



STRATHBOGIE SHIRE COUNCIL

MINUTES OF A SPECIAL MEETING OF THE STRATHBOGIE SHIRE COUNCIL HELD ON TUESDAY 12 APRIL 2016 AT THE EUROA COMMUNITY CONFERENCE CENTRE COMMENCING AT 5.00 P.M.

Councillors:	Colleen Furlanetto (Chair)	(Seven Creeks Ward)
	Malcolm Little	(Hughes Creek Ward)
	Alister Purbrick	(Lake Nagambie Ward)
	Patrick Storer	(Honeysuckle Creek Ward)
	Debra Swan	(Lake Nagambie Ward)
	Robin Weatherald	(Mount Wombat Ward)
	Graeme (Mick) Williams	(Seven Creeks Ward)

Officers:	Steve Crawcour - Chief Executive Officer
	Phil Howard - Director, Sustainable Development
	David Woodhams - Director, Corporate and Community
	Bruce Braines – Acting Director, Asset Services

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, and the more recent
custodians of the land'*
3. Apologies

Roy Hetherington - Director, Asset Services
4. Disclosure of Interests

Nil
5. Reports of Council Officers
 - 5.1 Climate Change
 - 5.2 Infrastructure
 - 5.3 Private Enterprise
 - 5.4 Public Institutions
 - 5.5 Housing and Recreation
 - 5.6 Tourism
 - 5.7 Organisation
6. Urgent Business

A handwritten signature in black ink, located at the bottom right of the page.

7. Closure of Meeting to the Public to consider matters listed for consideration in accordance with Section 89(2) of the Local Government Act 1989
8. Confirmation of 'Closed Portion' Decision/s

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

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5. REPORTS

5.7 ORGANISATION

5.7.1 Electronic Gaming Machine Policy Statement Proposal

Author / Department

Executive Manager, Corporate and Community / Corporate and Community Directorate

Disclosure of Conflicts of Interest in relation to advice provided in this report

The author of this report and officers/contractors providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the Local Government Act 1989.

Summary

Strathbogie Shire Council (Council) proposes the introduction of an electronic gaming machine (EGM) policy statement. The EGM policy statement will underpin future work to be completed in the Strathbogie Planning Scheme to prepare a Gambling Policy Framework.

The EGM policy statement brings together feedback from some members of the Strathbogie community and key council officers. It references both the Hobson's Bay and Mitchell Shire Councils' policy documents.

Council now seeks public input from the wider community to ensure that the EGM policy statement has taken into consideration the community's views and will serve the Council as it seeks to make considered decisions relating to EGM planning matters.

RECOMMENDATION

That Council -

1. **Invite submissions under Section 223 of the *Local Government Act 1989* on the *Electronic Gaming Machine Policy Statement*. Submissions close at 5.00 p.m. Friday 20 May 2016.**
2. **Receive/hear submissions to the proposal at a Special Meeting of Council to be held on Tuesday 14 June 2016, commencing at 5.00 p.m. at the Euroa Community Conference Centre.**
3. **Formalise the outcome of submissions at the Ordinary Meeting of Council to be held on Tuesday 21 June 2016.**
4. **Proceed with the implementation of the *Electronic Gaming Machine Policy Statement* if no submissions are received under Section 223 of the *Local Government Act 1989*.**

5.7.1 Electronic Gaming Machine Policy Statement Proposal (cont.)

CRS SWAN/STORER –

Amendment:

RECOMMENDATION

That Council -

- 1. Invite submissions under Section 223 of the *Local Government Act 1989* on the ~~draft~~ *Electronic Gaming Machine Policy Statement*. Submissions close at 5.00 p.m. Friday 20 May 2016.**
- 2. Receive/hear submissions to the ~~proposal~~ ~~draft~~ at a Special Meeting of Council to be held on Tuesday 14 June 2016, commencing at 5.00 p.m. at the Euroa Community Conference Centre.**
- 3. Formalise the outcome of submissions at the Ordinary Meeting of Council to be held on Tuesday 21 June 2016.**
- 4. Proceed with the ~~implementation~~ ~~introduction~~ of the ~~draft~~ *Electronic Gaming Machine Policy Statement* if no submissions are received under Section 223 of the *Local Government Act 1989*.**
- 5. Once adopted, proceed to Phase 2 of the work and incorporate into Strathbogie Planning Scheme.**

15/16 THAT THE RECOMMENDATION BE ADOPTED, SUBJECT TO AMENDMENTS, AND INCLUSION OF AN ADDITIONAL RECOMMENDATION, AS SHOWN ABOVE BY STRIKETHROUGHS AND HIGHLIGHTED.

CARRIED

Background

Council was approached by some concerned residents and business owners about EGM development within the Shire and a request was made that Council implement a gaming policy. The Hobson's Bay Council policy *Problem Gambling – Electronic Gaming Machines (EGMs) Policy Statement July 2015* was suggested as a good model document.

Council also reviewed the Mitchell Shire Council's *Electronic Gaming Machine (EGM) Policy* as Mitchell Shire lies within the Hume region with some similar demographics to Strathbogie Shire. As Council does not currently have a policy on electronic gaming machines within the municipality, Council agreed to draft a policy with input from the community.

5.7.1 Electronic Gaming Machine Policy Statement Proposal (cont.)

The Council's EGM policy statement has now been drafted with reference to both the Hobson's Bay and Mitchell Shire Councils' documents. Demographic and EGM data pertaining to the Strathbogrie Shire has been collected and describes the current landscape as it relates to gaming machines across the Shire. The policy statement acknowledges the legal and regulatory framework for gaming machines operated in Victoria as well as socioeconomic data and potential impacts of gambling. This policy document presents a balanced position by Council which takes into consideration the needs of a range of community perspectives and needs. The final draft is now available for the wider public to make submissions and provide additional input prior to adoption by Council.

Phase 2 of the work is the development of a Gambling Policy Framework within the Strathbogrie Planning Scheme.

Alternative Options

The Council can choose not to implement this policy statement, or to amend the policy statement or implement the policy statement unchanged.

Risk Management

The policy statement strengthens the approach taken by Council in assessing planning applications for EGMs, however, it is not a legal requirement that a policy is in force in order for Council to make planning decisions. Therefore, the legal risk of not implementing the policy statement is nil. However, the policy statement allows for wide community input which improves Council's communication and consultation approach with its local community.

Strategic Links – policy implications and relevance to Council Plan

The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan.

Best Value / National Competition Policy (NCP / Competition and Consumer Act 2010 (CCA) implications

The author of this report considers that the report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements.

Financial / Budgetary Implications

The author of this report considers that the recommendation has no capital or recurrent budget considerations.

Economic Implications

The author of this report considers that the recommendation has no significant economic implications for Council or the broader community.

Environmental / Amenity Implications

The author of this report considers that the recommendation has no significant environmental or amenity implications for Council or the broader community.

