



STRATHBOGIE SHIRE COUNCIL

Notice is hereby given that an Extraordinary Meeting of the Strathbogie Shire Council will be held on Tuesday 28 June 2022 at the Euroa Community Conference Centre, commencing at 6.00 pm

Chair:	Laura Binks (Mayor)	(Mount Wombat Ward)
Councillors:	David Andrews	(Lake Nagambie Ward)
	Reg Dickinson	(Lake Nagambie Ward)
	Sally Hayes-Burke	(Seven Creeks Ward)
	Kristy Hourigan	(Seven Creeks Ward)
	Paul Murray	(Hughes Creek Ward)
	Chris Raeburn	(Honeysuckle Creek Ward)
Officers:	Julie Salomon	Chief Executive Officer (CEO)
	David Roff	Director, Corporate Operations (DCO)
	Amanda Tingay	Director, Community and Planning (DCP)
	Dawn Bray	Director, People and Governance (DPG)
	Kristin Favaloro	Executive Manager, Communications and Engagement (EMCE)

BUSINESS

1. Welcome
2. Acknowledgement of Traditional Land Owners

We acknowledge the Traditional Custodians of the places we live, work and play.

We recognise and respect the enduring relationship they have with their lands and waters, and we pay respects to the Elders past, present and emerging.

Today we are meeting on the lands of the Taungurung peoples of the Eastern Kulin nation, whose sovereignty here has never been ceded.
3. Apologies
4. Disclosure of Conflicts of Interest
5. Officer Reports
 - 5.1 Strategic and Statutory
 - 5.2 Community
 - 5.3 Infrastructure
 - 5.4 Corporate
 - 5.5 Governance and Customer Service
 - 5.6 Executive
6. Confidential Business

Julie Salomon
CHIEF EXECUTIVE OFFICER

24 June 2022

REPORTS INDEX

5.	OFFICER REPORTS	
5.1	Strategic and Statutory	
5.2	Community	
5.2.1	Council's role in acknowledging January 26 - deliberative community engagement	1
5.3	Infrastructure	
5.4	Corporate	
5.5	Governance and Customer Service	
5.6	Executive	
6.	CONFIDENTIAL BUSINESS	16
	Nil	

5. REPORTS

5.2 COMMUNITY

5.2.1 Council's role in acknowledging January 26 – deliberative community engagement

Author: Manager Community and Culture

Responsible Director: Director Community & Planning

EXECUTIVE SUMMARY

At the 19 October 2021 Council meeting, Cr Sally Hayes-Burke sought a report from officers regarding Council's role in January 26 activities in recognition of First Nations people. This report was considered at the 17 May 2022 Council meeting, authorising broader consultation on two options with the community and relevant stakeholders including local Australia Day Committees and First Nations representatives.

This report provides a summary of the community engagement findings following the broader consultation and a full copy of the report is attached.

Council officers wrote to all six local Australia Day Committees requesting a meeting to obtain feedback on the proposed two options. Two of the six Committees elected to meet with officers and two other Committees advised that they did not wish to meet. Council received verbal feedback from Taungurung Land and Waters Council (TLaWC) supporting a change and received no response from Yorta Yorta Aboriginal Corporation.

Feedback received via Share Strathbogie was varied, with no clear mandate for change nor a strong determination to retain existing arrangements. Feedback from some Australia Day Committees, Business Chambers and community members sought for further time and consultation. Overall, the project page on Share Strathbogie achieved 1863 views and 29 submissions were also received.

Several Victorian Councils have already made small to large scale changes relating to January 26 ranging from changing the language used around Australia Day by simply removing the word celebrate, renaming Australia Day awards to 'Community Awards' through to abolishing celebrating Australia Day. Conversely, some Councils have elected not to change the way they celebrate January 26 and continue to hold Australia Day activities.

In response to the community feedback, Council Officers have developed a range of options for Council consideration.

