



ORDINARY COUNCIL MEETING

AGENDA

Wednesday 10 February 2021

Commencing at 7.00pm

Via Zoom

**Anthony Judd
Chief Executive Officer
Buloke Shire Council**

ORDER OF BUSINESS

1. COUNCIL WELCOME AND STATEMENT OF ACKNOWLEDGEMENT

WELCOME

The Mayor Cr Daryl Warren will welcome all in attendance.

STATEMENT OF ACKNOWLEDGEMENT

The Mayor Cr Daryl Warren will acknowledge the traditional owners of the land on which we are meeting and pay our respects to their Elders and to the Elders from other communities who maybe here today.

2. RECEIPT OF APOLOGIES

3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDATION:

That Council adopt the Minutes of the Ordinary Meeting held on Wednesday, 9 December 2020.

4. REQUESTS FOR LEAVE OF ABSENCE

5. DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

In accordance with Section 130 (2) of the Local Government Act 2020 Councillors who have a conflict of interest in respect of a matter being considered at this Meeting, must

- a) Disclose the conflict of interest in the manner required by the Council's Governance Rules 2020; and
- a) Exclude themselves from the decision making process in relation to that matter, including any discussion or vote on the matter at any Council meeting or delegated committee, and any action in relation to the matter.

Disclosure must occur immediately before the matter is considered or discussed.

6. QUESTIONS FROM THE PUBLIC

NIL

7. PROCEDURAL ITEMS

7.1	LETTERS OF CONGRATULATIONS AND RECOGNITION OF ACHIEVEMENT/AWARDS	6
7.2	REPORT OF ASSEMBLY OF COUNCILLORS MEETINGS	8
7.3	CORRESPONDENCE INITIATED BY COUNCIL	14
7.4	BUILDING PERMITS - MONTHLY UPDATE	15
7.5	PLANNING APPLICATIONS RECEIVED - MONTHLY UPDATE	17

8. GENERAL BUSINESS

8.1	POLICY REPORTS	19
8.1.1	COUNCILLOR CODE OF CONDUCT	19

8.1.2	RATES AND CHARGES FINANCIAL HARDSHIP POLICY	32
8.1.3	COMMUNITY ENGAGEMENT POLICY	39
8.2	MANAGEMENT REPORTS	58
8.2.1	REVIEW OF COUNCILLOR AND MAYORAL ALLOWANCES	58
8.2.2	GOVERNANCE RULES 2021	61
8.2.3	EXERCISE OF DELEGATION BY CHIEF EXECUTIVE OFFICER	96
8.2.4	BULOKE SHIRE COUNCIL 2017-21 - YEAR 4 ANNUAL PLAN PROGRESS REPORT	98
8.2.5	WYCHEPROOF TURNTABLE LEASE	108
8.2.6	BUILDING BETTER REGIONS FUND APPLICATIONS	111
8.3	FINANCIAL REPORTS	114
8.3.1	FINANCIAL PERFORMANCE REPORT AS AT 31 DECEMBER 2020	114
8.4	ORGANISATIONAL REPORTS	125
	NIL	
8.5	REPORTS FROM COUNCILLORS	125
	NIL	
8.6	MATTERS WHICH MAY EXCLUDE THE PUBLIC	126
	The Meeting may be closed to members of the public to consider confidential matters.	
8.6.1	AUDIT AND RISK COMMITTEE MEETING MINUTES 2 DECEMBER 2020	
8.6.2	CONTRACT C80 2020-2021 - SUPPLY AND DELIVERY OF ONE (1) NEW TIPPING TRUCK AND QUAD DOG TRAILER	
8.6.3	CONTRACT C81 2020-2021 - SUPPLY AND DELIVERY OF ONE (1) NEW MOTOR GRADER	
8.6.4	CONTRACT C91 2020-2021 - ROADS TO REHABILITATION	
8.6.5	CONTRACT C88 2020-2021 - DONALD URBAN ROAD REHABILITATION	
	If the meeting has been closed it will be brought back into open session by resolution	
9.	OTHER BUSINESS	
9.1	NOTICES OF MOTION	127
	NIL	
9.2	QUESTIONS FROM COUNCILLORS	127
	NIL	
9.3	URGENT BUSINESS	127
	NIL	
9.4	ANY OTHER BUSINESS	127
	NIL	
10.	MEETING CLOSE	

NEXT MEETING

THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD IN WYCHEPROOF SUPPER ROOM (PENDING COVID-19 RESTRICTIONS), 367 BROADWAY, WYCHEPROOF ON WEDNESDAY, 10 MARCH 2021 AT 7.00PM.

Anthony Judd
CHIEF EXECUTIVE OFFICER

6. QUESTIONS FROM THE PUBLIC

Nil

7. PROCEDURAL ITEMS**7.1 LETTERS OF CONGRATULATIONS AND RECOGNITION OF ACHIEVEMENT/AWARDS****Author's Title:** Executive Assistant**Department:** Office of the CEO**File No:** CR/13/01**PURPOSE**

This report acknowledges and congratulates community persons and/or groups for their success in being recognised for a significant achievement or for being a recipient of an honourable award.

The report also informs Council of any letters of congratulations or any particular recognition of achievement that Council has received or been awarded in the past month.

RECOMMENDATION

That the Council acknowledge and congratulate the persons and/or groups mentioned in the report for their achievements.