Community Implications

The author of this report considers that the recommendation has no significant community or social implications for Council or the broader community.

5.7.1 Electronic Gaming Machine Policy Statement Proposal (cont.)

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal / Statutory Implications

The Section 223 process as outlined in the recommendation ensures that relevant legal processes are observed and applied.

Consultation

The Section 223 process outlined in the recommendation ensures that community members can lodge submissions and have the opportunity to be heard to ensure that the Council considers community views in the formation of the policy statement.

Attachments

Electronic Gaming Machine Policy Statement



ELECTRONIC GAMING MACHINE (EGM) POLICY STATEMENT

COUNCIL POLICY	
Effective Date:	
Last Review:	
Current Review:	
Adopted By Council:	
Next Review Date:	
Responsible Officer/s:	Director Sustainable Development

Introduction

Council recognises that there are many forms of legalised gambling in the community and while gambling can provide a range of social and recreational opportunities, it can also have detrimental impacts on people who gamble and on their families, friends and the broader community.

This position is supported by the Productivity Commission (2010) in its report into gambling which noted that *"the potential for significant harm from some types of gambling is what distinguishes it from most other enjoyable recreational activities."*

This Electronic Gaming Machine (EGM) policy statement has been informed by state and federal legislation and regulations, a broad range of research on the current gambling environment, and consultations with Strathbogie Shire residents, service providers and venues.

The findings of this work indicate that EGMs are problematic for some people within Strathbogie Shire as highlighted in financial losses and some members of the community's concern about the impacts of gambling.

This work has informed the key principles and commitments in this policy statement and will direct Council's response within the gambling environment.

Purpose of this policy statement

The purpose of this Policy is to articulate Council's commitment to minimising the negative impacts of EGM gambling for the community of Strathbogie Shire.

While Council is also concerned about the harmful impacts of other forms of gambling, in particular the growing participation in online gambling, at this stage these fall outside the direct influence of local government legislation. They are therefore addressed within Council's advocacy role.

Legislative and regulatory context

This EGM policy statement has been developed within the context of federal and state government legislation and regulation that was current at the time of its development.

Federal Government

The Federal Government does not have a regulatory role in relation to gambling but does have a role in managing the social impacts of gambling. In late 2013, the current Federal Government released its policy direction, *Helping Problem Gamblers*. Within the policy, it committed to the introduction of voluntary pre-commitment and the establishment of an industry advisory council, comprising representatives of clubs and gaming venues, meeting quarterly with the responsible Minister.

Victorian Government

The Victorian Government regulates all gambling activity in the state. The *Gambling Regulation Act 2003* (Gambling Act) provides the legislative framework for gambling and identifies the responsible authorities and the extent of their powers to control and manage gambling.

Established in 1991, the Community Support Fund (CSF) is a trust fund governed by the *Gambling Regulation Act 2003* which requires a portion of gaming revenues to be directed back into the community. Under the Gambling Act, hotels contribute 8.33 per cent of their revenue from EGMs to the fund. The majority of the CSF is directed towards:

- hospitals and charities in the health sector
- the Victorian Government's drug strategy
- the Victorian Veterans Fund

The State Government then allocates the remaining funding to provide community grants for the following purposes:

- programs to tackle problem gambling
- drug education, treatment and rehabilitation programs
- financial counselling and support for families in crisis
- youth, sport, recreation, arts and tourism programs

In addition to the CSF, clubs that have EGMs are required to provide an annual Community Support Benefit Statement. The statement covers a range of contributions the club has made to the community which can then be used to reduce their taxation rate. Like hotels, clubs are required to contribute 8.33 per cent. Contributions they can claim include those made to charities, sporting clubs and volunteers. They can also claim for operating costs such as the upkeep of sporting facilities, purchases such as TVs for club users, community buses to bring customers to the club and subsidised meals for patrons.

The Victorian Commission for Gambling and Liquor Regulation (VCGLR) is the statutory authority that administers both liquor and gambling laws in Victoria. The VCGLR is responsible for assessing applications for EGMs, issuing the licences for their operation and ensuring the management of EGM venues complies with Victorian regulations.

As part of the application process the community, including councils, can make submissions which either support or oppose the application. Decisions made by the VCGLR can be challenged at the Victorian Civil and Administrative Tribunal (VCAT).

The Minister for Consumer Affairs, Gaming and Liquor Regulation in the Victorian Government oversees gambling policy and legislation which the VCGLR implements. Under section 3.4A.5 (3)(b) of the *Gambling Regulation Act 2003*, the VCGLR determines the maximum number of EGM entitlements for a capped region. The purpose of the cap is to limit the number of EGMs in areas identified with high levels of community disadvantage. Currently 20 regions in Victoria are capped, none of which are in the Strathbogie shire. However, the area covered by the City of Greater Shepparton, a neighbouring shire, is included in the capped regions.

Pre-commitment to allow those gambling on EGMs to set time and loss limits commenced in 2015. Failure to do this places the venue in breach of the *Gambling Regulation Act 2003*. It carries a fine of approximately \$17,000 for each offence.

The *Victorian Responsible Gaming Foundation Act* was established in 2011. The foundation provides funding for a range of services, supports and research to minimise the impact of problem gambling. One such program is Gambler's Help which also provides venue support workers to assist venues to meet the legislative requirements of the Responsible Gambling Codes of Conduct, to train venue staff to identify problem gamblers and encourage referrals to Gambler's Help and other community support services.

Local Government

Under the *Victorian Local Government Act 1989* and the *Public Health and Wellbeing Act 2008*, local government is the responsible authority for protecting and promoting the health and wellbeing of communities.

Within this context, Strathbogie Shire Council has developed the Healthy Communities Plan 2013-17 (HCP). The HCP is a key document which guides Council's work and sets out the key priority areas for Council to plan for a healthy community. The HCP states "Strathbogie Shire Council is serious about its responsibility to influence and create a range of healthy environments within the Shire. We accept that we cannot simply deal with illness or ill health after it appears when the environment in which people live or work gives them little or no choice or support. Instead, we must plan in advance to make informed decisions around social, economic and physical environments that directly affect the health and wellbeing of all communities."

Under the *Planning and Environment Act 1987*, local government is the responsible authority for the consideration of planning applications related to the installation and use of EGMs and the issuing of relevant planning permits. The schedule to Clause 52.28 of the Victorian Planning Provisions (VPPs) (located in Planning Schemes) allows councils to identify locations where EGM venues are prohibited (refer to Appendix 1). It should be noted that planning decisions can be appealed at VCAT.

Local government's role in EGM licensing is confined to that of a third party whereby it can make submissions to the VCGLR supporting or opposing an EGM application. Submissions are restricted to social wellbeing and amenity issues. The VCGLR decisions can be appealed at VCAT.

Socioeconomic impacts of gambling

Gambling Revenue from EGMs

The Victorian Government reported that \$1.6 billion (2014-15) came from all forms of gambling. EGMs contributed \$961million of tax raised from gambling. Victoria's reliance on gambling taxes, particularly EGM losses, highlights the dilemma the state government faces addressing gambling risks and harms, at the cost of losing an important revenue stream.