After considering the legislative requirements, the Memorandum of Understanding (MOU) with the TLaWC and the community feedback, officers propose Option 5 for Council's consideration. This option recommends that Council continues existing arrangements for January 26 in 2023 and undertakes an independently recruited Community Panel, to participate in an independently facilitated deliberative engagement process to determine Council's role on January 26 for 2024 and beyond.

5.2.1 Council's role in acknowledging January 26 – deliberative community engagement (cont.)

It is proposed the depth of engagement for this deliberative engagement process is set at 'collaborate', which means that Council will partner with the Community Panel in each aspect of the decision including the identification of the preferred solution. It means Council will look to the panel for advice and innovation in formulating solutions and incorporate their advice and recommendations into the decisions to the maximum extent possible.

RECOMMENDATION

That Council:

1. ***Note the community feedback as outlined in the Community Engagement Report;***
2. ***Continue to celebrate January 26 in 2023 as per existing arrangements, acknowledging that some communities will choose not to undertake such events;***
3. ***Authorise officers to engage an independent consultant to undertake a deliberative engagement process, with the level of engagement set at 'collaborate' under the International Association for Public Participation Spectrum to determine a recommendation/s for Council's role in Australia Day for 2024 and beyond;***
4. ***Note that the participants for this Community Panel will be recruited by the independent consultant and will reflect the diversity of our community; and***
5. ***Recognise that the 'collaborate' level of engagement means that Council will look to the community panel for advice and innovation in formulating solutions and incorporate their advice and recommendations into the decisions to the maximum extent possible and that the outcomes of the engagement process be presented to a Council meeting for adoption in the first quarter of 2023.***

PURPOSE AND BACKGROUND

At the 19 October 2021 Council meeting, Cr Sally Hayes-Burke sought a report from officers regarding Council's role in January 26 activities in recognition of First Nations people.

A report was tabled at the 17 May 2022 Council Meeting, with the subsequent resolution authorising officers to undertake broad consultation on two options with the community and relevant stakeholders including the Shire's Australia Day Committees and First Nations representatives. The resolution authorised Council officers to engage with the community on the following options for a period of four weeks as follows:

- Option 1 – included a series of actions that no longer formally support celebrations on January 26
- Option 2 – sought feedback to continue to celebrate January 26 as per existing arrangements.

5.2.1 Council's role in acknowledging January 26 – deliberative community engagement (cont.)

The engagement findings indicated that the feedback was varied, with no clear mandate for change, nor a strong determination to retain existing arrangements. Given this response, Officers believe that a further deliberative engagement process, through the establishment of an independently recruited and facilitated Community Panel, is required to allow considered deliberation on the topic in a safe, secure and independently facilitated setting.

The full engagement report detailing the findings of this consultation is attached to this report.

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.

Australia Day celebrations across Strathbogie Shire have typically been held in most towns across the municipality led and delivered by community-based Australia Day Committees. Events planned over the past few years have been impacted by COVID-19 with lower attendance numbers and cancellations. The celebrations typically include Council's Australia Day Awards Program and funding from the National Australia Day Council. Some townships have moved away from holding a community celebration on January 26.

A number of Victorian Councils have already made small to large scale changes relating to January 26 ranging from changing the language used around Australia Day by simply removing the word celebrate, renaming Australia Day awards to 'Community Awards' through to abolishing celebrating Australia Day. Conversely, some Councils have elected not to change the way they celebrate January 26 and continue to hold Australia Day activities on January 26.