Attachments: Nil**RECOGNITION OF ACHIEVEMENT ITEMS**

Provider	Recipient	Date	Purpose for Recognition
Birchip P-12 School	Jonty Randall	30/12/20	Awarded 2020 Dux of Birchip P-12 School
Charlton College	Rose McGeown	30/12/20	Awarded 2020 Dux of Charlton College
Donald High School	Chloe Frank	30/12/20	Awarded 2020 Dux of Donald High School
Tyrrell College	Jenna Conlan	30/12/20	Awarded 2020 Dux of Tyrrell College
Wycheproof P-12 College	Andrew Mens	30/12/20	Awarded 2020 Dux of Wycheproof P-12 College
Advance Sea Lake Inc	Tasha Bailey and Lily McClelland "Green Lake Australia Day 2020"	26/1/21	Awarded Sea Lake District Community Event of the Year
Advance Sea Lake Inc	Jane and Gavin Stacey	26/1/21	In honour of Maggie Stacey being awarded the Sea Lake District Young Citizen of the Year
Advance Sea Lake Inc	Selina Cox	26/1/21	In honour of Dennis Cox being awarded the Sea Lake Citizen of the Year
Buloke Shire Council	Mrs Bev Cook OAM Nandaly	10/2/21	For her outstanding community service provided to the former Shire of Wycheproof, Nandaly, Wimmera and Mallee Districts, at the time of her intended departure from Nandaly.

Provider	Recipient	Date	Purpose for Recognition
Birchip Community Forum Inc	Joan Glenn	26/1/21	Awarded Birchip Citizen of the Year
Charlton Forum	Kevin Mathews	26/1/21	Awarded Charlton Citizen of the Year
Charlton Forum	Harrison Mulquiny	26/1/21	Presented with a "one-off" Charlton "Special Youth Achievement Award"
Donald 2000	Alison McEwen	26/1/21	Awarded Donald Citizen of the Year
Donald 2000	Will Noble, Jake Sullivan, Jet Adams, Zac Livingston and Tyson Coates Members of the Donald Skate Park Committee	26/1/21	Awarded Donald Young Citizens of the Year
Donald 2000	Esoteric Festival	26/1/21	Awarded Donald Event of the Year
Wychealive Inc	Lynda Rumbold	26/1/21	Awarded Wycheproof Citizen of the Year
Wychealive Inc	Amelia Ison	26/1/21	Awarded Wycheproof Young Citizen of the Year

7.2 REPORT OF ASSEMBLY OF COUNCILLORS MEETINGS

Author's Title: Executive Assistant

Department: Office of the CEO

File No: GO/05/04

RECOMMENDATION

That the Council note the report of Assembly of Councillor Meetings held on 3, 9 and 16 December 2020.

- Attachments:**
- 1 [Councillor Briefing Record - 3 December 2020](#)
 - 2 [Councillor Briefing Record - 9 December 2020](#)
 - 3 [Councillor Briefing Record - 16 December 2020](#)

KEY POINTS/ISSUES

The Local Government Act 1989 (the Act) provides that a record must be kept of any Meeting of Councillors and Staff deemed to be an Assembly of Councillors Meeting as defined in the Act.

In the Act, the definition of an Assembly of Councillors Meeting is a meeting of Councillors if the meeting considers matters that are likely to be the subject of a Council decision or the exercise of delegation and the meeting is:

A planned or scheduled meeting that includes at least half of the Councillors and a member of Council Staff; or

An Advisory Committee of the Council where one or more Councillors are present.

The Act also provides that the record of any Assembly of Councillors is to be reported to the next practicable Council Meeting and recorded in the Minutes.

A record of the Assembly of Councillors Meetings held on 3, 9 and 16 December 2020 are attached.

BULOKE SHIRE COUNCIL

Record

Councillor Briefing

Date and Time:	3 December 2020	Time: 3.00pm – 6.00pm
Location:	Zoom	

ITEMS

NO.	TOPIC	PURPOSE
Councillor/CEO only time 3.00pm – 3.30pm		
1.	Welcome	
2.	Apologies	Cr Pollard, Cr Stewart
3.	Attendees	Cr Warren, Anthony Judd, Cr Simpson, Cr Getley, Cr Vis, Cr Milne, Rose Harris, Travis Fitzgibbon, Wayne O’Toole
4.	Visitors	Aileen Douglas- Manager Finance Dan McLoughlan – Manager Assets
5.	Declarations of Pecuniary Conflicts of Interest	Cr Getley – Item 8.2.4 Draft Ordinary Meeting Agenda 9 December 2020 (NB: Report not discussed during meeting)
6.	Confirmation of Councillor Briefing Notes 21 October 2020	Noted.
7.	Presentations	
7.1	BSC Financial Management – Aileen Douglas	
7.2	Customer Service Management - Travis Fitzgibbon	
7.3	Peak Bodies and Advocacy – Anthony Judd, Chief Executive Officer	
7.4	Birchip Leisure Centre Projects – Dan McLoughlan	

8. Items for Discussion

8.1 Draft Councillor of Conduct – Hannah Yu

8.2 Local Roads and Community Infrastructure Program – Anthony Judd,

9. Councillor Matters

10. CEO Updates

10.1 State Government Budget

**10.2 Draft Ordinary Meeting Agenda 9
December 2020**

11. Next Briefing:

Date and Time: 9 December 2020 **Time:** 4.00pm to 6.00pm

Location: Zoom

12. Briefing Close

Briefing closed at 7.56pm.