A portion of state taxes (8.33%) raised from EGMs is directed back into the community. The Victorian Government collects and redistributes taxes from EGMs that are in hotels, whereas clubs independently allocate this revenue and must provide an audited Community Benefits Statement each year.

Health and Wellbeing Impacts

Responsible gambling is the term that is generally applied where people are in control of their gambling behaviour and choices. They know how much they can afford to lose and when to stop. They make up the majority of gamblers.

However there are others who are not in control of their gambling behaviours. The financial, social and health impacts can be profound for them and their families. Problem gambling, or gambling addiction, is defined by Gambling Research Australia (2005) as:

"Problem gambling is characterised by difficulties in limiting money and/or time spent on gambling which leads to adverse consequences for the gambler, others, or for the community."

The Productivity Commission's (2010) *Inquiry Report Vol. 1, Gambling* estimated that four per cent of Australia's adult population gamble on EGMs at least weekly and approximately 15 per cent of regular players are 'problem gamblers'. Furthermore, federal government (2014) estimates indicate that the impacts of problem gambling extend beyond the gambler, affecting the lives of between five and ten other people.

The Productivity Commission's report (2010) found that "*the potential for significant harm from some types of gambling is what distinguishes it from most other enjoyable recreational activities*" and that "*problems and vulnerabilities rise with the frequency of gambling and are much greater for gaming machines than other gambling forms*". The Commission also found that:

- while around four per cent of all gamblers find it hard to resist gambling, this rises to more than 30 per cent for regular EGM players
- people who only play lotteries, scratch tickets, bingo or raffles face fewer problems compared to those who play EGMs, wager or play casino table games

A Victorian Department of Justice (2009) study on the health impacts of 15,000 problem gamblers found that they are likely to experience a number of complex health issues that impact on their psychological and physical wellbeing such as:

- 46 per cent reported anxiety as a major issue
- 52 per cent reported depression as a major issue
- 27 per cent considered suicide in the past 12 months
- 43 per cent smoke between 11-20 cigarettes a day
- 25 per cent have risky rates of alcohol consumption 15-28 drinks per week
- 21 per cent were obese
- 28 per cent had a disability affecting everyday life

Beyond the personal health issues experienced by problem or addicted gamblers, there are a range of wellbeing issues where the effects are more wide spread. The table below, compiled by the Victorian Local Governance Association (VLGA, 2014), illustrates how these impacts play out within the home, socially, in the workplace and broadly on the community. While there are obvious financial costs, it is clear that all aspects of daily life are potentially affected by problem gambling. It is therefore in everyone's interests to address problem gambling.

Table 1: Gambling impacts on surrounding community

Community	Impact
Individual	<i>job loss, financial hardship, loss of social supports and community connections</i>
Family and friends	<i>family neglect, domestic violence, relationship breakdown, poverty, homelessness, stigma and social isolation</i>
Workplaces, clubs, groups	<i>absenteeism, job loss, poor performance, theft, lower participation rates in sports and social clubs</i>
Community	<i>reduced resources available, increased reliance on welfare supports, community disempowerment, poverty, increased crime and associated costs</i>

EGM gambling in Strathbogie Shire

EGM Losses

The VCGLR has the power to increase or limit the number of EGMs in identified regions and municipalities. As at 30 June 2015, Strathbogie Shire had 32 EGMs located at one venue in Nagambie. The average number of EGMs was 3.98 machines per 1,000 adults. On average \$3,613 was lost each day, a total of \$1,318,809 pa, or \$41,212 per machine pa.

Groups Vulnerable to problem gambling

The Victorian Government's Problem Gambling Community Awareness and Education Strategy (2009) identified those 'at risk of developing a gambling problem' as people who may:

- be experiencing mental health issues (e.g. depression)
- have co-morbid addictions (e.g. drug/alcohol)
- be socially isolated
- have intellectual disability / cognitive impairments

The strategy also identified the following population groups as being at a higher risk:

- older people
- young people
- people from Culturally and Linguistically Diverse (CALD) backgrounds

As the table below indicates, quantifying these vulnerable groups within the Strathbogie Shire population suggests some may be at risk of becoming, or are, problem gamblers.

Table 2: Vulnerable groups and Problem Gamblers in Strathbogie Shire

Community	Strathbogie Shire Populations
Older People	Approximately 43 per cent of the Strathbogie Shire population is aged 55 and over, living primarily in the Violet Town, Euroa, Avenel and Nagambie townships.
Culturally and linguistically diverse	4% born overseas.
Young People	8.7 per cent of the Strathbogie Shire population aged between 15* and 24.
People With a Disability	Approximately 6.6 per cent of Strathbogie Shire residents self-reported a need for assistance with their day to day lives due to disability.
Problem Gamblers	Between 0.5 per cent and one per cent of adult Australians are likely to be problem gamblers and further 1.4 to 2.1 per cent of Australian adults are vulnerable to problem gambling (Productivity Commission, 2010). This equates to approximately 49-98 Strathbogie Shire residents who may be problem gamblers and a further 137 - 206 residents who may be vulnerable to problem gambling.

* According to the Victorian Responsible Gambling Foundation (VRGF 2014) while it is illegal for those under 18 to gamble, nearly eight in 10 teenagers have gambled in the past year and a survey shows three to four per cent of teenagers have a problem with gambling, approximately double the rate of adults, or in other words, an average of one teenager in every high school class. The VRGF report found "Most gambling by young people is on more benign (though still illegal) types of gambling, such as scratchies, lotto or friendly card games. However, around one in five are participating in gambling such as sports betting, racing or even pokies".

In addition to these at risk groups, the Victorian Competition and Efficiency Commission (VCEC, 2012) found that “the number of EGMs, the level of total expenditure, and measures of socio-economic disadvantage align with problem gambling prevalence rates”.

The SEIFA index of disadvantage (profile.ID 2011) helps to identify clusters of socio-economic vulnerability. The index uses factors such as high unemployment, low income and low education as markers of relative socio-economic disadvantage to develop a single score. The Victorian score sits at 1009.6. Strathbogie Shire’s score of 970.2 places it at the 23rd most disadvantaged local government area in Victoria.

As the table below shows, disadvantage is unevenly experienced within Strathbogie Shire. Areas of higher disadvantage may be considered at higher risk of the negative impacts of gambling.

Table 3: SEIFA Index of disadvantage per small area (2011)

Neighbourhood	SEIFA
Avenel	1005.8
Violet Town	987.5
Euroa	957.3
Nagambie	941.1
Strathbogie Shire	970.2
Victoria	1009.6
Australia	1002.0

Source: profile.ID 2011 Index of relative socio-economic disadvantage

Currently one venue has EGMs and it is located in Nagambie.

