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|--|------------------------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 54(5) | Duty to conduct a review of road management plan at prescribed intervals | CEO, DCP, MI | |
| s 54(6) | Power to amend road management plan | CEO, DCP, MI | |
| s 54(7) | Duty to incorporate the amendments into the road management plan | CEO, DCP, MI | |
| s 55(1) | Duty to cause notice of road management plan to be published in Government Gazette and newspaper | CEO, DCP, MI | |
| s 63(1) | Power to consent to conduct of works on road | CEO, DCP, MI, MO | Where Council is the coordinating road authority |
| s 63(2)(e) | Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency | CEO, DCP, MI, MO, MFPO, MERO | Where Council is the infrastructure manager |
| s 64(1) | Duty to comply with cl 13 of sch 7 | CEO, DCP, MI, MO | Where Council is the infrastructure manager or works manager |
| s 66(1) | Power to consent to structure etc | CEO, DCP, MI, MO | Where Council is the coordinating road authority |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|--|-----------------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 67(2) | Function of receiving the name & address of the person responsible for distributing the sign or bill | CEO, DCP, MI, MO | Where Council is the coordinating road authority |
| s 67(3) | Power to request information | CEO, DCP, MI, MO | Where Council is the coordinating road authority |
| s 68(2) | Power to request information | CEO, DCP, MI, MO | Where Council is the coordinating road authority |
| s 71(3) | Power to appoint an authorised officer | CEO | |
| s 72 | Duty to issue an identity card to each authorised officer | CEO, DCP, EMGCS, EMPC | |
| s 85 | Function of receiving report from authorised officer | CEO, DCP, MI | |
| s 86 | Duty to keep register re s 85 matters | DCP, MI | |
| s 87(1) | Function of receiving complaints | CEO, DCP, MI, MO | |
| s 87(2) | Duty to investigate complaint and provide report | CEO, DCP, MI, MO | |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|--|------------------|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 112(2) | Power to recover damages in court | CEO, DCP | |
| s 116 | Power to cause or carry out inspection | CEO, DCP, MI, MO | |
| s 119(2) | Function of consulting with the Head, Transport for Victoria | CEO, DCP | |
| s 120(1) | Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria) | CEO, DCP | |
| s 120(2) | Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1) | CEO, DCP | |
| s 121(1) | Power to enter into an agreement in respect of works | CEO, DCP | |
| s 122(1) | Power to charge and recover fees | CEO, DCP | |
| s 123(1) | Power to charge for any service | CEO, DCP | |
| sch 2 cl 2(1) | Power to make a decision in respect of controlled access roads | CEO, DCP | |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|--|-----------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISIO N | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| sch 2 cl 3(1) | Duty to make policy about controlled access roads | CEO, DCP | |
| sch 2 cl 3(2) | Power to amend, revoke or substitute policy about controlled access roads | CEO, DCP | |
| sch 2 cl 4 | Function of receiving details of proposal from the Head, Transport for Victoria | CEO, DCP | |
| sch 2 cl 5 | Duty to publish notice of declaration | CEO, DCP | |
| sch 7 cl 7(1) | Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve | CEO, DCP, MI | Where Council is the infrastructure manager or works manager |
| sch 7 cl 8(1) | Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road | CEO, DCP, MI | Where Council is the infrastructure manager or works manager |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|--|-----------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| sch 7 cl 9(1) | Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works | DCP, MI, MO | Where Council is the infrastructure manager or works manager responsible for non-road infrastructure |
| sch 7 cl 9(2) | Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance | DCP, MI, MO | Where Council is the infrastructure manager or works manager |
| sch 7 cl 10(2) | Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected | DCP, MI, MO | Where Council is the infrastructure manager or works manager |
| sch 7 cl 12(2) | Power to direct infrastructure manager or works manager to conduct reinstatement works | DCP, MI, MO | Where Council is the coordinating road authority |
| sch 7 cl 12(3) | Power to take measures to ensure reinstatement works are completed | DCP, MI, MO | Where Council is the coordinating road authority |
| sch 7 cl 12(4) | Duty to ensure that works are conducted by an appropriately qualified person | DCP, MI, MO | Where Council is the coordinating road authority |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|---|------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| sch 7 cl 12(5) | Power to recover costs | CEO, DCP, MI, MO | Where Council is the coordinating road authority |
| sch 7 cl 13(1) | Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2) | CEO, DCP, MI, MO | Where Council is the works manager |
| sch 7 cl 13(2) | Power to vary notice period | CEO, DCP | Where Council is the coordinating road authority |
| sch 7 cl 13(3) | Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1) | DCP, MI, MO | Where Council is the infrastructure manager |
| sch 7 cl 16(1) | Power to consent to proposed works | CEO, DCP | Where Council is the coordinating road authority |
| sch 7 cl 16(4) | Duty to consult | CEO, DCP, MI, MO | Where Council is the coordinating road authority, responsible authority or infrastructure manager |
| sch 7 cl 16(5) | Power to consent to proposed works | CEO, DCP | Where Council is the coordinating road authority |
| sch 7 cl 16(6) | Power to set reasonable conditions on consent | CEO, DCP | Where Council is the coordinating road authority |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|--|-----------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| sch 7 cl 16(8) | Power to include consents and conditions | CEO, DCP | Where Council is the coordinating road authority |
| sch 7 cl 17(2) | Power to refuse to give consent and duty to give reasons for refusal | CEO, DCP | Where Council is the coordinating road authority |
| sch 7 cl 18(1) | Power to enter into an agreement | CEO, DCP | Where Council is the coordinating road authority |
| sch 7 cl 19(1) | Power to give notice requiring rectification of works | CEO, DCP | Where Council is the coordinating road authority |
| sch 7 cl 19(2) & (3) | Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred | CEO, DCP | Where Council is the coordinating road authority |
| sch 7 cl 20(1) | Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure | CEO, DCP | Where Council is the coordinating road authority |
| sch 7A cl 2 | Power to cause street lights to be installed on roads | DCP, MI | Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road |
| sch 7A cl 3(1)(d) | Duty to pay installation and operation costs of street lighting - where road is not an arterial road | DCP, MI | Where Council is the responsible road authority |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|---|-----------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| sch 7A cl 3(1)(e) | Duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas | DCP, MI | Where Council is the responsible road authority |
| sch 7A cl (3)(1)(f) | Duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with cls 3(2) and 4 | DCP, MI | Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs) |

| PLANNING AND ENVIRONMENT REGULATIONS 2015 | | | |
|--|---|-----------------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS AND LIMITATIONS |
| r 6 | Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme | DCP, MPI, PP | Where Council is not the planning authority and the amendment affects land within its municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority. |
| r 21 | Power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under s 54 of the Act | DCP, MPI, PP | |
| r 25(a) | Duty to make copy of matter considered under s 60(1A)(g) available for inspection free of charge | DCP, MPI, PP, PP, CCO, CRTL | Where Council is the responsible authority |
| r 25(b)) | Function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge | DCP, MPI, PP, PP, CCO, CRTL | Where Council is not the responsible authority but the relevant land is within Council's municipal district |

| | | | |
|------|---|--------------|---|
| r 42 | Function of receiving notice under s 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application | DCP, MPI, PP | <p>Where Council is not the planning authority and the amendment affects land within Council's municipal district; or</p> <p>Where the amendment will amend the planning scheme to designate Council as an acquiring authority.</p> |
|------|---|--------------|---|

| PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016 | | | |
|---|---|-----------------|-----------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS AND LIMITATIONS |
| r 19 | Power to waive or rebate a fee relating to an amendment of a planning scheme | DCP, MPI | |
| r 20 | Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme | DCP, MPI | |
| r 21 | Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r19 or 20 | DCP, MPI | |

| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020 | | | |
|--|---|-----------------|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r 7 | Power to enter into a written agreement with a caravan park owner | DCP, DCO, TLC | |
| r 10 | Function of receiving application for registration | DCO, TLC, SEHO | |
| r 11 | Function of receiving application for renewal of registration | DCO, TLC, SEHO | |
| r 12(1) | Duty to grant the registration if satisfied that the caravan park complies with these regulations | DCO, TLC, SEHO | |
| r 12(1) | Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations | CEO, DCO | |
| r 12(2) | Duty to renew the registration if satisfied that the caravan park complies with these regulations | DCO, TLC, SEHO | |
| r 12(2) | Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations | CEO, DCO | |
| r 12(3) | Duty to have regard to matters in determining an application for registration or an application for renewal of registration | DCO, TLC, SEHO | |

| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020 | | | |
|--|---|-----------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r 12(4) & (5) | Duty to issue certificate of registration | DCO, TLC, SEHO | |
| r 14(1) | Function of receiving notice of transfer of ownership | DCO, TLC, SEHO | |
| r 14(3) | Power to determine where notice of transfer is displayed | DCO, TLC, SEHO | |
| r 15(1) | Duty to transfer registration to new caravan park owner | TLC, SEHO | |
| r 15(2) | Duty to issue a certificate of transfer of registration | TLC, SEHO | |
| r 15(3) | Power to determine where certificate of transfer of registration is displayed | TLC, SEHO | |
| r 16(1) | Power to determine the fee to accompany applications for registration or applications for renewal of registration | | Not delegated. Fees and charges determined through the annual budget process. |
| r 17 | Duty to keep register of caravan parks | TLC, SEHO | |
| r 18(4) | Power to determine where the emergency contact person's details are displayed | TLC, SEHO | |

| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020 | | | |
|--|--|---------------------------|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r 18(6) | Power to determine where certain information is displayed | TLC, SEHO | |
| r 22(1) | Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner | TLC, SEHO, MERO | |
| r 22(2) | Duty to consult with relevant emergency services agencies | DCO, TLC, SEHO, MERO, MEM | |
| r 23 | Power to determine places in which caravan park owner must display a copy of emergency procedures | TLC, SEHO, MERO, MEM | |
| r 24 | Power to determine places in which caravan park owner must display copy of public emergency warnings | TLC, SEHO, MERO | |
| r 25(3) | Duty to consult with relevant floodplain management authority | TLC, SEHO, MERO | |
| r 26 | Duty to have regard to any report of the relevant fire authority | TLC, SEHO, MERO, MFPO | |

| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020 | | | |
|--|--|----------------------|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r 28(c) | Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling | DCO, TLC, SEHO | |
| r 40 | Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe | TLC, SEHO, MBS, DMBS | |
| r 40(b) | Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe | TLC, SEHO, MBS, DMBS | |
| r 41(4) | Function of receiving installation certificate | TLC, SEHO, MBS, DMBS | |
| r 43 | Power to approve use of a non-habitable structure as a dwelling or part of a dwelling | TLC, SEHO, MBS, DMBS | |
| Sch 3 cl 4(3) | Power to approve the removal of wheels and axles from unregistrable movable dwelling | TLC, SEHO, MBS, DMBS | |

| ROAD MANAGEMENT (GENERAL) REGULATIONS 2016 | | | |
|---|--|------------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r 8(1) | Duty to conduct reviews of road management plan | CEO, DCO, MI, MO | |
| r 9(2) | Duty to produce written report of review of road management plan and make report available | DCO, MI, MO | |
| r 9(3) | Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required) | CEO, DCO | Where Council is the coordinating road authority |
| r 10 | Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act | CEO, DCO | |
| r 13(1) | Duty to publish notice of amendments to road management plan | CEO, DCO | Where Council is the coordinating road authority |
| r 13(3) | Duty to record on road management plan the substance and date of effect of amendment | CEO, DCO | |
| r 16(3) | Power to issue permit | DCO, MI, MO | Where Council is the coordinating road authority |
| r 18(1) | Power to give written consent re damage to road | DCO, MI, MO | Where Council is the coordinating road authority |
| r 23(2) | Power to make submission to Tribunal | DCO, MI, MO | Where Council is the coordinating road authority |

| ROAD MANAGEMENT (GENERAL) REGULATIONS 2016 | | | |
|---|--|------------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r 23(4) | Power to charge a fee for application under s 66(1) Road Management Act | DCO, MI, MO | Where Council is the coordinating road authority |
| r 25(1) | Power to remove objects, refuse, rubbish or other material deposited or left on road | DCO, MO, MI, LLO | Where Council is the responsible road authority |
| r 25(2) | Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3)) | CEO, DCO, MO, MI | Where Council is the responsible road authority |
| r 25(5) | Power to recover in the Magistrates' Court, expenses from person responsible | CEO, DCO, MO, MI | |

| ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015 | | | |
|--|---|-----------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r 15 | Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works | DCO, MI | Where Council is the coordinating road authority and where consent given under s 63(1) of the Act |
| r 22(2) | Power to waive whole or part of fee in certain circumstances | DCO, MI | Where Council is the coordinating road authority |

9.7.11 Business Management System

The August 2020 Business Management System Report includes reports as follows:-

- Building Department – July 2020 Statistics
- Planning Department – Planning Application Approvals – Development Cost (Capital Improved Value) – July 2020
- Customer Enquiry Analysis Report – Report for July 2020
- Waste Management Reporting ~ Year to Date – July 2020
- Actioning of Council Reports Resolutions – Council Meeting 21 July 2020
- Outstanding Actions of Council Resolutions to 31 July 2020
- Review of Council Policies and Adoption of new Policies – July/August 2020
- Record of Assemblies of Councillors
- Record of Minutes of Meetings of Special Committees of Council received in the past month

By reporting on a monthly basis, Council can effectively manage any risks that may arise. The Business Management System will also incorporate Council's corporate goals and objectives.

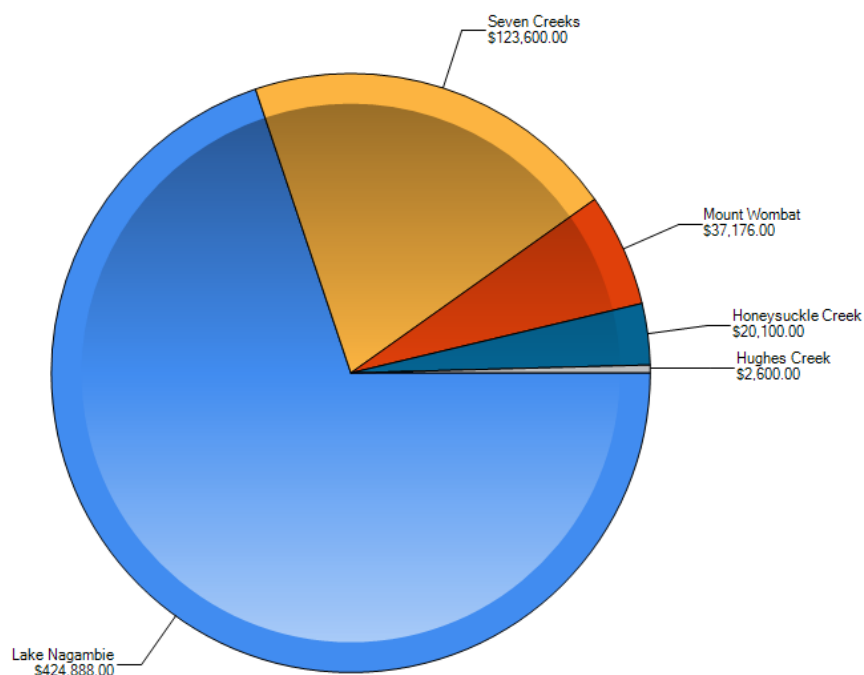
RECOMMENDATION

That the report be noted.

BUILDING ACTIVITY

JULY 2020

Twelve (12) permits, with a works value of \$608,364, were lodged with Council in July. The proposed works are all low-value, with the exception of two permits for the construction/re-erection of a dwelling.