BULOKE SHIRE COUNCIL

Record

Councillor Briefing

Date and Time: 9 December 2020 **Time:** 4.30pm – 6.00pm

Location: Wycheproof Supper Room

ITEMS

NO.	TOPIC	PURPOSE
1.	Welcome	
2.	Apologies	Cr Pollard, Cr Stewart
3.	Attendees	Cr Vis, Cr Simpson, Cr Warren, Cr Milne, Cr Getley, Anthony Judd, Wayne O'Toole, Hannah Yu and Travis Fitzgibbon
4.	Visitors	Terry Bramham – Principal - Macquarie Local Government Lawyer
5.	Declarations of Pecuniary Conflicts of Interest	Nil.
6.	Presentations	
6.1	Terry Bramham Workshop (4.30pm)	

7. Next Briefing:

Date and Time: 16 December 2020 **Time:** 3.00pm to 6.00pm

Location: Wycheproof Supper Room

8. Briefing Close

Briefing closed at 6.00pm.

BULOKE SHIRE COUNCIL
Record
Councillor Induction Workshop

Date and Time:	16 December 2020	Time: 3.00pm – 6.00pm
Location:	Wycheproof Supper Room	

ITEMS

NO.	TOPIC	PURPOSE
1.	Welcome	
2.	Apologies	
3.	Attendees	Cr Warren, Cr Vis, Cr Getley, Cr Simpson, Cr Milne, (Cr. Pollard and Cr. Stewart via Zoom) Anthony Judd, Hannah Yu, Wayne O’Toole, Rose Harris, Travis Fitzgibbon
4.	Visitors	
5.	Declarations of Pecuniary Conflicts of Interest	Nil
6.	CEO Mid-Year KPI Discussion	
7.	Presentations	
	7.1 Induction Presentation	
	7.2 Small Halls Funding Report	
	7.3 Major Projects Update	
	7.4 Integrated Strategic Planning Framework Update inc. community plans and summit	
8.	Councillor Updates	
9.	CEO Updates	
10.	Christmas Dinner at the Royal Mail Hotel	

11. Next Briefing:

Date and Time:	3 February 2021	Time: 5.00pm – 8.00pm
Location:	Birchip District Office	

12. Briefing Close

7.3 CORRESPONDENCE INITIATED BY COUNCIL

Author's Title: Executive Assistant

Department: Office of the CEO

File No: GO/06/06

PURPOSE

This report notes and records correspondence initiated by Council and informs the Council of the responses received from this correspondence.

RECOMMENDATION

That the Council notes the record of correspondence initiated by Council and the responses received.

Attachments: Nil

TABLE OF CORRESPONDENCE

Council Initiative	Correspondence sent to	Date sent	Date of Response	Summary of Response
10 June 2020 Ordinary Meeting To advocate for action to improve the shoulders on the Wycheproof – Birchip Road	Graincorp Regional Roads Victoria	24 June 2020		Meeting held on site with Graincorp, Regional Roads Victoria and local residents. Council's engineers have developed and provided conceptual designs to Regional Roads Victoria for their progression.
10 June 2020 Ordinary Meeting To advocate that the Mode Shift Incentive Scheme be continued and funded at \$16M until 30 June 2022;	The Hon Melissa Horne Minister for Public Transport; and Ports and Freight	22 June 2020 Letter re-sent 1/10/20		

7.4 BUILDING PERMITS - MONTHLY UPDATE

Author's Title: Statutory Administration Support

Department: Works and Technical Services

File No: DB/14/01

EXECUTIVE SUMMARY

This report provides information on Building Permits approved by staff from 1 December 2020 to 31 January 2021.

RECOMMENDATION

That the Council note information contained in the report on Building Permits approved by staff from 1 December 2020 to 31 January 2021.

Attachments: Nil

LIST OF BUILDING PERMITS APPROVED BY COUNCIL SURVEYOR

Permit No.	BAMS Permit No.	Address	Project Description	Date Approved
20200212	9959285008762	18 Campbell Street, Birchip	Swimming Pool & Safety Barrier	26/11/2020
20200213	1495722654575	2-4 Messines Street, Nandaly	BBQ Shelter	03/12/2020
20200214	9794111626779	2A Walker Street, Donald (Donald Primary School)	Shade Sail Umbrella	10/12/2020
20200215	6663888946666	7 Armstrong Street, Charlton	Carport	10/12/2020
20200216	1329718409852	406 Stannard Road, Watchupga	Dry Sow Shed	17/12/2020
20200217	5092455836424	3256 Birchip-Wycheproof Road, Wycheproof	Shed / Boarding Kennel	17/12/2020
20200218	1163603685395	50 Hammill Street, Donald	Alterations to existing dwelling	17/12/2020
20200219	9410157608303	Mildura Way, Charlton	Demolition of Sheds	17/12/2020
20200220	9678880821218	152 Carron-Lawler Road, Carron	Swimming Pool & Safety Barrier	17/12/2020

LIST OF BUILDING PERMITS APPROVED BY PRIVATE SURVEYOR

Permit No.	Address	Project Description	Date Approved
20200221	303 Nyarrin South Road, Nyarrin	Hay Shed	26/11/2020
20200222	604 Massey-Bangerang Road, Watchem West	Farm Shed	01/12/2020
20200223	49-51 Wilkinson Street, Sea Lake	Single Storey Dwelling	01/12/2020
20200224	153 King Road, Kinnabulla	Farm Shed	02/12/2020
20200225	158 Doran Road, Watchupga	Hay Shed	04/12/2020
20200226	89 Cumming Avenue, Birchip	SES Shed	05/12/2020
20200227	179 Best Street, Sea Lake	Re-stump of dwelling	07/12/2020
20200228	3469 St Arnaud-Wycheproof Road, Jeffcott	Hay Shed	11/12/2020
20200229	20 Donald Street, Charlton	Re-stump of dwelling	21/12/2020
20200230	326 Sea Lake-Swan Hill Road, Sea Lake	Hay Shed	14/12/2020
20200231	31 Charles Street, Wycheproof	Hay Shed	19/12/2020

7.5 PLANNING APPLICATIONS RECEIVED - MONTHLY UPDATE

Author's Title: Planning Officer

Department: Works and Technical Services

File No: LP/09/01

PURPOSE

This report provides information on planning applications under consideration by staff and the status of each of these applications.