Scope of this policy statement

Council will have regard to this policy statement when making a submission to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) on:

- an application for approval of a premises as suitable for gambling under section 3.3.6 of the *Gambling Regulation Act 2003* (Gambling Act); and
- a request for an amendment of conditions of a venue operator’s licence under section 3.4.19 of the Gambling Act.

This policy statement does not apply to consideration of planning permit applications for gaming made under the *Planning and Environment Act 1987*. In those instances the Strathbogie Planning Scheme, Particular Provisions, Clause 52.28 deals with these applications. Furthermore, Clause 21.05 of the Strathbogie Planning Scheme, Local Planning Policies, identifies future strategic work to “Prepare a Gambling Policy Framework and implement the recommendations into the planning scheme.”

This policy statement provides guidance for Council’s advocacy initiatives relating to problem gambling within the Strathbogie Shire community, including that associated with non-EGM gambling.

Policy Statement

1. Council recognises that EGMs are a legitimate and legal recreational activity within the Strathbogie Shire which many people enjoy.
2. Council notes that EGMs are associated with a higher prevalence of problem gambling compared to other forms of gambling.
3. Council accepts that for problem gamblers, EGMs can be the source of significant adverse social and economic consequences with flow on impacts to their families and the wider community.
4. Council aims to reduce the negative impacts relating to EGMs.
5. Council supports the Victorian State Government cap of 78 EGMs in the Strathbogie Shire intended to protect vulnerable communities from the harmful effects of gambling. Council is opposed to any increase to the existing cap.
6. Council will not support new EGM venues, additional EGM licences and the transfer of EGM licences between venues unless the Social and Economic Impact Assessment (SEIA) has been undertaken and submitted with the application. The SEIA will be considered when Council makes its decision.
7. Council will exercise its right to make a submission to the VCGLR.

Other actions

Partnerships

- Council will seek to identify and mitigate harms associated with EGMs by working in partnership with community services such as Gambler's Help, peak bodies and other local governments within available resources.
- Council will support activities which promote responsible gambling and provide information on its website to support educating the community regarding the harms of EGMs.
- Council, in consultation with other stakeholders will continue to develop, maintain and promote a range of sporting, leisure and recreational facilities and opportunities that offer an alternative to EGMs.
- Council will establish and maintain dialogue with local EGM venue operators to support compliance with Responsible Gambling Foundation guidelines, encourage harm minimisation practices and ensure that venues remain informed about local community issues.

Research and advocacy

- Council will advocate for additional support services and programs within the municipality for problem gamblers.

Responsibilities

The directorate responsible for upholding this policy statement is Sustainable Development.

Related documents

This policy statement responds to the following legislation:

- *Local Government Act 1989*
- *Public Health and Wellbeing Act 2008*
- *Gambling Regulation Act 2003*
- *Planning and Environment Act 1987*



This policy statement links with the following Council plans and local planning policy framework:

- Strathbogie Shire Council Plan
- Healthy Communities Plan
- Economic Development Master Plan
- Strathbogie Planning Scheme

Council will review this policy statement every four years to align with the Council plan or within a time frame that aligns with changes to legislation or Council's strategic directions.

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.

Acknowledgements

Strathbogie Shire Council acknowledges members of the Strathbogie Shire community, Hobson's Bay Council, Mitchell Shire Council and key stakeholders who have contributed to the development of this policy statement.

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.

Glossary of Terms

Community Benefit Scheme: club and racing club venues that receive gaming revenue are required to allocate a percentage of taxes raised back into the community. Venues must provide an audited Community Benefits Statement to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) each year.

Disadvantaged Communities: are identified through the Socio-Economic Indexes for Areas (SEIFA) index of disadvantage (see below) to geographically identify clusters of socio-economically disadvantaged populations.

Electronic Gaming Machine Entitlements: venue operators may only operate gaming machines if they hold Electronic Gaming Machine (EGM) entitlements. Each EGM entitlement authorises venue operators to operate one gaming machine for a period of 10 years from 2012.

Gaming Machines: commonly referred to as electronic gaming machines (EGM) or pokies. A gaming machine is any device, whether wholly or partly mechanically or electronically operated, that is so designed that it may be used for the purpose of playing a game of chance or a game of mixed chance and skill; and as a result of making a bet on the device, winnings may become payable.

Gambling: is the wagering of money where the outcome is uncertain and the primary intent is to win additional money and/or material goods.

Gambling Regulation Act 2013: the main purpose of this Act is to re-enact and consolidate the law relating to various forms of gambling and to establish a Victorian Commission for Gambling Regulation.

Non-EGM gambling: covers a range of gambling activities and fundraising events such as wagering, sports betting, bingo, card games, sweeps, raffles, lucky envelopes etc. conducted by community and charitable organisations. The Victorian Commission for Gambling and Liquor Regulation (VCGLR) oversees these activities and the issuing of permits

Pre-Commitment: means a prescribed mechanism or system that allows a person to set a time limit or net loss limit before that person plays a gaming machine. A voluntary pre-commitment scheme was due to commence operation in Victoria from the 1 December 2015.

Problem Gambling: is characterised by difficulties in limiting money and/or time spent on gambling which leads to adverse consequences for the gambler, others, or for the community.

Service providers: provide services related to health and wellbeing, including economic, social, and emotional support for those affected by gambling.

Socio-Economic Indexes for Areas (SEIFA) – disadvantage index: measures the relative level of socio-economic disadvantage based on a range of Census characteristics high unemployment, low income and low education as markers of relative socio-economic disadvantage to develop a single score. The lower the SEIFA index number, the greater the level of comparative disadvantage.

Vulnerable /at risk groups: are those who are more likely to become problem gamblers (refer to Table 2).

Victorian Civil and Administrative Tribunal (VCAT): hears appeals related to the issuing of EGM licences by the Victorian Commission for Gambling and Liquor Regulation (VCGLR) and planning decisions made by local government.

Victorian Commission for Gambling and Liquor Regulation (VCGLR): the statutory authority that administers gambling and liquor laws in Victoria. The VCGLR is responsible for assessing EGM applications, issuing EGM licences and ensuring the management of EGMs venues complies with Victorian regulations.

Appendix 1- Victorian Planning Provisions - Clause 52.28 and Schedules

52.28-1 Purpose

To ensure that gaming machines are situated in appropriate locations and premises.
To ensure the social and economic impacts of the location of gaming machines are considered.
To prohibit gaming machines in specified shopping complexes and strip shopping centres.

52.28-2 Permit requirement

A permit is required to install or use a gaming machine.

This does not apply in either of the following circumstances:

- Clause 52.28-3 or Clause 52.28-4 specifically prohibit a gaming machine.
- the gaming machine is in an approved venue under the Gambling Regulation Act 2003 on 18 October 2006 and the maximum number of gaming machines for the approved venue on 18 October 2006 is not exceeded.

52.28-3 Prohibition of a gaming machine in a shopping complex

Installation or use of a gaming machine is prohibited on land specified in a schedule to this clause.