Honeysuckle Creek

| Permit Number | Permit Date | Works | Building Use | Town | Cost of Works |
|---------------|-------------|-----------------|--------------|-------------|---------------|
| 5559950548863 | 20/07/2020 | Construction of | Shed | Baddaginnie | \$20,100.00 |

Hughes Creek

| Permit Number | Permit Date | Works | Building Use | Town | Cost of Works |
|---------------|-------------|--------------|--------------|--------|---------------|
| 8705306786055 | 13/07/2020 | Extension to | Shed | Avenel | \$2,600.00 |

Lake Nagambie

| Permit Number | Permit Date | Works | Building Use | Town | Cost of Works |
|---------------|-------------|-----------------|-------------------|----------------|---------------|
| 1493886666303 | 15/06/2020 | Construction of | Verandah | Nagambie | \$25,608.00 |
| 5537777347725 | 5/07/2020 | Construction of | Shed | Kirwans Bridge | \$52,450.00 |
| 7389336987915 | 15/07/2020 | Construction of | Dwelling & Garage | Nagambie | \$319,180.00 |
| 7813031927554 | 14/07/2020 | Construction of | Shade sail | Nagambie | \$12,650.00 |
| 7963614675234 | 2/07/2020 | Construction of | Shed | Whroo | \$15,000.00 |

Mount Wombat

| Permit Number | Permit Date | Works | Building Use | Town | Cost of Works |
|---------------|-------------|-----------------|--------------|-------------|---------------|
| 3965128884363 | 13/07/2020 | Construction of | Shed | Strathbogie | \$18,326.00 |
| 8637848387811 | 21/07/2020 | Construction of | Shed | Ruffy | \$18,850.00 |

Seven Creeks

| Permit Number | Permit Date | Works | Building Use | Town | Cost of Works |
|---------------|-------------|-----------------|-----------------------|-------------|---------------|
| 1781884039014 | 15/07/2020 | Re-erection of | Dwelling | Euroa | \$103,000.00 |
| 6213384717043 | 9/07/2020 | Installation of | Swimming Pool Barrier | Riggs Creek | \$3,000.00 |
| 6438753805209 | 22/07/2020 | Construction of | Carport | Euroa | \$17,600.00 |

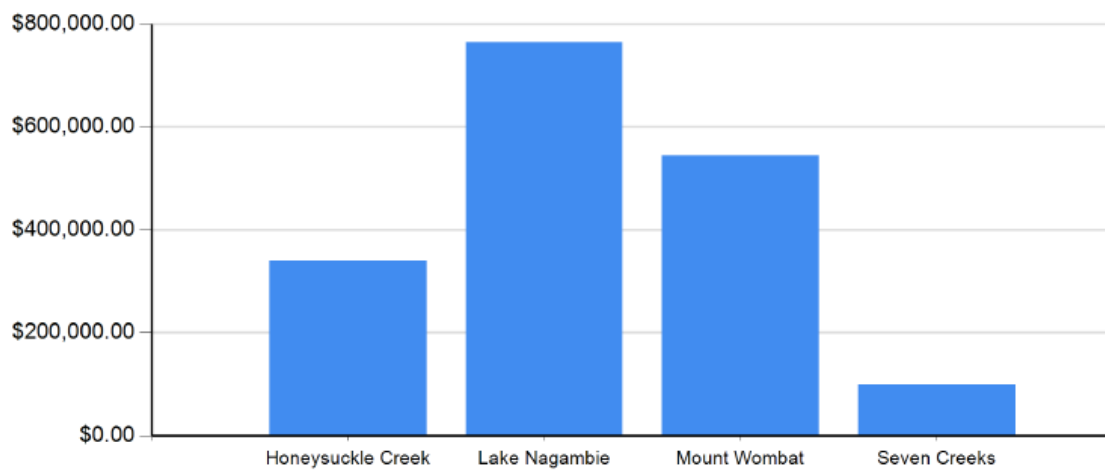
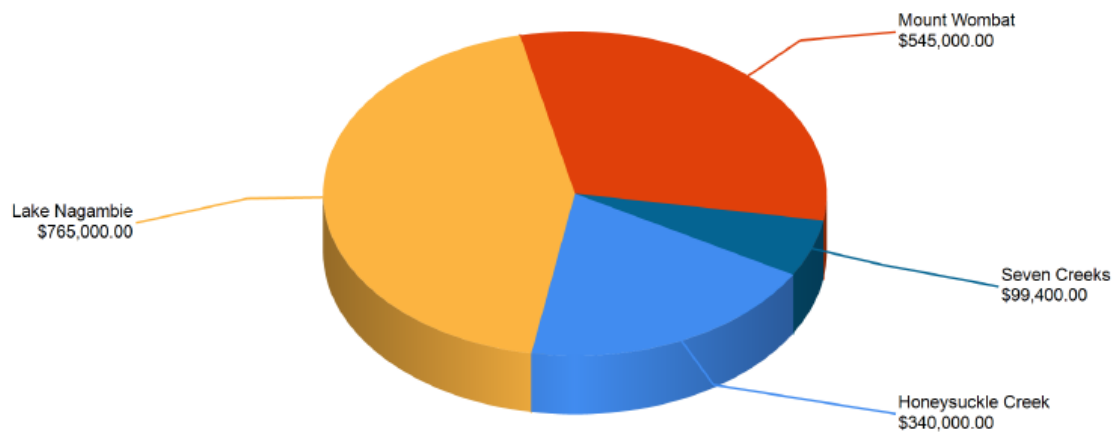
**PLANNING APPLICATION APPROVALS – DEVELOPMENT COST (CAPITAL
IMPROVED VALUE)
JULY 2020**



Planning Applications Determined

July 2020

| | |
|--------------------------|---------------------------|
| Honeysuckle Creek | \$340,000.00 |
| Tamleugh | \$340,000.00 |
| Lake Nagambie | \$765,000.00 |
| Goulburn Weir | \$670,000.00 |
| Goulburn Weir | \$5,000.00 |
| Tabilk | \$90,000.00 |
| Mount Wombat | \$545,000.00 |
| Kelvin View | \$220,000.00 |
| Longwood East | \$320,000.00 |
| Strathbogrie | \$5,000.00 |
| Seven Creeks | \$99,400.00 |
| Euroa | \$45,000.00 |
| Euroa | \$45,000.00 |
| Euroa | \$9,400.00 |
| Total Value | \$1,749,400.00 |



CUSTOMER ENQUIRY ANALYSIS REPORT - REPORT FOR JULY 2020



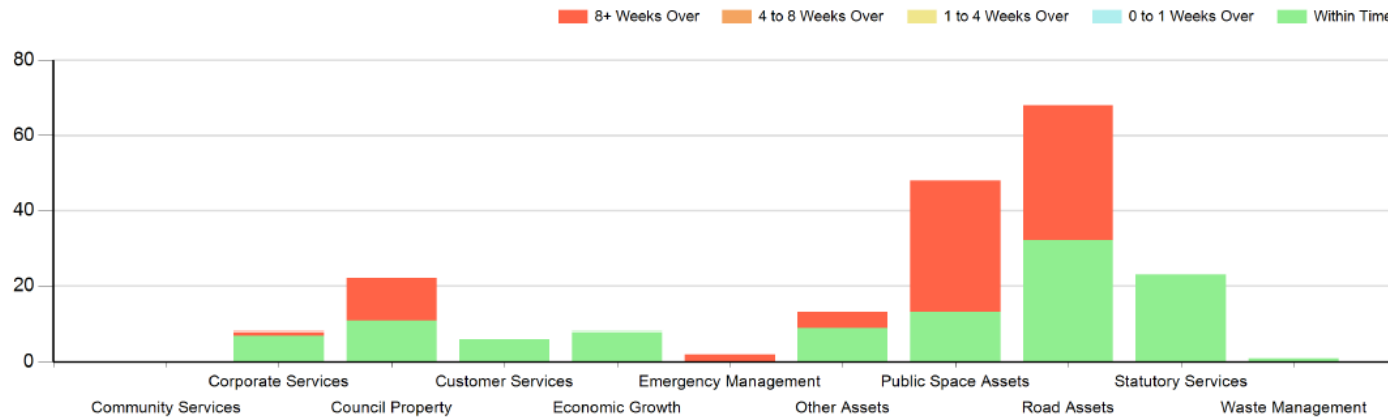
Request Throughput Analysis

01/07/2020 to 31/07/2020

| | | | |
|-----|---------------------|-------|--------------|
| | | | |
| C N | Complete / New | > 80% | 50-80% < 50% |
| O R | Overdue / Remaining | < 33% | 34-70% > 70% |