RECOMMENDATION

That the Council note information contained in the report on planning applications under consideration by staff and the status of each of these applications.

Attachments: Nil

LIST OF PLANNING APPLICATIONS

Application No	Applicant	Address	Date Rec	Summary of Proposal	Status
PPA886/20	Mogas Holdings	148-150 High Street, Charlton	01/09/2020	Use and development of land for a service station (self-bunded fuel cell)	Permit issued
PPA889/20	G Bailey (Sea Lake Rec Reserve Committee)	15 Best Street, Sea Lake	03/09/2020	Installation of a cabin containing 4 self-contained units	Permit issued
PPA895/20	Cheetham Salt Ltd.	100 Cheetham Salt Road, Lake Tyrrell	16/11/2020	Construction of a weighbridge	Permit issued
PPA896/20	NL Harris	22 Racecourse Road, Donald	19/11/2020	Construction of an extension to existing food production facility	Permit issued
PPA897/20	Jeremy Clark (Petrogas)	31 Bunker Road, Donald	30/11/2020	Building and works to locate a service station (self-bunded fuel cell)	Permit issued
PPA898/20	Jeremy Clark (Petrogas)	31 Bunker Road, Donald	01/12/2020	Construction and display of an internally illuminated sign with an electronic price board	Permit issued

Application No	Applicant	Address	Date Rec	Summary of Proposal	Status
PPA899/20	Entegra Signature Structures	36 Tower Road, Donald	07/12/2020	Construction of a shed for machinery storage and servicing	Permit issued
PPA900/20	Grant Alday	224 Sea Lake – Lascelles Road, Sea Lake	11/12/2020	Construction of a second dwelling on a lot	Permit issued
PPA901/21	Action Steel Industries Pty Ltd	329 Jeruk River Road, Teddywaddy	14/01/2021	Construction of a farm shed	Awaiting report
PPA902/21	GWMWater	Turnbulls Road, Dumosa	20/01/2021	Removal of native vegetation	Referral
PPA903/21	Steven Schmidt (Future Cities)	34 Elliots Road, Bimbourie	22/01/2021	Use and development of land for two temporary dwellings (pop-up hotel)	Referral

8. GENERAL BUSINESS
8.1 POLICY REPORTS
8.1.1 COUNCILLOR CODE OF CONDUCT

Author's Title: Director Corporate Services

Department: Corporate Services

File No: GO|06|01

Relevance to Council Plan 2017 - 2021

Strategic Objective: Support our councillors, staff, volunteers and the community to make informed and transparent decisions.

PURPOSE

To recommend the Council adopt a Councillor Code of Conduct incorporating requirements within the *Local Government Act 2020* (Act).

SUMMARY

Section 139 of the Act requires the Council to develop and approve a Councillor Code of Conduct. The Act specifies the components which must be included in the Councillor Code of Conduct.

RECOMMENDATION

That Council, having undertaken a review of the Councillor Code of Conduct, adopt the revised Code.

Attachments: 1 [↓Councillor Code of Conduct](#)

DISCUSSION

Section 139 of the Act requires the Council to review and adopt the Councillor Code of Conduct within 4 months of a general election.

The revised Councillor Code of Conduct addresses matters mandated by the Act relating to Standards of Conduct prescribed by the *Local Government (Governance and Integrity) Regulations 2020*. The Councillor Code of Conduct also deals with the role of the Councillors and the Mayor, Conflicts of interest, Access to and Use of Information and Resources, and Dispute Resolution Procedures.

RELEVANT LAW

The Councillor Code of Conduct is mandated by the Act and is an essential part of the practice of good governance.

RELATED COUNCIL DECISIONS

Not applicable.

OPTIONS

The Council may review and amend the Councillor Code of Conduct at any time.

SUSTAINABILITY IMPLICATIONS

Not applicable.

COMMUNITY ENGAGEMENT

While there is no statutory requirement for the Council to undertake community engagement in the development of the Councillor Code of Conduct, the Code will provide guidelines to the community as to the expected behaviour and responsibilities of Councillors.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable.

COLLABORATION

Not applicable.

FINANCIAL VIABILITY

Not applicable.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable.

COUNCIL PLANS AND POLICIES

Not applicable.

TRANSPARENCY OF COUNCIL DECISIONS

The Councillor Code of Conduct will be made available to the community through Council's website.

CONFLICTS OF INTEREST

I, Hannah Yu, have no conflicts to declare in relation to this report.