This does not apply to a gaming machine in an approved venue under the Gambling Regulation Act 2003 on 18 October 2006; and the maximum number of gaming machines for the approved venue on 18 October 2006 is not exceeded.

52.28-4 Prohibition of a gaming machine in a strip shopping centre

Installation or use of a gaming machine is prohibited in a strip shopping centre if:

- the strip shopping centre is specified in the schedule to this clause.
- the schedule provides that a gaming machine is prohibited in all strip shopping centres on land covered by this planning scheme.

This does not apply to a gaming machine in an approved venue under the Gambling Regulation Act 2003 on 18 October 2006; and the maximum number of gaming machines for the approved venue on 18 October 2006 is not exceeded.

A strip shopping centre is an area that meets all of the following requirements:

- it is zoned for commercial use;
- it consists of at least two separate buildings on at least two separate and adjoining lots;
- it is an area in which a significant proportion of the buildings are shops;
- it is an area in which a significant proportion of the lots abut a road accessible to the public generally; but it does not include the Capital City Zone in the Melbourne Planning Scheme.

52.28-5 Decision guidelines

Before deciding on an application, in addition to the decision guidelines of Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The compatibility of the proposal with adjoining and nearby land uses.

9.7.2 Election Caretaker Policy Review

Author & Department

Executive Manager, Corporate and Community / Corporate and Community Directorate

Disclosure of Conflicts of Interest in relation to advice provided in this report

The author of this report and officers/contractors providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the *Local Government Act 1989* (the Act).

Summary

Under the reforms arising from the *Local Government Amendment (Improved Governance) Act 2015*, all Councils are required to adopt an election period policy (caretaker policy) by 31 March 2016.

The Local Government Investigations and Compliance Inspectorate wrote to all Councils on 15 March 2016 to advise that it would conduct a review to ascertain the level of compliance with the Act.

Strathbogie Shire Council's Election Caretaker Policy was adopted on 17 July 2012 for the 2012 election. It was required to be reviewed in July 2016, in time for the Council election to be held on 22 October 2016.

The policy has been reviewed and amended to ensure compliance with the Act.

RECOMMENDATION

That Council adopts the reviewed and revised Election Caretaker Policy.

16/16 CRS SWAN/LITTLE : That the Recommendation be adopted.

CARRIED

Background

Strathbogie Shire Council has in place a comprehensive Election Caretaker Policy that was adopted by Council on 17 July 2012. It was required to be reviewed in July 2016 to ensure it was updated prior to the 2016 Council elections.

A range of Council policies were reviewed as part of the preparation work to update Strathbogie Shire Council's current Election Caretaker Policy to ensure that it both complies with the Act and also meets best practice principals. Similar policies that were reviewed included those of the Wangaratta, Moira, Baw Baw, Mansfield, Maroondah and Frankston Councils.

The requirements under the Act and articulated in the Inspectorate's advice are that the policy contains the following provisions:

1. Preventing inappropriate decisions and misuses of resources;
2. Limiting public consultation and council events;
3. Equitable access to Council information

9.7.2 Election Caretaker Policy Review (cont.)

In addition, the Inspectorate seeks evidence that all elected Councillors have been provided with a copy of the Election Caretaker Policy and that the public have access to the policy in person at Council offices and via the Council website.

Strathbogie Shire Council's Election Caretaker Policy has been amended with the following key changes:

- Inclusion of additional definitions
- Inclusion of a statement to clarify the use of Council resources and Publications
- Inclusion of a statement that the use of Council resources and Publications may be monitored
- Changes to the timelines to align with the Act requirements for the 2016 election
- Additional instructions about social media sites for S86 Committees and volunteers

Alternative Options

The author and other officers providing advice in relation to this report have considered potential alternative courses of action. No feasible alternatives have been identified.

Risk Management

The author of this report considers that there are no significant Risk Management factors relating to the report and recommendation.

Strategic Links – policy implications and relevance to Council Plan

The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan.

Best Value / National Competition Policy (NCP / Competition and Consumer Act 2010 (CCA) implications

The author of this report considers that the report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements.

Financial / Budgetary Implications

The author of this report considers that the recommendation has no capital or recurrent budget considerations.

Economic Implications

The author of this report considers that the recommendation has no significant economic implications for Council or the broader community.

Environmental / Amenity Implications

The author of this report considers that the recommendation has no significant environmental or amenity implications for Council or the broader community.

Community Implications

The author of this report considers that the recommendation has no significant community or social implications for Council or the broader community.

9.7.2 Election Caretaker Policy Review (cont.)

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal / Statutory Implications

The policy must be adopted in order to comply with the *Local Government Act 1989* and requirements of the Local Government Investigations and Compliance Inspectorate.

Consultation

The author of this report considers that the matter under consideration did not warrant a community consultation process.

Attachments

Strathbogrie Shire Council Election Caretaker Policy





ELECTION CARETAKER POLICY

COUNCIL POLICY	
Effective Date:	16/10/2001
Last Review:	June 2012
Current Review::	March 2016
Adopted by Council:	12 April 2016
Next Review Date:	Four yearly, in line with Council Elections
Responsible Officer/s:	Chief Executive Officer

1. POLICY STATEMENT

The purpose of this policy is to ensure that elections for the 2016 Strathbogie Shire Council are conducted in a manner that is fair, equitable and is publicly perceived as such. It is intended to assure the community that Council will not use public resources in election campaigning or make major decisions that bind the incoming Council.

2. POLICY APPLICATION

2.1 Caretaker Period

Council is required to go into 'caretaker' mode during the election period. This period commences on the last day on which nominations for the election can be received, and ends 6:00pm on Election Day.

Therefore the 2016 election period for Strathbogie Shire Council commences at midnight on Tuesday 20 September 2016, the end of the last day for nominations to be received until 6:00pm on Saturday 22 October 2016 on Election Day.

2.2 Prohibited Decisions

In accordance with Section 93A of the *Local Government Act 1989* (the *Act*) the following decisions are prohibited during the election period unless a ministerial exemption is provided:

a) Chief Executive Officer

Council must not make a decision relating to the employment, remuneration or termination of a Chief Executive Officer (CEO) under section 94 of the *Act*, other than a decision to appoint an Acting CEO;

b) Contracts

Council must not enter into a contract the total value of which exceeds whichever is the higher of the following amounts:

- i) 1% of the Council's total revenue from rates and charges (under section 158 of the *Act*) in the preceding financial year. This does not include revenue from special rates or special charges.
- ii) The amount fixed by Order in Council, under section 186 of the *Act* as amended, being the value at which the Council must give public notice to invite tenders or expressions of interest for the contract. These amounts are:
 - \$150,000 for goods and services contracts
 - \$200,000 for works contracts

c) Entrepreneurial Powers

Council must not exercise any entrepreneurial power under section 193 of the *Act* if the amount assessed under section 193(5A) exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year. This does not include revenue from special rates or special charges.