Below is a snapshot of other Council's approaches to January 26:

- In 2017 Yarra City and Darebin City Council determined they would no longer refer to January 26 as Australia Day. Yarra City Council ceased holding citizenship ceremonies on that date whilst Darebin renamed their Australia Day Awards to Darebin Community Awards
- Moreland City Council has determined to support the "Change the Date Campaign", advocating this issue at the Federal Government level
- Whittlesea City Council no longer hold an Australia Day event on January 26 but will continue to hold a citizenship ceremony on this day
- Surf Coast Shire adopted changes in September 2021 to discontinue all Australia Day celebrations and fly Aboriginal and Torres Strait Island flags at half-mast on January 26
- Mitchell Shire and the Shire of Campaspe will go ahead with their usual Australia Day events
- Shepparton City Council is considering options for 2023.

After considering the legislative requirements, the Memorandum of Understanding (MOU) with the TLaWC and the community feedback, Council Officers have considered a range of options regarding Strathbogie Shire Council's involvement in January 26. A summary of different options has been presented in the table below.

5.2.1 Council's role in acknowledging January 26 – deliberative community engagement (cont.)

Details	Considerations
Option 1: (as per 17 May 2022 Council Resolution)	
<p>Council no longer formally supports celebrations on January 26 each year as follows:</p> <ul style="list-style-type: none"> • Lower the Aboriginal Flag to half-mast on January 26 out of respect for the First Nations People and what the day represents for First Nations people; • Continue Council's requirement to hold a Citizenship Ceremony on January 26 as required; • Advocate to the State and Federal Governments where appropriate to change the date of 'Australia Day' to a date that can be celebrated by all; • National Australia Day Council funding to hold or host Australia Day awards or celebratory activities to be the responsibility of the individual township Australia Day Committees for events in 2023 and beyond; • Amend Council's event sponsorship and community grant guidelines deeming activities celebrating Australia Day on January 26 (in kind or cash) as ineligible; • Promotion of celebrations held on January 26 to be coordinated by the individual township Australia Day Committees for events in 2023 and beyond, and; • Formally support the celebration of community contribution with annual awards in May as part of Volunteer Week, recognising the outstanding community contribution of individuals and groups within Strathbogrie Shire commencing in 2023. <p>Please note: this option does not exclude Australia Day Committees from continuing to host celebrations and local township community awards on January 26.</p>	<ul style="list-style-type: none"> • Consistent with the Strathbogrie Community Vision. • Consistent with Council's MOU with TLaWC. • Consistent with the Victorian Charter of Human Rights. • Community feedback received indicated that some consider the change of date is the responsibility of State and Federal Government. • Community feedback received indicated that some consider flying Aboriginal flag at half-mast as a strong political statement and/or a contravention to flag raising protocols.
<p>Officer Recommendation: Not recommended based on the varied community feedback received on this proposed option.</p>	

5.2.1 Council's role in acknowledging January 26 – deliberative community engagement (cont.)

Option 2 (as per 17 May 2022 Council resolution)

Council will:

- Continue to celebrate January 26 as per existing arrangements.

- Reaffirms Council's support role to current Australia Day Committees in their event planning and delivery of Australia Day celebrations on January 26. This includes:
 - Applying, coordinating, and acquitting funds (if available) from the National Australia Day Council
 - Overseeing all Australia Day activities (excluding programming and event delivery)
 - Promotion and marketing associated with the events
 - Completing the risk assessments on behalf of the Committees
 - Back of House management of the Australia Day Awards nomination and approval process
 - Coordination of Councillor attendance and speeches
 - Providing hand sanitisation stations and hydration stations where possible to ensure public safety at events
 - Managing the Australia Day ambassadors
 - Officers do have a role on the day of the events
- Option is inconsistent with the intent of the Memorandum of Understanding (MOU) between Taungurung Land and Waters Council (TLaWC), the adopted Community Vision, and the Victorian Charter of Human Rights 2006.

Officer Recommendation: Not recommended based on the varied community feedback on this proposed option.