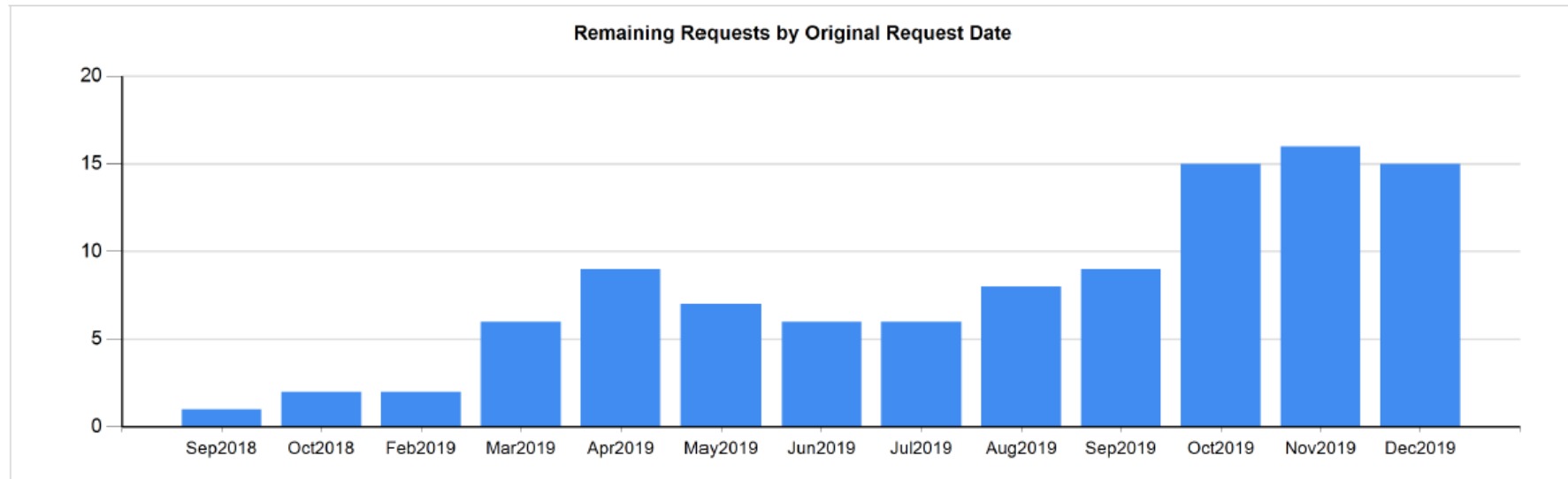
| Service Area | Existing Requests | New Requests | Completed Requests | Remaining Requests | C N | Within Time | Over Time | O R | Pending Resources | Service Area Usage |
|----------------------|-------------------|--------------|--------------------|--------------------|-----|-------------|-----------|-----|-------------------|--------------------|
| Community Services | 2 | 47 | 47 | 2 | | 0 | 2 | | 0 | |
| Corporate Services | 19 | 87 | 88 | 18 | | 7 | 11 | | 0 | |
| Council Property | 64 | 41 | 34 | 71 | | 11 | 60 | | 0 | |
| Customer Services | 7 | 27 | 24 | 10 | | 6 | 4 | | 0 | |
| Economic Growth | 16 | 244 | 238 | 22 | | 8 | 14 | | 0 | |
| Emergency Management | 29 | 4 | 15 | 18 | | 0 | 18 | | 0 | |
| Other Assets | 61 | 33 | 27 | 67 | | 9 | 58 | | 0 | |
| Public Space Assets | 128 | 52 | 83 | 82 | | 13 | 69 | | 15 | |
| Road Assets | 184 | 97 | 98 | 181 | | 32 | 149 | | 2 | |
| Statutory Services | 36 | 149 | 142 | 43 | | 23 | 20 | | 0 | |
| Waste Management | 2 | 9 | 6 | 5 | | 1 | 4 | | 0 | |

Request Ageing



Service Usage





| | | Corporate Services | Council Property | Economic Growth | Emergency Management | Other Assets | Public Space Assets | Road Assets |
|-------|-----------|--------------------|------------------|-----------------|----------------------|--------------|---------------------|-------------|
| 2018 | September | | | | | | 1 | |
| | October | | | | | | 1 | 1 |
| 2019 | February | | | | | | 1 | 1 |
| | March | | 1 | | | | 2 | 3 |
| | April | | | | | | 4 | 5 |
| | May | 1 | | | | | 2 | 4 |
| | June | | | | | | 1 | 5 |
| | July | | | | | 1 | 3 | 2 |
| | August | | 2 | | | | 2 | 4 |
| | September | | 2 | | | 1 | 6 | |
| | October | | 3 | | | 1 | 6 | 5 |
| | November | | 1 | | 2 | | 9 | 4 |
| | December | | 4 | 1 | 1 | 1 | 5 | 3 |
| Total | | 1 | 13 | 1 | 3 | 4 | 43 | 37 |

Definitions

Service Area Grouping of services by area of responsibility




Existing Requests open prior to reporting period

New Requests made during reporting period

Within Time Remaining Requests where defined deadline is after reporting period

Pending Resources Requests where additional resources are required to continue. This includes labour, materials, and financial resources.

**Complete
New** An indicator showing the ratio of Completed requests and New requests. Designed to represent how well we are keeping up with the demand for a service.

$\frac{C}{N}$ Complete / New   
> 80% 50-80% < 50%




Service Activities that provide value to the customer

Remaining Requests incomplete at end of reporting period

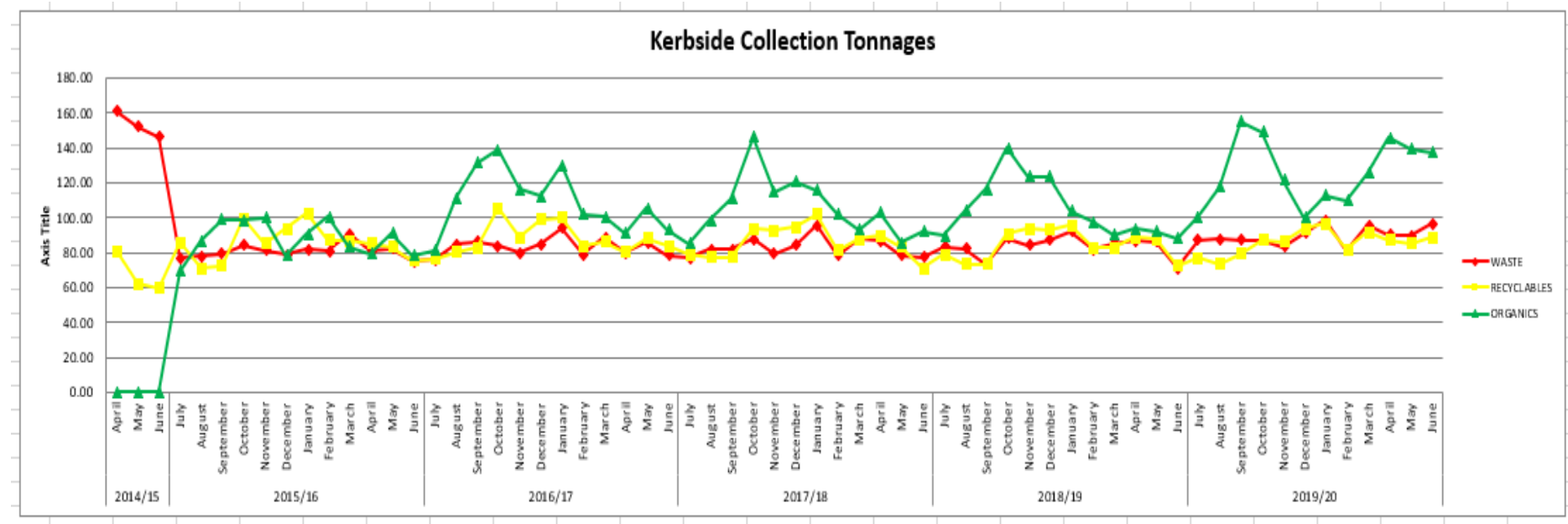
Completed Requests completed during reporting period