2.3 Other Decisions

Council may, at its own discretion, decide not to make certain other decisions during the election period, which may include:

- a) allocating community grants or other forms of direct funding for community organisations;
- b) major planning scheme amendments;
- c) changes to strategic objectives or strategies in the Council Plan.

2.4 Information

Councillors must not request or receive information or advice from Council to support election campaigns, and there must be complete transparency in the provision of all information and advice during the election period.

Section 76D of the *Act* prescribes serious penalties for any councillor who inappropriately makes use of their position or information obtained in the role of councillor, to gain an advantage.

All requests for information, either from a sitting councillor or candidate, must be directed to the CEO.

2.5 Council Resources and Publications

It is essential that due propriety is observed in the use of all Council resources. In order to ensure the proper use of Council resources during the election period, the following will apply:

- Council resources will be used exclusively for normal Council business and will not be used in connection with election campaigning; and
- Council logos, letterhead, or other Strathbogie Shire Council branding must not be used for, or linked in any way to, a candidate's election campaign.

Council resources must not be used for private purposes, this includes electioneering. Section 76D of the *Act* imposes serious penalties on a councillor who misuses his or her position for private benefit.

Section 55D of the *Act* imposes limitations on Council publications and resources during the election period. This is to ensure that Council does not publish material with public funds that may influence, or be seen to influence voting decisions. The *Act* contains offences for breaches of section 55D. A breach may be prosecuted in Court, and if a person is found guilty, he or she may be convicted and fined.

All relevant Council publications must be certified by the CEO before they are printed, published or distributed during the election period, whether by the Council or anyone acting for the Council. Any publication of information on social media sites, which includes but is not limited to Facebook, Twitter and Youtube under the auspice of Council during the Election Period will require certification by the CEO prior to publication.

The CEO's certification must be in writing and cannot be delegated to someone else.

A CEO must not certify a publication that contains electoral matter, unless that material is only about the election process.

Publications requiring CEO certification must be provided to the CEO in hard copy format for certification at least 5 working days prior to publication. The original certified copy is to be handed to the Executive Assistant to the CEO for filing and registering to the Electronic Document Management System. The certification does not need to be printed on published copies of the document.

Use of council resources may be monitored to ensure compliance with the *Act* and this Policy.

	Publications	Resources
	<i>Council advertisements, handbills, pamphlets and notices must be certified by the CEO during an election period. Penalties apply to the certification, printing, publishing or distribution of such documents containing electoral matter.</i>	<i>Council must ensure that council resources, including staff, are not used for electoral campaigning purposes during elections. In some cases misuse of Council resources may be a criminal offence that can be prosecuted in Court.</i>
Annual Report	<p>The annual report is required by law and would not normally be considered an advertisement, handbill, pamphlet or notice. It should not require CEO certification.</p> <p>However, councillor submissions may constitute 'electoral matter' and thereby offend s55D of the <i>Act</i> and therefore will not be included in the 2015/16 Annual Report.</p> <p>If Council prints or distributes a greater number of copies than usual, it may be regarded as a pamphlet and is subject to CEO certification.</p>	<p>Section 131(6) of the <i>Act</i> requires the Council to submit its annual report to the Minister no later than 30 September each year.</p> <p>This is a proper use of Council resources.</p>
Annual Report Summary	Any publication of an extract or summary of the annual report is likely to be regarded as a pamphlet and is subject to the certification process.	Council resources should not be used to produce or distribute any summary of an annual report during the election that would be regarded as electoral material.

	<p align="center">Publications</p> <p><i>Council advertisements, handbills, pamphlets and notices must be certified by the CEO during an election period. Penalties apply to the certification, printing, publishing or distribution of such documents containing electoral matter.</i></p>	<p align="center">Resources</p> <p><i>Council must ensure that council resources, including staff, are not used for electoral campaigning purposes during elections. In some cases misuse of Council resources may be a criminal offence that can be prosecuted in Court.</i></p>
<p>Council Meetings</p>	<p>Agenda papers and minutes of meetings would not normally be considered advertisements, handbills, pamphlets or notices and should not require CEO certification.</p> <p>However, if Council meeting papers are printed or published for a wider distribution than normal, they should be treated as pamphlets and are subject to the CEO certification process.</p>	<p>The conduct of Council meetings, as well as the preparation of agenda papers and minutes, is part of normal Council business. It is expected that they would continue to be resourced by the Council administration during the election period.</p>
<p>Advertisements and Notices</p>	<p>All Council advertisements and notices are subject to the certification process during an election period. This includes job advertisements and various notices, such as, Council meetings and road closures.</p> <p>Newspaper notices of meetings are not regarded as electoral matter under section 3(1) of the <i>Act</i> and can be certified.</p>	
<p>Website – New Material</p>	<p>Any new material published on Council’s website during the election period that may be considered an advertisement, handbill, pamphlet or notice is subject to the CEO certification process.</p> <p>As noted above, Council agendas, minutes of meetings and full annual reports do not require CEO certification if published in the usual way.</p>	<p>Council’s website should not be used to convey information that could be regarded as electoral material unless it is only about the election process.</p>

	Publications	Resources
	<i>Council advertisements, handbills, pamphlets and notices must be certified by the CEO during an election period. Penalties apply to the certification, printing, publishing or distribution of such documents containing electoral matter.</i>	<i>Council must ensure that council resources, including staff, are not used for electoral campaigning purposes during elections. In some cases misuse of Council resources may be a criminal offence that can be prosecuted in Court.</i>
Website – Existing Material	<p>It is not necessary to certify material that was published on Council's website well before the election period.</p> <p>However, the website should be checked at the start of the election period:</p> <ul style="list-style-type: none"> • Profiles of councillors who are candidates should be removed from the website, but not contact details. • Information prominently displayed on the website that may be regarded as likely to influence how people vote should be removed. 	Council's website should not be used to convey information that could be regarded as electoral material unless it is only about the election process.
Social Media	<p>Any publication on Council's social media sites like Facebook or Twitter will be suspended during the election period.</p> <p>Similar requirements apply to Council blog sites or articles written by councillors.</p> <p>Social media sites of S86 appointed committees and Committees of Management appointed by Council are regarded as auspiced by Council. Any publication of information on social media sites under the auspice of Council during the election period will require certification by the CEO prior to publication.</p>	Council auspiced social media must not be used for election campaigning.
Email	<p>Emails that are part of the normal conduct of Council business should not require CEO certification.</p> <p>However, any emails with multiple addressees, used for broad communication with the community, are subject to the CEO certification process.</p>	<p>Council email services must not be used for electioneering purposes.</p> <p>Councillors are advised to use one of the free email providers for private email addresses.</p>
Correspondence	Mass mail outs or identical letters sent to a large number of people by or on behalf of Council are subject to the CEO certification process.	Council staff should not prepare councillors' private mail or electoral correspondence and such material must not be printed on Council stationery or using Council equipment.