5.2.1 Council's role in acknowledging January 26 – deliberative community engagement (cont.)

Option 3:	
<p>Council will:</p> <ul style="list-style-type: none"> • Continue to celebrate January 26 as per existing arrangements; and • Transition from Shire Awards announced at Australian Day celebrations and introduce a shire wide Strathbogie Rocks Annual Community Awards Event, recognising the outstanding community contribution of people within the Strathbogie Shire delivered as part of volunteer week. <p>Please note: Additional resources would be required due to Council Officers coordinating both Australia Day Events and the Strathbogie Rocks Awards celebration.</p>	<ul style="list-style-type: none"> • Reaffirms Council's support role to current Australia Day Committees in their event planning and delivery of Australia Day celebrations on January 26. • Ensures that all townships and members of the community can participate in shire wide community awards noting that at least two townships do not host Australia Day activities including community awards. • Council currently supports committees in the delivery of these events by: <ul style="list-style-type: none"> - Applying, coordinating, and acquitting funds (if available) from the National Australia Day Council - Overseeing all Australia Day activities - Promotion and marketing associated with the events - Completing the risk assessments on behalf of the Committees - Coordination of Councillor attendance, and speeches - Providing hand sanitisation stations and hydration stations where possible to ensure public safety at events - Managing the Australia Day ambassadors - Council officers do not have a role on the day of the events • Option is inconsistent with the intent of the Memorandum of Understanding (MOU) between Taungurung Land and Waters Council (TLWC), the adopted Community Vision, and the Victorian Charter of Human Rights 2006.
<p>Officer Recommendation: Not recommended due to the additional ongoing resource implications associated with this proposed option.</p>	

5.2.1 Council's role in acknowledging January 26 – deliberative community engagement (cont.)

Option 4	
<p>Council no longer formally supports celebrations on January 26:</p> <ul style="list-style-type: none"> • No longer formally support Australia Day celebrations on January 26; • Note that the planning, promotion, and delivery of Australia Day celebrations on January 26 are the responsibility of local township Australia Day Committees or community groups; • Note that individual Australia Day Committees or community groups are responsible for sourcing, applying and acquitting any funding associated with the celebration of Australia Day; • Authorise officers to amend Council's event sponsorship and community grant guidelines deeming activities celebrating Australia Day on January 26 (in kind or cash) as ineligible; • Note that Council officers will continue to fulfill Council's statutory obligations regarding the review and approval of event permits under Local Law 2; • Continue to hold Citizenship Ceremonies on January 26 as required; and • Introduce a shire wide Strathbogie Rocks Annual Community Awards Event, recognising the outstanding community contribution of people within the Strathbogie Shire delivered as part of volunteer week, with Officers to provide award guidelines for consideration at a future Council meeting. <p>Please note: this option does not exclude Australia Day Committees from continuing to host township celebrations including award celebrations on January 26.</p>	<ul style="list-style-type: none"> • Acknowledges community feedback that some consider the change of date is the responsibility of State and Federal Government. Officer Response: Proposed advocacy role has been removed. • Acknowledges community feedback that some consider flying Aboriginal flag at half-mast either as a strong political statement or a contravention to flag raising protocols. Officer Response: Reference to fly the First nations Flags at half-mast has been removed. • Remains consistent with the Strathbogie Community Vision, Councils MOU with TLaWC and Councils obligations under the Victorian Charter of Human Rights.
<p>Officer Recommendation: Whilst officers consider this option provides a balanced approach, it is not recommended based on the community feedback providing no clear mandate for change.</p>	