DRAFT COUNCILLOR CODE OF CONDUCT

**BULOKE SHIRE COUNCIL
COUNCILLOR CODE OF CONDUCT**

INTRODUCTION	3
GUIDELINES FOR GOOD CONDUCT	3
PURPOSE	3
ROLE OF COUNCILLORS	4
THE ROLE OF MAYOR	4
STANDARDS OF CONDUCT	5
1. Treatment of Others	5
2. Performing the role of Councillor	5
3. Compliance with good governance measures	5
4. Councillor must not discredit or mislead Council or public	5
5. Standards do not limit robust debate	5
BEHAVIOURS AND VALUES	6
RELATIONSHIPS WITH COUNCIL STAFF	6
DECISION MAKING	6
CONFLICT OF INTEREST PROCEDURES	7
CONFIDENTIALITY	7
ACCESS TO AND USE OF INFORMATION	8
USE OF COUNCIL RESOURCES	8
PUBLIC COMMENT	8
CRITICISM AND COMPLAINTS	9
DISPUTE RESOLUTION PROCEDURES	9
ROLE OF A COUNCILLOR CONDUCT OFFICER	9
SANCTIONS WHICH MAY BE IMPOSED BY AN ARBITER	9
COUNCILLOR CONDUCT PANELS SERIOUS MISCONDUCT	10
SANCTIONS WHICH MAY BE IMPOSED BY AN ARBITER SERIOUS MISCONDUCT	10

BULOKE SHIRE COUNCIL
COUNCILLOR CODE OF CONDUCT

INTRODUCTION

In accordance with section 139 of the Local Government Act 2020 (Act) Council is required to develop and maintain a Councillor Code of Conduct which complies with the legislative requirements of the Act and the Local Government (Governance and Integrity) Regulations 2020 (Regulations).

GUIDELINES FOR GOOD CONDUCT

As Councillors, we are committed to constructively working with each other and Council staff in the best interests of the municipal community and will discharge our responsibilities to the best of our skill and judgment in order to enrich the cultural, social and economic viability of the Shire.

PURPOSE

The purpose of this Code of Conduct is to include the standards of conduct expected to be observed by Councillors in the course of performing their duties and functions as Councillors, including prohibiting discrimination, harassment (including sexual harassment) and vilification.

This Code:

- sets out standards of conduct expected of Councillors;
- endeavours to foster good working relationships between Councillors to enable Councillors to work constructively and in the best interests of the municipal community; and
- mandates Councillor conduct designed to build public confidence in the integrity of Council and Local Government generally.

The values that underpin this Code incorporate respect and consideration of fellow Councillors, all staff and the Buloke community.

We undertake to communicate openly and honestly with each other, demonstrating an appreciation for the professional views, abilities and the unique contributions each of us will make toward the effective governance of the Buloke Shire Council.

Councillors are an extension of the community they represent so the community's expectations of Councillors are high, firstly as representatives but secondly to ensure the business of Council is conducted with efficiency and impartiality, whilst demonstrating compassion and sensitivity towards community needs.

In recognition of these expectations as Councillors, we will:

- endeavour to make decisions solely in the public interest and on the basis of merit;
- endeavour to ensure decisions will never improperly confer advantage or disadvantage to any person or organisation;
- not place ourselves in circumstances where financial or other obligations to other persons or organisations may unduly influence decisions and actions;
- be open and transparent about personal interests that would influence, or could reasonably be perceived to influence, decisions and actions we take as a Councillor;
- be accountable to the community for decisions and actions and, wherever possible, be open and transparent about the reasons for decisions and report results, without disclosing confidential information;
- exercise due care and diligence in the performance of our duties and submit to whatever lawful scrutiny is appropriate to the office of Councillor;
- act honestly in the performance of our duties, avoiding words and actions that are intended to mislead or deceive Councillors, Council staff or persons having dealings with Council;
- treat all people with due courtesy and respect, not discriminating improperly against any person, and respecting the impartiality and integrity of fellow Councillors and Council staff;
- ensure public resources are used prudently in the public interest;
- uphold all laws and act in accordance with the trust that the community is entitled to place in our public and private capacities; and
- support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the Council, Councillors and Council staff.

BULOKE SHIRE COUNCIL
COUNCILLOR CODE OF CONDUCT

ROLE OF COUNCILLORS

The role of a Councillor is addressed in section 28 of the Act and requires Councillors to:

- a) participate in the decision making of the Council;
- b) represent the interests of the municipal community in that decision making; and
- c) contribute to the strategic direction of the Council through the development and review of key strategic documents of the Council, including the Council Plan.

When performing the role of a Councillor, a Councillor must:

- a) consider the diversity of interests and needs of the municipal community;
- b) support the role of the Council;
- c) acknowledge and support the Mayor;
- d) act lawfully and in accordance with the oath or affirmation of office;
- e) act in accordance with the standards of conduct; and
- f) comply with Council procedures required for good governance.

The role of a Councillor does not include the performance of any responsibilities or functions of the Chief Executive Officer (CEO).

THE ROLE OF MAYOR

The role of Mayor includes the obligation to:

- a) chair Council meetings;
- b) be the principal spokesperson for the Council;
- c) lead engagement with the municipal community on the development of the Council Plan;
- d) report to the municipal community, at least once each year, on the implementation of the Council Plan;
- e) promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct;
- f) assist Councillors to understand their role;
- g) take a leadership role in ensuring the regular review of the performance of the CEO;
- h) provide advice to the CEO when the CEO is setting the agenda for Council meetings; and
- i) perform civic and ceremonial duties on behalf of the Council.