	Publications	Resources
	<i>Council advertisements, handbills, pamphlets and notices must be certified by the CEO during an election period. Penalties apply to the certification, printing, publishing or distribution of such documents containing electoral matter.</i>	<i>Council must ensure that council resources, including staff, are not used for electoral campaigning purposes during elections. In some cases misuse of Council resources may be a criminal offence that can be prosecuted in Court.</i>
Mobile Phones		<p>Mobile phone costs associated with electioneering will not be paid by Council. Councillors who are provided with a Council owned mobile phone should:</p> <ul style="list-style-type: none"> • use another mobile phone for electioneering purposes, or • monitor usage and ensure reimbursement of costs associated with electioneering or other private use.
Council Offices and Libraries: <ul style="list-style-type: none"> • Euroa Library • Violet Town Library • Nagambie Library • Council Offices, Euroa • Nagambie VIC • Mobile Customer Service • Euroa VIC 	<p>Existing documents available to the public at Council offices and libraries do not normally require CEO certification.</p> <p>However, any increase in the availability of a publication is subject to certification.</p> <p>Material in libraries and offices are to be checked randomly to ensure that publications including electoral matter are not prominently displayed.</p>	<p>Electoral matter, including pamphlets, posters, and notices should not be visible or available at any Council premises during the election period.</p> <p>The only exception to this is material issued by the Returning Officer for the purpose of conducting the election.</p>
Media Releases	Media releases are regarded as documents that require CEO certification.	<p>Council staff must not prepare, or assist in the preparation of, media releases that contain electoral matter.</p> <p>Councillors are advised that media releases dealing with their election campaign should only be issued privately.</p>
Events	Material printed or disseminated during the election period to publicise a function or event are subject to the CEO certification process.	<p>Function or events for the purpose of electioneering must not be resourced or publicised by Council.</p> <p>Normal Council events are not prohibited in the election period. However, it is recommended that they be kept to a minimum.</p> <p>Where events do occur, councillors are advised that they are representing the Council and should not use the opportunity for electioneering.</p>

	Publications	Resources
	<i>Council advertisements, handbills, pamphlets and notices must be certified by the CEO during an election period. Penalties apply to the certification, printing, publishing or distribution of such documents containing electoral matter.</i>	<i>Council must ensure that council resources, including staff, are not used for electoral campaigning purposes during elections. In some cases misuse of Council resources may be a criminal offence that can be prosecuted in Court.</i>
Speeches	Any publication or distribution of councillor's speeches by Council is subject to the CEO certification process.	Council staff and resources are not to be used to prepare or publish speeches that contain electoral matter.
Title of Councillor		Councillors may use the title of 'Councillor' in their election material, as they continue to hold their positions in the period. To avoid confusion, councillors are advised to ensure that any election publication using the title 'Councillor' clearly indicates that it is their own material and does not represent Council.
Returning Officer	The election Returning Officer is a statutory position and does not perform his or her duties on behalf of Council. Therefore, publications by a VEC Returning Officer do not need CEO certification.	

2.6 Election Campaign Donations

- a) In accordance with section 62 of the *Act* – within 40 days after Election Day a person who was a candidate in the election must give an election campaign donation return to the CEO.

The CEO must within 14 days after the above specified period submit a written report to the Minister specifying the names of candidates and the names of the persons who submitted a return.

- b) It is unlawful for a councillor, candidate or person acting on behalf of a councillor or candidate to receive during the "donation period" a gift made to or for the benefit of the councillor, being a gift the amount or value of which is equal or exceeds \$500, unless:
- i) the name and address of the person making the gift are known to the recipient of the gift; or
 - ii) at the time when the gift is made, the giver discloses his, her or its name and address, and the recipient has no grounds for thinking that the name and address are untrue.

In this clause "donation period" means the period commencing 30 days after the Election Day in the last election for Council or 30 days after the last Election Day in the current election for that ward.

- c) A person who is a candidate in an election is to be taken to remain a candidate for 30 days after the Election Day in the election.
- d) Two or more gifts made by the same person to or for the benefit of a councillor or candidate are to be taken to be one gift.

3. DEFINITIONS

Some of the terms used in this policy are defined in the *Act* and their use in this Policy is consistent with the *Act*.

Council branding includes that branding related to:

- Euroa Community Cinema
- Euroa Visitor Information Centre (The Hub)
- Nagambie Visitor Information Centre
- Evolve Youth committee
- Active Evolution youth activity
- Access and Disability Advisory Committee
- Love Strathbogie

Council resources include:

- Staff
- Property
- Equipment
- Stationery
- Finances

Social Media site refers to:

- Council's Facebook account
- Euroa Community Cinema Facebook account
- Evolve Facebook account

Auspiced social media site refers to:

- All social media sites run and managed by Section 86 appointed committees
- All social media sites run and managed by Council volunteers

Council website refers to Council's:

- Corporate website at www.strathbogie.vic.gov.au

4. FURTHER INFORMATION

This policy is intended as a guide for council staff, councillors, and council appointed volunteers. There are a number of matters relevant to elections in the *Act* which have not been addressed in this policy. For further information access the *Local Government Act 1989* via www.legislation.vic.gov.au.

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.

5.7.3 **Principal Conduct Officer**

Author / Department

Director, Corporate and Community / Corporate and Community Directorate

Disclosure of Conflicts of Interest in relation to advice provided in this report

The author of this report and officers/contractors providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the Local Government Act 1989

Summary

The Local Government Amendment (Improved Governance) Act 2015 ("The Act") introduced the requirement for all Councils to appoint a Principal Conduct Officer. This report provides the background to the Act and the nominated officer of Council to undertake this role.

RECOMMENDATION

That Council appoint the Executive Manager, Corporate and Community (Caroline Wallis), as the Principal Conduct Officer for Strathbogrie Shire Council.

17/16 CRS SWAN/LITTLE : That the Recommendation be adopted.

CARRIED

Background

The Victorian State Government passed the Local Government Amendment ((Improved Governance) Act 2015 ("The Act") in October 2015, most of which came into effect on 1 March 2016. The balance of the Act will come into effect on 1 September 2016. The sections that came into effect on 1 March 2016 included the requirement for Councils to appoint a Principal Conduct Officer. The purpose of the position of Principal Conduct Officer is to assist the Council in the implementation of its Councillor Code of Conduct, including conduct of the internal resolution procedure.

The changes are a prelude to a comprehensive review of the Local Government Act 1989. The reforms of the Act are intended to improve the accountability of Councillors. In particular, they seek to encourage improved standards of behaviour in order to strengthen Council governance. The reasons these reforms have been enacted now are that they are considered too important to wait for the overarching Local Government Act 1989 review to be completed.

Alternative Options

The author and other officers providing advice in relation to this report have considered potential alternative courses of action. No feasible alternatives have been identified.

Risk Management

The author of this report considers that there are no significant Risk Management factors relating to the report and recommendation.