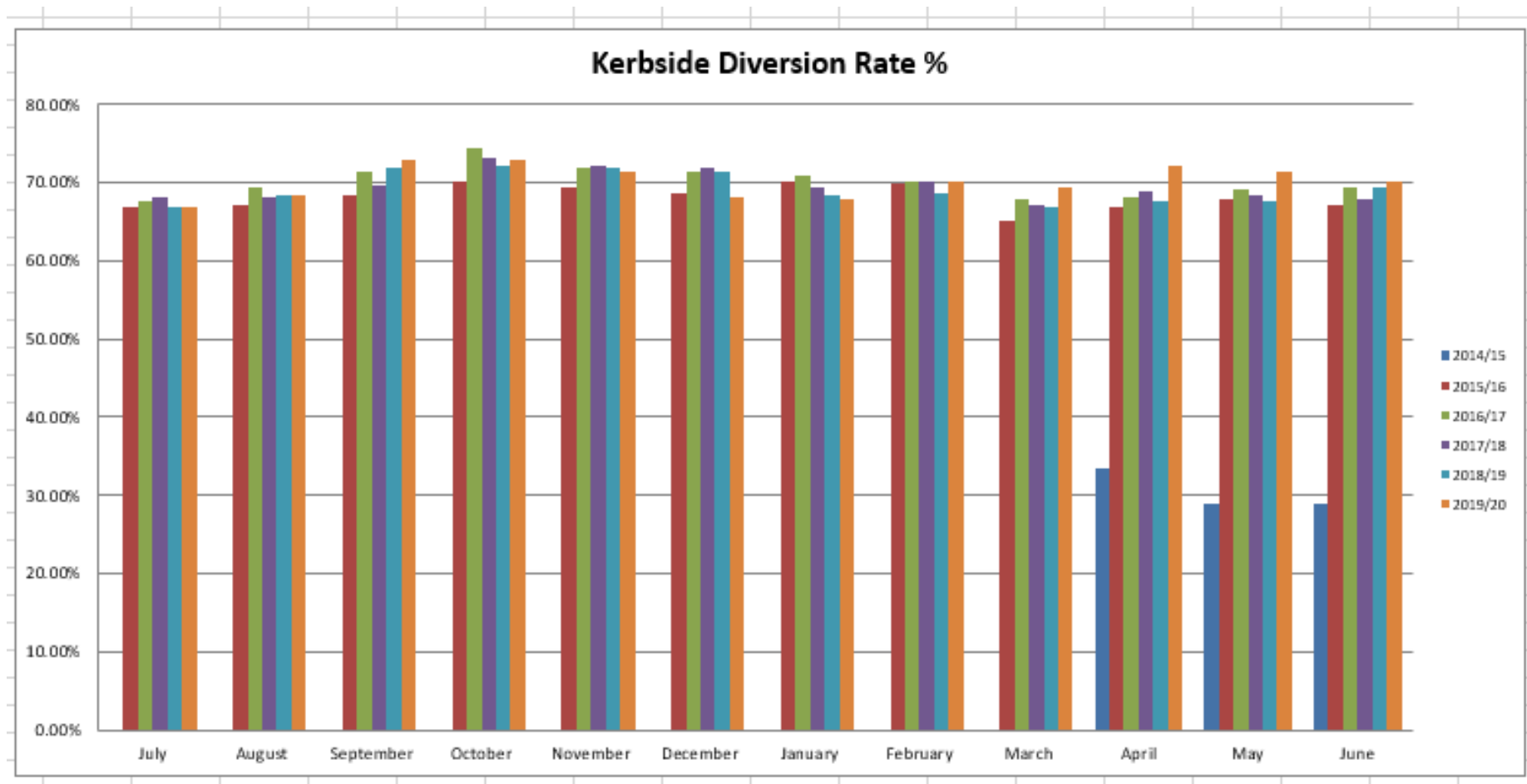
Over Time Remaining Requests where defined deadline is before the end of the reporting period

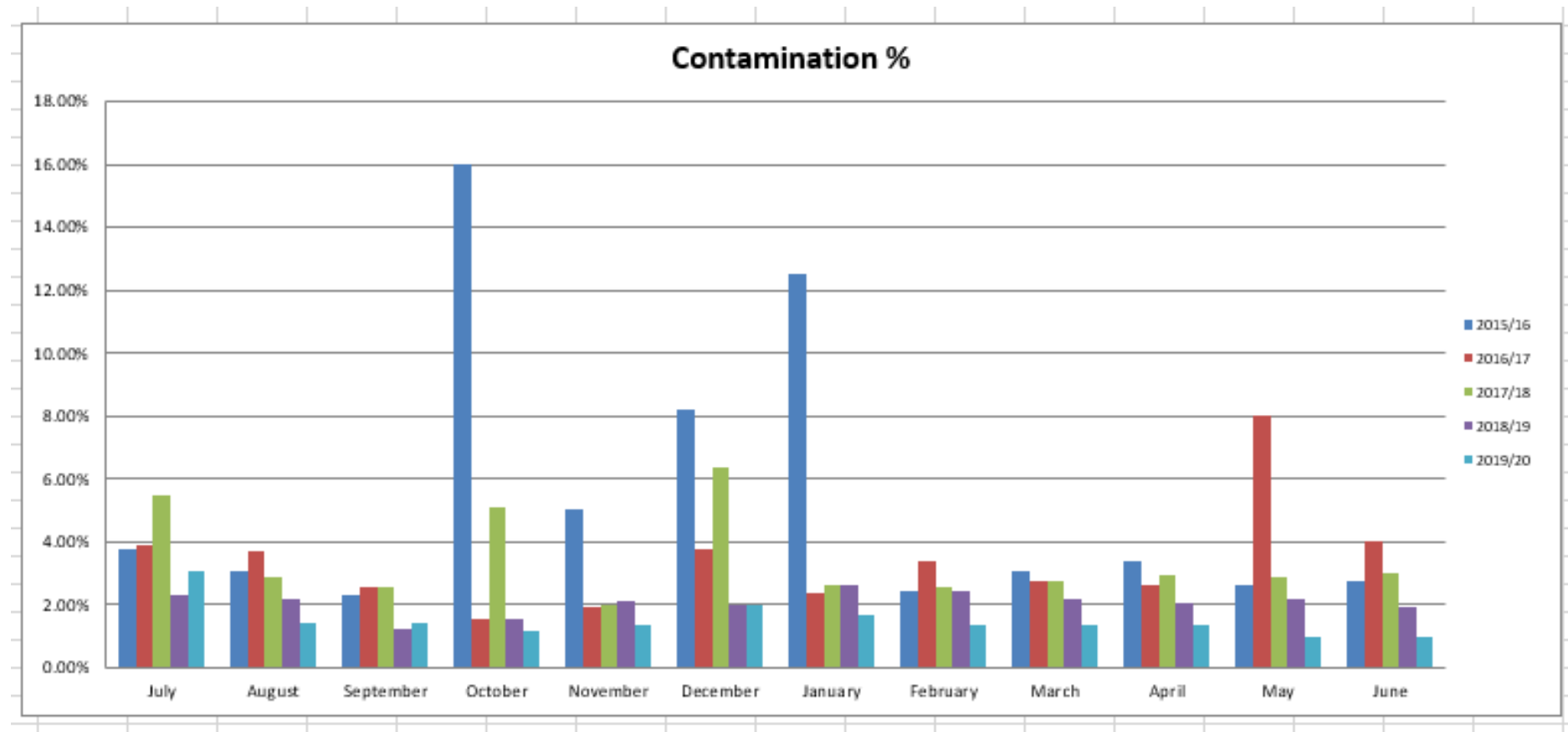
**Overdue
Remaining** An indicator showing the ratio of Overdue requests and Remaining requests. Designed to represent how well we are keeping to the defined deadlines.