In addition, the Mayor has the following specific powers:

- a) to appoint a Councillor to be the chair of a delegated committee;
- b) to direct a Councillor, subject to any procedures or limitations specified in the Governance Rules, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business; and
- c) require the CEO to report to the Council on the implementation of a Council decision.

BULOKE SHIRE COUNCIL
COUNCILLOR CODE OF CONDUCT

STANDARDS OF CONDUCT

The Act and Regulations place obligations on Councillors in the way they are required to conduct themselves when performing the role of Councillor.

The following Standards of Conduct are prescribed by the Regulations and must be complied with by all Councillors.

1. Treatment of Others

A Councillor must, in performing the role of a Councillor, treat other Councillors, members of Council staff, the municipal community and members of the public with dignity, fairness, objectivity, courtesy and respect, including by ensuring that the Councillor –

- a) takes positive action to eliminate discrimination, sexual harassment and victimisation in accordance with the *Equal Opportunity Act 2010*; and
- b) supports the Council in fulfilling its obligation to achieve and promote gender equality; and
- c) does not engage in abusive, obscene or threatening behaviour in their dealings with members of the public, Council staff and Councillors; and
- d) in considering the diversity of interests and needs of the municipal community, treats all persons with respect and has due regard for their opinions, beliefs, rights and responsibilities.

2. Performing the role of Councillor

A Councillor must, in performing the role of a Councillor, do everything reasonably necessary to ensure that the Councillor performs the role of a Councillor effectively and responsibly, including by ensuring that the Councillor –

- a) undertakes any training or professional development activities the Council decides is necessary for all Councillors to undertake in order to effectively perform the role of a Councillor; and
- b) diligently uses Council processes to become informed about matters which are subject to Council decisions; and
- c) is fit to consciously perform the role of a Councillor when acting in that capacity or purporting to act in that capacity; and
- d) represents the interests of the municipal

community in performing the role of a Councillor by considering and being responsive to the diversity of interests and needs of the municipal community.

3. Compliance with good governance measures

A Councillor, in performing the role of a Councillor, to ensure the good governance of the Council, must diligently and promptly comply with the following –

- a) any policy, practice or protocol developed and implemented by the CEO in accordance with section 46 of the Act for managing interactions between members of Council staff and Councillors;
- b) the Council expenses policy adopted and maintained by the Council under section 41 of the Act;
- c) the Governance Rules developed, adopted and kept in force by the Council under section 60 of the Act; and
- d) any directions of the Minister under section 175 of the Act.

4. Councillor must not discredit or mislead Council or public

- 1) In performing the role of a Councillor, a Councillor must ensure that their behaviour does not bring discredit upon the Council.
- 2) In performing the role of a Councillor, a Councillor must not deliberately mislead the Council or the public about any matter related to the performance of their public duties.

5. Standards do not limit robust debate

Nothing in these standards is intended to limit, restrict or detract from robust public debate in a democracy.

BULOKE SHIRE COUNCIL
COUNCILLOR CODE OF CONDUCT

BEHAVIOURS AND VALUES

As Councillors, we confirm that we will adhere to the following behaviours in our general conduct:

- Treating all people with courtesy and respect, recognising that there are legitimate differences in opinions, race, culture, religion, language, gender and abilities. This includes:
 - Treating members of the community with dignity and ensuring that neither offence nor embarrassment are caused;
 - Treating fellow Councillors with respect, even when disagreeing with their views or decisions;
 - Debating contentious issues without resorting to personal acrimony or insult;
 - Ensuring our punctual attendance at Council, Assembly of Council and Committee Meetings; and
 - Acting with courtesy towards Council Staff and avoiding intimidating behaviour.
- Always acting with integrity and honesty which means:
 - Being honest in all dealings with the community, with other Councillors and with Council Staff;
 - Acting with impartiality and in the best interests of the community as a whole;
 - Not acting in ways that may damage the Council or its ability to exercise good governance;
 - Exercising reasonable care and diligence in performing our functions as Councillors; and
 - Complying with all relevant Federal or State law or the Council's Local Laws and Council Policies.
- Recognising that we hold a position of trust which we will not misuse or from which we will derive undue benefit. As such:
 - We will avoid conflicts of interest and comply with the relevant provisions of the Act and this Code of Conduct relating to interests and conflicts of interest; and
 - We will not exercise undue influence on other Councillors, members of Council Staff or members of the public to gain or attempt to gain an advantage for ourselves, our family or friends.
- Recognising that we are leaders in our community and that we need to:
 - Maintain proper standards of decorum and dress as well as a high standard of public demeanour at all times, particularly at meetings and public functions;
 - Strive to ensure that our ethical and moral standards are not in any way compromised through our dealings with the public and each other; and
 - Observe the requirements of this Code, as we would for this Council, when we as Councillors are appointed as representatives of the Council to other bodies and are carrying out our duties on that body.

RELATIONSHIPS WITH COUNCIL STAFF

As Councillors, we will work as part of the Council team with the CEO and other members of Council staff.

We recognise there needs to be mutual respect and understanding between Councillors and Council staff in relation to their respective roles, functions and responsibilities.

Councillors are aware of the requirements of section 123 and section 124 of the Act and must not misuse their position or seek to improperly direct or influence Council staff in the exercise of their duties, or attempt to do so.

DECISION MAKING

As Councillors, we are committed to making all decisions impartially and in the best interests of the whole community. We acknowledge effective decision making is vital to the democratic process and an essential component of good governance. As Councillors we will:

- actively and openly participate in the decision making process, striving to be informed to achieve the best outcome for the community;
- respect the views of the individual in the debate, and also accept that decisions are based on a majority vote; and,
- accept no Councillor can direct another Councillor on how to vote on any decision.