5.7.3 Principal Conduct Officer (cont.)

Strategic Links – policy implications and relevance to Council Plan

The officer who prepared this report considers that the report is consistent with Council Policies, Key Strategic documents, and Council Plan Goal 4: 'Governance',.

Best Value / National Competition Policy (NCP / Competition and Consumer Act 2010 (CCA) implications

The author of this report considers that the report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements.

Financial / Budgetary Implications

The author of this report considers that the recommendation has no capital or recurrent budget considerations.

Economic Implications

The author of this report considers that the recommendation has no significant economic implications for Council or the broader community.

Environmental / Amenity Implications

The author of this report considers that the recommendation has no significant environmental or amenity implications for Council or the broader community.

Community Implications

The author of this report considers that the recommendation has no significant community or social implications for Council or the broader community.

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal / Statutory Implications

The report has considered Council's legal obligations and the recommendation covers Council's legal requirements.

Consultation

The author of this report considers that the matter under consideration did not warrant a community consultation process.

Attachments

Nil

**5.7.4 Euroa Criterium Competitive Cycling Event
– Short-Term Local Road Closures**

Author & Department

Technical Officer – Engineering / Asset Services Department

Disclosure of Conflicts of Interest in relation to advice provided in this report

The author of this report and officers/contractors providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the Local Government Act 1989.

Summary

The organisers of the proposed “Euroa Criterium” cycling event are seeking Council approval for short term full road closures in Euroa to conduct a closed road competitive cycling event.

RECOMMENDATION

That Council approve the short term road closure of the following roads on Saturday 23rd April 2016:

<u>Road</u>	<u>Between</u>	<u>Closure Times</u>
Kirkland Avenue	Bury Street and Railway Street	12.00pm – 6.00pm
Railway Street	Kirkland Avenue and Binney Street	12.00pm – 6.00pm
Binney Street	Railway Street and Bury Street	12.00pm – 6.00pm
Bury Street	Binney Street and Kirkland Avenue	12.00pm – 6.00pm

under Section 207 and Schedule 11, Clause 10 (1) (b) of the Local Government Act 1989 “Power to place obstruction or barriers on a road temporarily.

18/16 *CRS WILLIAMS/WEATHERALD* : *That the Recommendation be adopted.*

CARRIED

Background

- Council has received an event application from the organisers of the proposed “Euroa Criterium” cycling event seeking council approval for short term road closures in Euroa for the purposes of conducting a closed road competitive cycling event on Saturday 23rd April 2016.
- The locations and times of the requested road closures are as follows:

Road	Between	Closure Times
Kirkland Avenue	Bury Street and Railway Street	12.00pm – 6.00pm
Railway Street	Kirkland Avenue and Binney Street	12.00pm – 6.00pm
Binney Street	Railway Street and Bury Street	12.00pm – 6.00pm
Bury Street	Binney Street and Kirkland Avenue	12.00pm – 6.00pm

5.7.4 Euroa Criterium Competitive Cycling Event
– Short-Term Local Road Closures (cont.)

- One month and also again one week prior to this event the organising body will be required to contact all landowners/occupants and business owners along the subject roads (or sections of road) advising details of the proposed road closures.
- Prior to this event the organising body will place local newspaper advertisements to inform the public of the proposed road closures.
- The organising body of this event will also be required to utilise temporary road closure advisory signs and locate them at strategic locations leading up to, and also on the day of this event to notify road users of the event related road closures.
- Only event vehicles and emergency service vehicles are to be permitted to access these roads for the duration of these short term proposed road closures. Residents will be advised that no local traffic vehicle movements shall be permitted for the duration of these short term proposed road closures.
- The road closures for this event will begin at 12.00pm, and the competitive cycling event will start at approximately 1.00pm.
- It is envisaged that there will be quite a few vehicles parked along the closed roads of the race circuit when the roads are to be closed at 12.00pm. The organisers of this event will be responsible for ensuring that the race circuit is cleared of all parked vehicles before the race begins.
- The preceding briefing note to this report which was recently presented to AOC listed all of the proposed road closures to start at 12.30pm. However at a meeting held on Friday 8th April 2016 between Council staff and the event organisers, an agreement was reached that closing the roads at 12.00pm would be a more sensible approach. This report now reflects this amended road closing time of 12.00pm.

Alternative Options

The author and other officers providing advice in relation to this report have considered potential alternative courses of action. No feasible alternatives have been identified.

Risk Management

Significant Risk Management Factors – The event organisers are currently preparing their event management, traffic management and risk management plans. These will all be required to meet Council approval prior to Council issuing final approval for this event.

Strategic Links – policy implications and relevance to Council Plan

The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan.

5.7.4 Euroa Criterium Competitive Cycling Event
– Short-Term Local Road Closures (cont.)

Best Value / National Competition Policy (NCP / Competition and Consumer Act 2010 (CCA) implications

The author of this report considers that the report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements.

Financial / Budgetary Implications

The author of this report considers that the recommendation has no capital or recurrent budget considerations.

Economic Implications

The Euroa Criterium Competitive Cycling Event will attract a significant number of people to Euroa for the duration of this event, and will provide a boost in trading for the food businesses and other retailers within the central Euroa shopping precinct along Binney Street.

Environmental / Amenity Implications

Any residents or businesses located within the closed racing circuit will not be able to access their properties for the duration of these road closures.

Community Implications

The organising body of this event will be required to notify all affected residents and business operators, and also place local newspaper advertisements to inform the public of these road closures. Any residents or businesses located within the closed racing circuit will not be able to access their properties for the duration of these road closures.

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal / Statutory Implications

The author of this report considers that the recommendation has no legal or statutory implications which require the consideration of Council.

Consultation

- All necessary community consultation regarding these proposed short term road closures will be undertaken by the organising body of this event.
- One month and also again one week prior to this event the organising body will be required to contact all landowners/occupants and business owners along the subject roads (or sections of road) advising details of the proposed road closures.
- Prior to this event the organising body will place local newspaper advertisements to inform the public of the proposed road closures.
- The organising body of this event will also be required to utilise temporary road closure advisory signs and locate them at strategic locations leading up to, and also on the day of this event to notify road users of these event related road closures.

5.7.4 Euroa Criterium Competitive Cycling Event
– Short-Term Local Road Closures (cont.)

Attachments

Nil

6. URGENT BUSINESS

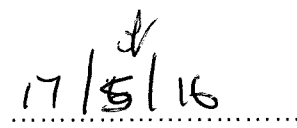
7. CLOSURE OF MEETING TO THE PUBLIC TO CONSIDER MATTERS LISTED FOR CONSIDERATION IN ACCORDANCE WITH SECTION 89(2) OF THE LOCAL GOVERNMENT ACT 1989

8. CONFIRMATION OF 'CLOSED PORTION' DECISION/S

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 5.15 P.M.

Confirmed as being a true and accurate record of the Meeting


.....
Chair


.....
Date