5.2.1 Council's role in acknowledging January 26 – deliberative community engagement (cont.)

Option 5	
<p>Council will:</p> <ul style="list-style-type: none"> • Continue to celebrate January 26 as per existing arrangements for 2023; and • Undertake a deliberative engagement process through the appointment of a suitably qualified IAP2 qualified facilitator that will: <ul style="list-style-type: none"> ○ independently recruit a representative Community Panel of participants ○ facilitate panel discussions in order to provide a recommendation for Council endorsement regarding its future role in January 26 from 2024 onwards. <p>Please note:</p> <ul style="list-style-type: none"> • Financial Implications: Up to \$25,000 for the independently recruited and facilitated deliberative engagement process which can be sourced from existing budget parameters. • Not all townships will elect to celebrate January 26 	<ul style="list-style-type: none"> • Community feedback provides no clear mandate for change or for the continuation of current arrangements. • Undertaking a deliberative engagement process is best practice engagement. Set at the 'collaborate' level, this will ensure that the representative sample of Community Panel members will provide a clear recommendation to Council's consideration regarding its future role in January 26. • For the 2023 event, Council will support Australia Day Committees in the delivery of these events by: <ul style="list-style-type: none"> - Applying, coordinating, and acquitting funds (if available) from the National Australia Day Council - Overseeing all Australia Day activities - Promotion and marketing associated with the events - Completing the risk assessments on behalf of the Committees - Coordination of Councillor attendance, and speeches - Providing hand sanitisation stations and hydration stations where possible to ensure public safety at events - Managing the Australia Day ambassadors. - Coordination of the Australia Day Awards nomination and approval process - Council officers do not have a role on the day of the events
<p>Officer Recommendation: Based on the varied feedback received via Share Strathbogie and with no clear mandate for change nor a strong determination to retain existing arrangements, officers recommend this option as a transparent and meaningful approach.</p>	

5.2.1 Council's role in acknowledging January 26 – deliberative community engagement (cont.)

On balance, Council Officers recommend Option Five as the preferred approach as it is consistent with a number of Council's commitments and obligations, as outlined below:

- Feedback from the community is varied and this option endeavours to address some concerns expressed.
- This option provides additional time and best practice engagement to reach a recommendation for Council's consideration on this important topic.
- Set at 'Collaborate' under the International Public Participation (IAP2) Spectrum, the deliberative engagement process ensures a partnership approach between Council and the community to identify a recommendation on Council's role in January 26 in 2024 and beyond. Councillors' role in this panel process will be to listen to the discussion and provide clarification on any questions the community panel may seek answers to.
- Deliberative democracy emphasises information processing. Participants have access to neutral, balanced information, from a range of sources and are asked to weigh up these different perspectives and make an informed response.
- It is important to note deliberative engagement differs from participatory democracy (broad community engagement) which involves lots of people in many different ways, because it is a smaller, representative group considering an issue in-depth. The process set at "Collaborate" will ensure that Council will look to the panel for advice and innovation in formulating solutions and incorporate their advice and recommendations into the decisions to the maximum extent possible.

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 community engagement principles set out in the Local Government Act are:

- a community engagement process must have a clearly defined objective and scope
- participants in community engagement must have access to objective, relevant and timely information to inform their participation;
- participants in community engagement must be representative of the persons and groups affected by the matter that is the subject of the community engagement;
- participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement;
- participants in community engagement are informed of the ways in which the community engagement process will influence Council decision making.

Significant consultation has been undertaken, as per the resolution following the Council meeting on 17 May 2022 regarding Council's role in acknowledging January 26.

5.2.1 Council's role in acknowledging January 26 – deliberative community engagement (cont.)

From 23 May to 20 June 2022, Council delivered an engagement program and extensive communications campaign to ensure Shire residents knew Council was seeking their feedback on two options.

Council sought the advice of TLaWC and the Yorta Yorta Nation Aboriginal Cooperative. Face-to-face meeting requests were made to all Australia Day Committees across the Shire. The engagement activities ensured quantitative and qualitative engagement techniques were used to gather community views.

Through the Share Strathbogie website, community was provided an opportunity to vote for their preferred option, while further feedback could be provided by making a submission to Council. Voting could be done online, or the community was also encouraged to phone our Customer Service Centres to register their vote.

Details of the Engagement

Depth: Consult

Public participation goal: To obtain public feedback on analysis, alternatives and/or decisions.

Promise to the public: We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.