BULOKE SHIRE COUNCIL
COUNCILLOR CODE OF CONDUCT

CONFLICT OF INTEREST PROCEDURES

For the purpose of this Code, 'general conflict of interest' and 'material conflict of interest' have the meanings specified in the Act.

As Councillors we are committed to making all decisions impartially and in the best interests of the municipal community. We recognise the importance of fully observing the requirements of the Act in regard to the disclosure of conflicts of interest.

We will comply with all the provisions of the Act in regard to conflicts of interest. Therefore,

- if a Councillor considers that he or she has a general conflict of interest or material conflict of interest in a matter before the Council, a delegated committee, a community asset committee or a Councillor briefing, they have a conflict of interest;
- if a Councillor has a conflict of interest in a matter, he or she will comply with the requirements of the Act and ensure that the class and nature of the interest is disclosed. He or she will leave the room in which the meeting or briefing is being held during any discussion, debate or vote on the matter; and
- if a Councillor has a general interest or material interest in a matter to be considered by the Council or delegated committee or community asset committee which is not a conflict of interest, and he or she considers that their personal interest may be in conflict with their public duty to act impartially and in the interest of the whole community, the Councillor will declare a conflicting personal interest under section 130 of the Act immediately before the matter is considered at the relevant meeting and apply to the Council or delegated committee or community asset committee to be exempted from voting on the matter.

In addition to the requirements of the Act, as Councillors we will:

- give early consideration to each matter to be considered by the Council, Councillor briefing, delegated committee or community asset committee to which we belong to ascertain if we have a Conflict of Interest;
- recognise that the legal onus to determine whether a conflict of interest exists rests entirely with each individual Councillor and that Council staff cannot offer any advice in relation to potential conflicts. If we

cannot confidently say that we do not have a conflict of interest, we will declare a conflict of interest and comply with the relevant requirements as if we had a conflict of interest; and

- notify the Mayor or the delegated committee chair or the community asset committee chair as soon as possible if we consider that we may be unable to vote on a matter because of a conflict of interest, (depending on whether the matter is to be considered by the Council, a delegated committee or community asset committee, as well as the CEO.

As Councillors, we need to be alert to the fact that it is not just our direct or indirect interests which could be a conflict in our role, but the direct and indirect interests of our family and members of our households. Section 126 of the Act lists the extent of family and household members whose interests need to be considered in determining our own and the action that we need to take.

We need to be vigilant in assessing our interests and the disclosure of them where they interfere with the ability act as a Councillor. The expansive definition of 'family member' in the Act means the "if in doubt, get out" approach is no longer suitable. It means to avoid conflict of interest situations we should step away from being involved in any matter if there is even a remote possibility a person could establish a link to the proposal and a member of our family.

The Act describes a number of interests that will lead to a conflict of interest. We understand we are defined as a 'relevant person' for certain purposes of the Act and the application of the provisions which clarify what a conflict of interest may be.

CONFIDENTIALITY

As Councillors we acknowledge we will comply with our obligations under section 125 of the Act in relation to confidential briefings or information (as defined under the Act) and recognise this obligation extends to ensuring safekeeping of confidential information and will not disclose commercial-in-confidence or proprietary information unless legally required to do so.

BULOKE SHIRE COUNCIL
COUNCILLOR CODE OF CONDUCT

ACCESS TO AND USE OF INFORMATION

As Councillors we will have access to information that may at times be confidential or controversial. Consequently as Councillors, we will:

- not use information gained by virtue of our position as a Councillor for any purpose than to exercise our role as a Councillor;
- ensure information of a confidential nature is not communicated until it is no longer treated as confidential;
- be aware information relating to decisions of the Council is to only be communicated in an official capacity by a designated officer of the Council;
- be careful that information concerning adopted policies, procedures and decisions of the Council is conveyed accurately;
- be aware we are only entitled to access information which is relevant to a matter before the Council;
- be prudent in the use of information that we acquire in our role as a Councillor;
- be aware of any specific policies that the Council has adopted regarding use of Council information;
- be careful that information is not used in a way that can cause detriment to the Council;
- be aware unauthorised disclosure of Council information, including misuse of intellectual property must not occur; and
- be cognizant the requirements of the *Privacy and Data Protection Act 2014* regarding access, use and release of personal information apply equally to Councillors and Council staff as individuals.

USE OF COUNCIL RESOURCES

The resources of the Council entrusted to Councillors are limited.

As Councillors we recognise we are provided with resources to help carry out their roles and functions. Therefore we, as Councillors, need to make sure we:

- are scrupulously honest in our use of Council facilities, funds, staff and equipment and must not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;

- do not use Council resources (including the services of Council staff) for private purposes unless properly authorised to do so and appropriate payments are made (as determined by the CEO or the Council);
- do not use public funds or resources in a manner that is improper or unauthorised;
- use those resources effectively and economically; and
- maintain adequate security over Council property, facilities and resources provided to us to assist in performing our role.

Where a motor vehicle, electronic communication (email, fax and internet) or mobile telephone are supplied to us we are obligated, by virtue of accepting and continuing to accept those resources, to comply with the Council's policies for allocation and use of this equipment.

PUBLIC COMMENT

Councillors, have a primary responsibility to be responsive to community views and to adequately communicate the attitudes and decisions of Council.