$\frac{O}{R}$ Overdue / Remaining   
< 33% 34-70% > 70%

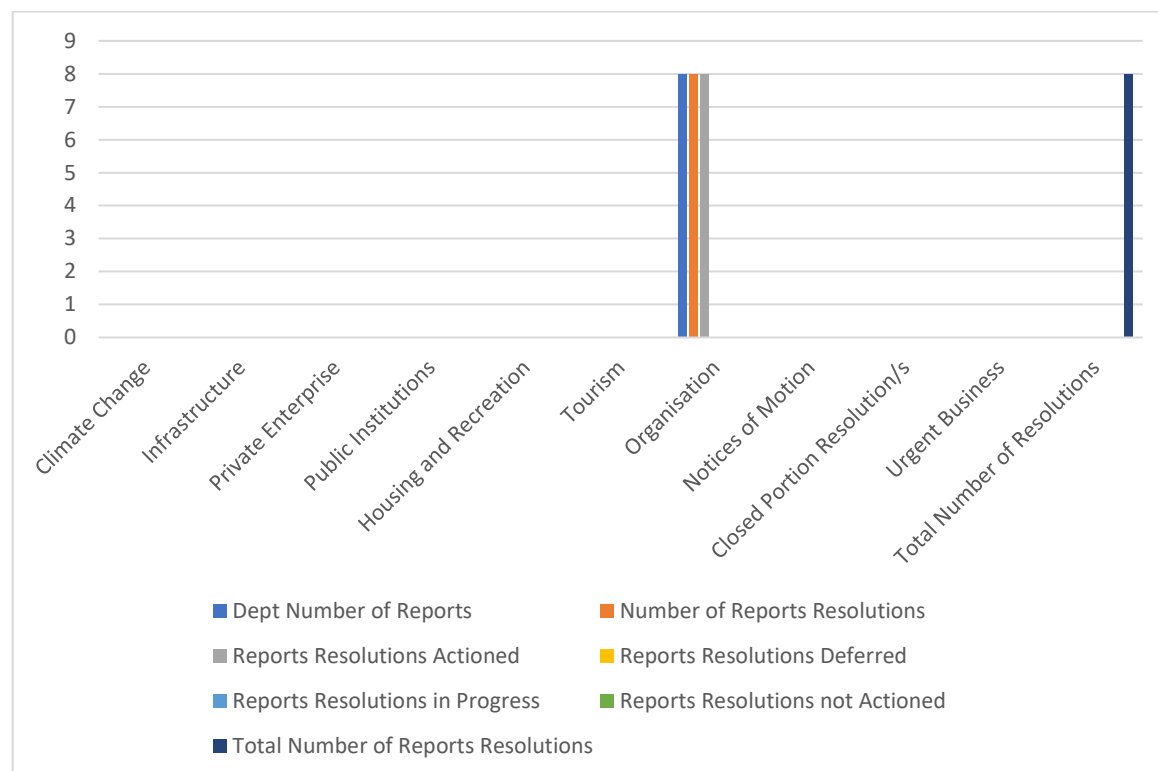
WASTE MANAGEMENT REPORTING **YEAR TO DATE - JULY 2020**







ACTIONING OF COUNCIL REPORTS RESOLUTIONS **COUNCIL MEETING – 21 JULY 2020**



OUTSTANDING ACTIONS OF COUNCIL RESOLUTIONS TO
31 JULY 2020

This Report is to advise the Executive Management Team, Councillors and the community of the status of previous Council resolutions which are in progress but are yet to be finalised.

| Council Meeting Date | Item No. | Description |
|-----------------------------|-----------------|--------------------|
| <i>Nil</i> | | |

REVIEW OF EXISTING COUNCIL POLICIES
AND ADOPTION OF NEW POLICIES

| Review of Policy / New Policy | Policy Name | Details |
|--------------------------------------|---|---------------------|
| New Policies | Public Transparency Policy 2020 | Refer to Item 9.7.1 |
| | Public Interest Disclosures Policy 2020 | Refer to Item 9.7.2 |
| Reviewed / Renamed Policy | Council Expenses Policy 2020 | Refer to Item 9.7.3 |

RECORDS OF ASSEMBLIES OF COUNCILLORS

For period 2 to 29 July 2020

Record in accordance with sections 77 and 80A(1) of the *Local Government Act 1989*

Note: Details of matters discussed at the meeting that have been designated confidential under section 77 of the Local Government Act 1989 are described in a separate "confidential addendum" that will be reported to the next closed Council meeting]

Name of Meeting: Assembly of Councillors

Date of Meeting: Tuesday 14 July 2020

Time: 12.45 p.m. to 5.48 p.m.

Attendees:

Councillors

Amanda McClaren

Robert Gardner

Malcolm Little

John Mason

Chris Raeburn

Alistair Thomson (*attended meetings at 5.00 p.m.*)

Graeme Williams (*attended meetings at 3.20 p.m.*)

Officers

Julie Salomon (Chief Executive Officer)

Phil Howard (Director, Community and Planning)

David Roff (Director, Corporate Operations)

Dawn Bray (Executive Manager, Governance and Customer Service)

Kristin Favaloro (Executive Manager, Communications and Engagement)

Apologies

Nil

1. Councillors / ELT – 'Welcome and What's been Happening'
- Declarations of Interest
2. IT Upgrades to Conference Room and Nagambie Lakes Regatta Centre
3. Review of July Planning Committee Agenda / Planning Matters
4. July Ordinary Council Meeting Agenda Review
5. Working for Victoria / Others Matters
6. Items for Discussion
 - 6.1 COVID-19 Signage – suggested increase to signage within the Shire
7. Visit Victoria Tourism Review – Strathbogie Shire Tourism Identity
8. Special Council Meeting
 - Adoption of Budget and Council Plan

Councillor/s - Declaration of Interest/s / Direct or Indirect

| Matter No. | Names of Councillor/s who disclosed interest | Did the Councillor/s leave the meeting? |
|------------|--|---|
| 3 / 7.2 | Cr Mason | No |
| 8 / 6.7.2 | Cr McClaren | No |

Officer/s - Declaration of Interest/s / Direct or Indirect - NIL

Record of Assembly of Councillors

Record in accordance with sections 77 and 80A(1) of the *Local Government Act 1989*

Note: Details of matters discussed at the meeting that have been designated confidential under section 77 of the Local Government Act 1989 are described in a separate "confidential addendum" that will be reported to the next closed Council meeting

Name of Meeting: Assembly of Councillors

Date of Meeting: Tuesday 21 July 2020

Time: 1.15 p.m. to 6.37 p.m.

Attendees:

Councillors

Amanda McClaren
Robert Gardner
Malcolm Little
John Mason
Chris Raeburn
Alistair Thomson (*attended meetings at 4.00 p.m.*)
Graeme Williams

Officers

Julie Salomon (Chief Executive Officer)
Phil Howard (Director, Community and Planning)
David Roff (Director, Corporate Operations)
Dawn Bray (Executive Manager, Governance and Customer Service)
Kristin Favaloro (Executive Manager, Communications and Engagement)

Apologies

Nil

1. Councillors / ELT – 'Welcome and What's been Happening'

Declarations of Interest

2. Taungurung MoU and LUAA
3. West Gate Tunnel Project - Proposed Detour Route & Strengthening/Replacement Works
4. July Planning Agenda Review / Planning Matters
5. July Ordinary Council Meeting Agenda Review
6. Planning Committee Meeting
7. Australia Day Categories / Nominations
8. Item/s for Discussions
 - 8.1 Letter of support to Nagambie Skydive for funding application to conduct 2021 Australian National Championships – as was requested
 - 8.2 TAC Local Government Grant Program
 - 8.3 Reinstatement of Councillors / CEO Meetings on Tuesdays
 - 8.4 East Gippsland Shire Council – request for support for Local Government Representation on the National Cabinet
 - 8.5 Avenel Kindergarten Committee – request for letter of support for playgrounds works funding application / reduction to speed limits in front of kindergarten
 - 8.6 Tour of Euroa Saleyards
9. July Ordinary Council Meeting

Councillor/s - Declaration of Interest/s / Direct or Indirect

| Matter No. | Names of Councillor/s who disclosed interest | Did the Councillor/s leave the meeting? |
|------------|--|---|
| 6 / 6.1 | Cr Thomson | Yes |

Officer/s - Declaration of Interest/s / Direct or Indirect - NIL

Record of Assembly of Councillors

Record in accordance with sections 77 and 80A(1) of the *Local Government Act 1989*

Note: Details of matters discussed at the meeting that have been designated confidential under section 77 of the Local Government Act 1989 are described in a separate "confidential addendum" that will be reported to the next closed Council meeting

Name of Meeting: Assembly of Councillors

Date of Meeting: Tuesday 28 July 2020

Time: 3.00 p.m. to 4.30 p.m.