The goals and tools used are summarised in the table below

Stage	Goal	Tools and methods
One	<ul style="list-style-type: none"> To inform the community about Council's consultation about January 26. To seek community input into two options for Council's future involvement on January 26 To ensure the community understands how to share their views. 	<ul style="list-style-type: none"> Social media Paid advertising Media release Share Strathbogie online engagement Telephone voting options eNews Website content Face-to-face meetings Letters seeking feedback

The project page on Share Strathbogie achieved 1863 views, with the voting poll receiving 845 votes from 492 IP addresses. Council officers have presented the data in the engagement report three ways to ensure multiple votes from single IP addresses are clearly understood.

When looking at the data from a single IP address 46 per cent of respondents voted for option one (Council no longer formally supports 26 January celebrations) and 54 per cent option two (continue to celebrate 26 January as per current arrangements).

Twenty-nine submissions were also received. Of these, 12 were in support of option one, six were in support of option two and 11 provided alternative views or information.

5.2.1 Council's role in acknowledging January 26 – deliberative community engagement (cont.)

Officers made contact with Taungurung Land and Waters Council and Yorta Yorta Nations Aboriginal Corporation to get their position on January 26 respectfully. Whilst Taungurung have not formed a formal position on January 26, they verbally indicated that they are 'in principle' supportive of Council's proposed change and approach however noted that ultimately this was a leadership decision of Council as it was related to Council's role only.

A full copy of the Engagement Report is attached to this report.

POLICY CONSIDERATIONS

Council Plans and Policies

This report is consistent with the direction of the endorsed Strathbogie Community Vision within the adopted Council Plan 2021-25 '*We care deeply for Country and First Nations people*' and '*We are bold*' and the inclusivity objectives within.

Strategic focus area 4: Inclusive. Productive. Balanced

In the future we involve the community in decisions that affect them This means we care, support and listen to each other.

Strategic focus area 5: Strong. Healthy. Safe

In the future our communities are filled with happy, healthy people.

In addition, the Community Engagement Policy provides the scope and commitments of Strathbogie Shire Council's community engagement practices and responsibilities. We want to encourage participation to support open, honest and meaningful conversations with our community. This will ensure community members' priorities and expectations are reflected in Council activities and decision making.

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 deliberation of this matter will need to consider a range of state plans, including the Aboriginal Local Government Strategy 2021-2026 provides a platform for facilitating, supporting, and implementing Victoria's groundbreaking self-determination policy reforms. In addition the Strategy values and emphasises shared roles and responsibilities, and the need for partnerships between local government and First nations Victorians based on sharing, listening, care, trust, truth-telling, and understanding.

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.

5.2.1 Council's role in acknowledging January 26 – deliberative community engagement (cont.)

The Local Government Act 2020 has, as its core, the aim of ensuring all Victorians have the opportunity to engage with their council on local priorities and the future of their community.

The deliberation of this matter will need to consider (amongst other matters) a number of pieces of legislation inter alia:

- Australian Citizenship Act 2007 (the Citizenship Act) - sets out the legal requirements for conducting Citizenship ceremonies as well as the roles and responsibilities for those involved in their delivery.

There is no statutory or legal requirement for Councils to hold ancillary Australia Day celebrations on January 26.

- Local Government Act 2020 – outlines Council's responsibility to deliver a range of essential programs and services that are accessible, equitable and meet the needs of the Strathbogie community.
- Victorian Public Health and Wellbeing Act 2008 - as a Council, we have a legislative responsibility to ensure everyone's health and wellbeing.
- Victorian Charter of Human Rights and Responsibilities Act 2006 - including Aboriginal and Torres Strait Islander cultural rights.
- Aboriginal Heritage Act 2006 - aims to recognise, protect and conserve Aboriginal cultural heritage in Victoria, in ways that are based on respect for Aboriginal knowledge and cultural and traditional practices.