Attendees:

Councillors

Amanda McClaren
Robert Gardner
Malcolm Little
John Mason
Chris Raeburn
Alistair Thomson
Graeme Williams

Officers

Julie Salomon (Chief Executive Officer)
Phil Howard (Director, Community and Planning)
David Roff (Director, Corporate Operations)
Dawn Bray (Executive Manager, Governance and Customer Service)
Kristin Favaloro (Executive Manager, Communications and Engagement)

Apologies

Nil

1. Councillors / ELT – 'Welcome and What's been Happening'
- Declarations of Interest
2. Working for Victoria Engagement Plan
3. Proposed Community Engagement Plan / Updates on proposed Re-Route through Longwood/Locksley (West Gate Tunnel Project)
4. Item/s for Discussions
 - 4.1 Update on meeting with stakeholders – re: retaining wall at rear of High Street, Nagambie

Councillor/s - Declaration of Interest/s / Direct or Indirect - NIL

Officer/s - Declaration of Interest/s / Direct or Indirect - NIL

RECORD OF MEETINGS OF SPECIAL COMMITTEES OF COUNCIL

Record of Minutes of Meetings received in the July/August 2020 Period

| Name of Special Committee | Date of Meeting |
|----------------------------------|------------------------|
| Euroa Community Action Group | 27/07/2020 |

10. NOTICES OF MOTION

11. URGENT BUSINESS

**11.1 Notice of Motion (Ref. No. 3/2020) – Ordinary Council Meeting
- 18 August 2020**

Notice of Motion – Lodged by Councillor John Mason and Councillor Amanda McClaren (Mayor) (Ref. No. 3/2020)

- As a matter of urgency, write to State Government Department of Transport, the National Heavy Vehicle Regulator and the Westgate Tunnel Project to place a halt on the proposed use of Avenel Longwood and Alexandersons Roads for diversion of mass cargo transport until such time that a signed agreement between all parties has been reached

| | | |
|------------|--|-----|
| 11. | Urgent Business Reports Index | |
| 11.1 | <p>Notice of Motion (Ref. No. 3/2020) – Ordinary Council Meeting - 18 August 2020</p> <p>Notice of Motion – Lodged by Councillor John Mason and Councillor Amanda McClaren (Mayor) (Ref. No. 3/2020) - As a matter of urgency, write to State Government Department of Transport, the National Heavy Vehicle Regulator and the Westgate Tunnel Project to place a halt on the proposed use of Avenel Longwood and Alexandersons Roads for diversion of mass cargo transport until such time that a signed agreement between all parties has been reached</p> | 373 |

11. URGENT BUSINESS

11.1 Notice of Motion (Ref. No. 3/2020) – Ordinary Council Meeting - 18 August 2020

Notice of Motion – Lodged by Councillor John Mason and Councillor Amanda McClaren (Mayor) (Ref. No. 3/2020)

As a matter of urgency, write to State Government Department of Transport, the National Heavy Vehicle Regulator and the Westgate Tunnel Project to place a halt on the proposed use of Avenel Longwood and Alexandersons Roads for diversion of mass cargo transport until such time that a signed agreement between all parties has been reached

RECOMMENDATION

That Council write to State Government Department of Transport, the National Heavy Vehicle Regulator and the Westgate Tunnel Project to halt the proposed use of Avenel Longwood and Alexandersons Roads for mass cargo (superload) transport by the Westgate Tunnel Project as scheduled for the end August 2020 until such time that:

- 1. A Memorandum of Understanding has been developed and signed by both Strathbogie Shire Council (Council), the State Government Department of Transport and the CPBJH Joint Venture (Westgate Tunnel Project) including (but not limited to):***
 - i. the conditions of the \$2,260,000 bond to ensure that the roads are maintained to ensure public safety and preservation of the road reserve,***
 - ii. the road, drainage, culverts and bridges is reinstated to an agreed improved minimum 15-year design life,***
 - iii. a 12-month defects liability period post reinstatement of road, drainage, culverts and bridges,***
 - iv. amenity and safety risk assessments and mitigation strategies are identified and implemented by agreed controls;***
- 2. Council and the Longwood/Locksley community (the Community) have clarity on the number, date, times and duration of any proposed superload movements along the proposed Avenel Longwood and Alexandersons Roads diversion route and that mitigation strategies to reduce residential amenity impacts are identified and implemented;***
- 3. Appropriate community consultation and engagement has occurred and agreement reached between the State Government, the Westgate Tunnel Project, Council and the Community as to the amenity offsets to the Longwood and Locksley community; and***
- 4. The State Government Department of Transport Planning for Superloads: Superload Checklist is fully adhered to and that Council and the Community have received a copy of this document.***

11.1 Notice of Motion (Ref. No. 3/2020) – Ordinary Council Meeting
- 18 August 2020 (cont.)

Notice of Motion – Lodged by Councillor John Mason and Councillor Amanda McClaren (Mayor) (Ref. No. 3/2020)

5. Any alternative route/s do not adversely impact on any communities in the Strathbogie Shire to the satisfaction of Council.

This Notice of Motion is considered a matter of urgent business due to the significance of the issues associated with the proposed diversion route by the Westgate Tunnel that were only realised following the Friday 15 August 2020 meeting and this matter cannot be deferred until the September Ordinary Council Meeting scheduled 15 September 2020.

Councillor

Councillor

Date 17/8/20

BACKGROUND

Council was first advised of the proposed use of the Avenel Longwood and Alexandersons Roads for mass cargo transport by Westgate Tunnel Project on 14 July 2020. The proposed diversion was due to the heritage listed Pranjip Creek Bridge (Hume Freeway) not having the capacity to support the weight of the mass cargo transports delivering precast concrete tunnel sections (superloads) from Benalla to Melbourne for the construction of the Westgate Tunnel. As such the Westgate Tunnel Project (WTP), the Department of Transport and the National Heavy Vehicle Regulator determined the use of Avenel Longwood and Alexandersons Roads as the most viable diversion to ensure the continued supply chain of the precast concrete tunnel sections. Initially, Councillors were advised that there would be two (2) evening movements per week for the duration of the project, anticipated period being two (2) years.

Since this proposed diversion was raised with Councillors, we have undertaken a joint site visit with relevant officers to gain a true understanding the amenity impacts for residents and degradation impact to our road infrastructure. As a result, the Mayor, on behalf of Council has written to the Westgate Tunnel Project strongly voicing our concerns (Attachment 1) and are awaiting a response.

11.1 Notice of Motion (Ref. No. 3/2020) – Ordinary Council Meeting
- 18 August 2020 (cont.)

Notice of Motion – Lodged by Councillor John Mason and Councillor Amanda McClaren (Mayor) (Ref. No. 3/2020)

To gain a more detailed understanding of the diversion, officers met with representatives from North Eastern Regional Roads Victoria on Monday 10 August 2020. Following this meeting we were advised that the first of the superload movements would commence on 18 August 2020 without any community consultation or adequate communication by the Westgate Tunnel Project. Moreover, there is no formal agreement or consent from Council for use of our road infrastructure. As such, an urgent community meeting with the Longwood/Locksley community was coordinated for Thursday 13 August and subsequently rescheduled to Friday 14 August 2020. At this meeting, Council and the Community were advised that there would in fact be up to five (5) movements per week, the majority being at night. The superloads were described as approximately up to 160 tons in weight, 4.5 metres wide, 52 metres long and 5 metres high. The key requests raised by the community at this meeting included:

- Constant monitoring of the road surface and reinstatement at the end of the project
- Drainage improvements and shoulder widening along the route
- Line marking (centre and shoulder of the road)
- Relocation of the 60-kilometre sign 150 meters before and after the diversion period
- No engine brakes to be used
- Timeline for the upgrade of the Pranjip Creek bridge (Hume Freeway) so that the use of the diversion would be a temporary solution
- Notification of expected days, times and duration that superloads would access the diversion route
- Community consultation and engagement to understand the project and then regular ongoing communications thereafter including the name and contact details of a 'go to' contact person for any project and/or amenity issues
- Electronic signage for the first month and then permanent signage thereafter for the life of the project to advise people of movements
- A slip lane to Alexandersons Road from the Hume Freeway (for safety reasons)
- A bus stop for the V-Line bus that currently uses this route.

Furthermore, North Eastern Regional Roads Victoria (on behalf of the Westgate Tunnel project) were not able to provide enough surety to Council or the Community that their concerns would be addressed, or that any amenity offset benefits would be agreed to, other than the original unsatisfactory offer to reinstate the road infrastructure to the same condition pre diversion.

11.1 Notice of Motion (Ref. No. 3/2020) – Ordinary Council Meeting
- 18 August 2020 (cont.)

Notice of Motion – Lodged by Councillor John Mason and Councillor Amanda McClaren (Mayor) (Ref. No. 3/2020)

We believe that the approach by State Government and the Westgate Tunnel has demonstrated little regard for Council as the asset owner and the Community who reside along the proposed diversion route. Our Shire and its community should not be disadvantaged in any way by this proposed diversion and therefore seek, in good faith, that the State Government and Westgate Tunnel Project do the right thing by our community. We request that they provide the surety Council and the Community are seeking as detailed in the recommendation of this Notice of Motion in terms of the road infrastructure, amenity impacts and community benefit offsets prior to any superload movements occurring along the Avenel Longwood and Alexandersons Road route.

CONCLUSION

Whilst the Westgate Tunnel Project is an important major infrastructure project that will deliver many benefits to Victoria, the diversion of five (5) superload movements per week will have significant amenity impacts to residents and degradation to the Avenel Longwood and Alexandersons Roads which were not designed to support heavy cargo movements.

The Longwood Community Action Groups have clearly expressed their concerns regarding this proposed diversion. As such, we support our community's concerns and seek urgent Council support to write to the State Government Department of Transport, the National Heavy Vehicle Regulator and the Westgate Tunnel Project to advocate on their behalf to halt this proposed diversion until there is clear agreement between all parties.

ATTACHMENT

Attachment 1: Letter sent to the Westgate Tunnel Project from Strathbogie Council dated 6 August 2020

ATTACHMENT 1:



1800 065 993

109a Binney Street, Euroa VIC 3666
PO Box 177, Euroa VIC 3666
info@strathbogrie.vic.gov.au
www.strathbogrie.vic.gov.au

6 August 2020

Mahdi Ahadi
CPBJH Joint Venture (Westgate Tunnel Project)
542 Footscray Road
Melbourne, VIC, 3004
Via: Mahdi.Ahadi@wgtp.com.au

Dear Mahdi,

**Use of Avenel Longwood and Alexandersons roads for mass cargo
- Westgate Tunnel Project (WGTP)**

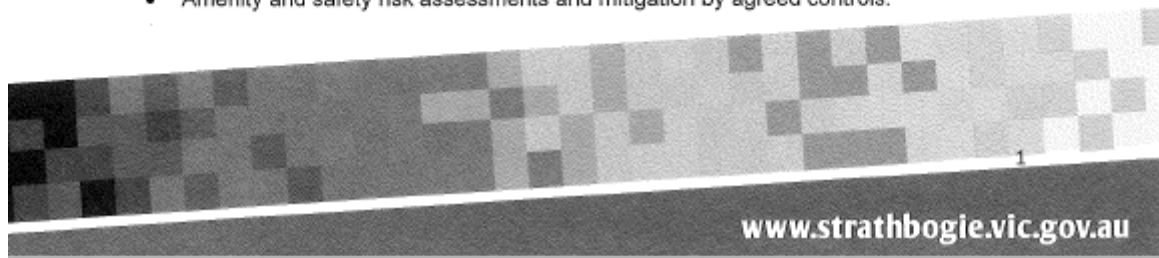
While Council acknowledges the State significance of the Westgate Tunnel Project, we have major concerns with the impact of such transportation on our local road infrastructure and the amenity and safety effects to our communities along the proposed route.

Council is also disappointed with the timeframes imposed on us to give consent. This project has been in the pipeline for some years and the assessment of the Hume Freeway to carry such loads should have been addressed much earlier in the process.

On behalf of all Council, I advise that we have not given formal approval or consent for our local roads to be utilised at this stage.

We are open to assist stakeholders and the Victorian Government to deliver the project, but raise the following matters to be addressed:

- This should be an interim arrangement while the heritage Pranjip Bridge on the Hume Freeway is upgraded and strengthened to carry such transportation loads.
- Protection, maintenance and reinstatement of our local road infrastructure at commencement, during and at the end of the project.
- Lodgement of an "Infrastructure Restoration Bond" of \$2,260,000. This is based on the current condition rating and unit rate values for both proposed routes along the Avenel Longwood and Alexandersons roads (see attached calculations).
- Preparation and signing of a Memorandum of Understanding (MoU) between all parties (see details below).
- Amenity and safety risk assessments and mitigation by agreed controls.



Please note; no values have been placed on the existing bridges and major culverts due to required strengthening works and axle load configurations undertaken by the WGTP. Minor culverts (cross-sectional area of less than 2m² or a pipe diameter of less than 1.5m) shall be considered as part of the cost of the road pavement.

This MoU should be made between the CPBJH Joint Venture (CPB and John Holland) for the West Gate Tunnel Project and the Strathbogie Shire Council for the purpose of:

- Providing clear guidelines on preventing damage to Council assets within the designated Road Reserves during the duration of the use of the Avenel Longwood Road and Alexandersons Road for the transportation of over mass cargo required for the West Gate Tunnel Project.
- Ensuring the safety of other users within the road reserve is maintained during the transportation period.
- The provision of a bond, that may be used by Council to complete any West Gate Tunnel Project generated pavement failures should the CPBJH Joint Venture default, to guarantee Council that any required reinstatement works shall be provided to the requirements of Council.
- The CPBJH Joint Venture is responsible for maintaining the Road Reserve Area in a safe condition. Any damage to the roadway or associated infrastructure caused by the transportation of over mass cargo activities must be made safe until permanent restoration works are completed and shall be the responsibility of the CPBJH Joint Venture.
- In good faith, Council shall undertake a condition assessment of the proposed route and identify any pre-existing damage/defects to the CPBJH Joint Venture before work starts. If pre-existing damage to Council assets appears high, Council shall accept responsibility for the existing damage and the CPBJH Joint Venture will not be held responsible. Where pre-existing damage has been made considerably worse by the transportation of over mass cargo activities, the costs associated with replacing the assets will be borne by the CPBJH Joint Venture.
- Council reserves the right to undertake all rectification works for damage to Council's assets and shall either, by prior agreement, directly invoice or deduct these costs from the Infrastructure Restoration Bond. Council will seek to recover the actual cost, from the CPBJH Joint Venture where the cost exceeds the bond held.
- Should Council receive a formal complaint about the transportation of over mass cargo activities, Council is required to investigate and provide a resolution or response to the resident making the complaint, including:
 - damaged Council assets or dangerous conditions as a result of transportation activities,
 - failure to adequately maintain access on the roadway as a result of transportation activities,
 - noise, debris and contaminants fouling the road reserve as a result of transportation activities.

Where there is a potential safety risk, Council will instruct CPBJH Joint Venture to undertake temporary reinstatement, and if the risk is immediate, Council will undertake works and invoice the CPBJH Joint Venture:

- Once the CPBJH Joint Venture has completed the use of the Avenel Longwood and Alexandersons roads for the transportation of over mass cargo required for the West Gate Tunnel Project, Council is to be notified. Council shall then undertake another condition assessment of the route and assess the original assessment against the current condition. If no damage to Council assets has occurred and the area has been returned to its original state or better, Council will issue a Clearance Letter. If there is damage that needs repair, the CPBJH Joint Venture shall arrange to reinstate within 28 days of being notified. Damaged Council assets need to be reinstated in accordance with Council standards.

Please note that the CPBJH Joint Venture have previously agreed to the monitoring of the six-cell box culvert structure at chainage 10.31 and that the Pranjip Creek Crossing Bridge shall be strengthened.

A copy of this letter will be sent to the relevant Ministers and Regional Roads Victoria (Department of Transport) and a request made to the Government for community compensation such as the cost of improvement to the local road network and public transportation improvements, i.e. public bus stop in Longwood township.

If you require any further clarification please contact Julie Salomon, Chief Executive Officer or Phil Howard, Director Community & Planning on 5795 0000 or at info@strathbogie.vic.gov.au.

Yours sincerely,



Cr Amanda McClaren

Mayor

Strathbogie Shire Council

(CC: Minister for Transport Infrastructure Jacinta Allan, Minister for Roads and Road Safety Ben Carroll, Minister for Regional Development Jaclyn Symes, Department of Transport Manager Superloads David Muir)

12. CLOSURE OF MEETING TO THE PUBLIC

13. CONFIRMATION OF 'CLOSED PORTION' DECISION/S

NEXT MEETING

The next Ordinary Meeting of the Strathbogie Shire Council is scheduled to be held on Tuesday 15 September 2020, virtually via ZOOM, commencing at 6.00 p.m.

Please Note: Due to the Local Government Elections Caretaker Period commencing on Wednesday 22 September 2020, there will not be an Ordinary Meeting of Strathbogie Shire Council held in October 2020.

Council elections are to be conducted on Saturday 24 October 2020, however, the date for the swearing in of the new Council is yet to be determined. Further meetings of Strathbogie Shire Council will be advised of in due course.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT..... P.M.