The Local Government Act 2020 also sets out core principles that need to be applied by Council and the Administration. The following are relevant to the matter before us and need to be considered when making a decision:

- Overarching principle - Council decisions are to be made and actions taken in accordance with the relevant law;
- Overarching principle - priority is to be given to achieving the best outcomes for the municipal community including future generations
- Overarching principle - the municipal community is to be engaged in strategic planning and strategic decision making
- Overarching principle - collaboration with other Councils and Governments and statutory bodies is to be sought
- Overarching principle - regional, state and national plans and policies are to be taken into account in strategic planning and decision making
- Overarching principle - the transparency of Council decisions, actions and information is to be ensured.

The community engagement principles are set out earlier in this report under the Community Engagement section.

5.2.1 Council's role in acknowledging January 26 – deliberative community engagement (cont.)

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.

This report supports public transparency as it shares the process by which the matter has been considered and the decision is being made.

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.

Option 5 will require a financial commitment of approximately \$25,000 to appoint an independent organisation to undertake the deliberative engagement process (including the independent recruitment of panel members to ensure a representative sample and independent facilitation of the session/s). This cost can be covered within existing budget allocation.

Option 3 will also incur further ongoing costs (to be determined) due to the officers supporting the Australia Day events plus resources required to arrange and host the Shire Wide Strathbogie Rocks Community Awards.

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.

Economic

There are no significant economic impacts associated with the recommendations in this report.

Social

This report seeks to undertake a deliberative engagement process with our community to further explore Council's role on 26 January in 2024 and beyond.

Environmental

There are no significant environmental impacts associated with this report.

Climate change

There are no significant climate change impacts associated with the report.

5.2.1 Council's role in acknowledging January 26 – deliberative community engagement (cont.)

HUMAN RIGHTS CONSIDERATIONS

The deliberation of this matter is consistent with Victorian Charter of Human Rights and Responsibilities Act 2006 most notably in the areas of recognition, equality and cultural rights, as per sections 18 and 19.

Section 18 - Taking part in public life

- (1) Every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives.
- (2) Every eligible person has the right, and is to have the opportunity, without discrimination—
 - a. to vote and be elected at periodic State and municipal elections that guarantee the free expression of the will of the electors; and
 - b. to have access, on general terms of equality, to the Victorian public service and public office.

Section 19 Cultural rights

- (1) All persons with a particular cultural, religious, racial or linguistic background must not be denied the right, in community with other persons of that background, to enjoy his or her culture, to declare and practise his or her religion and to use his or her language.
- (2) Aboriginal persons hold distinct cultural rights and must not be denied the right, with other members of their community—
 - a. to enjoy their identity and culture; and
 - b. to maintain and use their language; and
 - c. to maintain their kinship ties; and
 - d. to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

CONCLUSION

Council Officers were authorised at the 17 May 2022 Council meeting to conduct broad consultation on two options in relation to Council's acknowledgment of January 26, with the Strathbogie community, Australia Day Committees located in Strathbogie Shire and the relevant Registered Aboriginal Parties.

This report notes the varied views presented in the Engagement Report and acknowledges the difficult but important conversations that were enabled through this consultation.

The Engagement Report indicated the community was split relatively evenly on this complex issue with no clear mandate for change nor a strong determination to retain existing arrangements. The report also details the views of other key stakeholders which are important to note in Council's decision making.

After considering the feedback, officers propose Option 5 for Council's consideration.

5.2.1 Council's role in acknowledging January 26 – deliberative community engagement (cont.)

This option proposes that Council continues existing arrangements for January 26 in 2023 and undertake an independently recruited Community Panel to participate in an independently facilitated deliberative engagement process, with the depth of engagement set at 'collaborate', to develop a recommendation on Council's role on January 26 for 2024 and beyond.

ATTACHMENTS

Attachment 1: Engagement Report- Council's role on January 26

6. CONFIDENTIAL BUSINESS

Nil.

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