There may be times when an individual Councillor disagrees with a majority decision of Council and want to advise the community. As individual Councillors, we are entitled to express our own independent views. In doing so, a Councillor must not reflect negatively on the Council as a whole or an individual Councillor. Furthermore:

- we recognise that the Mayor and the CEO are the designated persons authorised to speak to the media and others formally on behalf of the Council unless the Mayor delegates this to another Councillor for a specific purpose;
- we will not make allegations, which are personally offensive or derogatory; and
- we will treat all matters on their individual merits with an aim for consistency in decision making.

BULOKE SHIRE COUNCIL
COUNCILLOR CODE OF CONDUCT

CRITICISM AND COMPLAINTS

As Councillors, we will not criticise or Council in public or in private conversations with members of the community.

In circumstances where members of the public convey complaints about Council staff directly to a Councillor, the Councillor will promptly refer the matter to the CEO.

DISPUTE RESOLUTION PROCEDURES

Before commencing any dispute resolution process, the Councillors who are parties to a dispute, with the assistance of the Mayor or Deputy Mayor, are expected to use their best endeavours to resolve the matter in an informal mediation in a courteous and respectful manner, recognising that they have been elected to represent the best interests of the municipal community.

After these endeavours have been exhausted, if the matter still remains unresolved, the parties may refer the matter externally for resolution.

The internal arbitration process under section 141 of the Act will apply to any matters alleged to have breached the Councillor standards of conduct.

ROLE OF A COUNCILLOR CONDUCT OFFICER

The CEO must appoint a member of Council staff to perform the role of Councillor Conduct Officer.

The Councillor Conduct Officer must:

- a) assist the Council in the implementation of, and conduct of, the internal arbitration process of a Council;
- b) assist the Principal Councillor Conduct Registrar to perform the functions specified in section 149(1); and
- c) assist the Principal Councillor Conduct Registrar in relation to any request for information under section 149(3).

SANCTIONS WHICH MAY BE IMPOSED BY AN ARBITER

If after completing the internal arbitration process, the arbiter determines that a Councillor has failed to comply with the prescribed standards of conduct, the arbiter may make a finding of misconduct against the Councillor.

If an arbiter has made a finding of misconduct against a Councillor, the arbiter may do any one or more of the following:

- a) direct the Councillor to make an apology in a form or manner specified by the arbiter;
- b) suspend a Councillor from the office of Councillor for a period specified by the arbiter not exceeding one month;
- c) direct that the Councillor to be removed from any position where the Councillor represents the Council for the period determined by the arbiter;
- d) direct that the Councillor is removed from being the chair of a delegated committee for the period determined by the arbiter; or
- e) direct a Councillor to attend or undergo training or counselling specified by the arbiter.

BULOKE SHIRE COUNCIL
COUNCILLOR CODE OF CONDUCT

COUNCILLOR CONDUCT PANELS | SERIOUS MISCONDUCT

Council or any individual Councillor may apply to the Principal Councillor Conduct Registrar for a Councillor Conduct Panel to consider an allegation of serious misconduct by a Councillor in accordance with sections 153-170 of the Act.

The term **serious misconduct** means any of the following—

- a) the failure by a Councillor to comply with the Council's internal arbitration process;
- b) the failure by a Councillor to comply with a direction given to the Councillor by an arbiter under section 147 of the Act;
- c) the failure of a Councillor to attend a Councillor Conduct Panel hearing in respect of that Councillor;
- d) the failure of a Councillor to comply with a direction of a Councillor Conduct Panel;
- e) continued or repeated misconduct by a Councillor after a finding of misconduct has already been made in respect of the Councillor by an arbiter or by a Councillor Conduct Panel under section 167(1)(b) of the Act;
- f) bullying by a Councillor of another Councillor or a member of Council staff;
- g) conduct by a Councillor that is conduct of the type that is sexual harassment of a Councillor or a member of Council staff;
- h) the disclosure by a Councillor of information the Councillor knows, or should reasonably know, is confidential information;
- i) conduct by a Councillor that contravenes the requirement that a Councillor must not direct, or seek to direct, a member of Council staff; or
- j) the failure by a Councillor to disclose a conflict of interest and to exclude themselves from the decision making process when required to do so in accordance with the Act.

SANCTIONS WHICH MAY BE IMPOSED BY AN ARBITER | SERIOUS MISCONDUCT

If a Councillor Conduct Panel makes a finding of serious misconduct against a Councillor, the Councillor Conduct Panel may do any one or more of the following—

- a) reprimand the Councillor;
- b) direct the Councillor to make an apology in a form or manner determined by the Councillor Conduct Panel;
- c) suspend the Councillor from office for a period specified by the Councillor Conduct Panel not exceeding 12 months; or
- d) direct that the Councillor is ineligible to chair a delegated committee of the Council for a period specified by the Councillor Conduct Panel not exceeding the remainder of the Council's term.



P. 1300 520 520
A. PO Box 1, Wycheproof VIC 3527
367 Broadway, Wycheproof VIC 3527
E. buloke@buloke.vic.gov.au
W. www.buloke.vic.gov.au



8.1.2 RATES AND CHARGES FINANCIAL HARDSHIP POLICY

Author's Title: Director Corporate Services

Department: Corporate Services

File No: CM|14|10

Relevance to Council Plan 2017 - 2021

Strategic Objective: Support our councillors, staff, volunteers and the community to make informed and transparent decisions.

PURPOSE

To present the proposed Rates and Charges Financial Hardship Policy to the Council for adoption.

SUMMARY

The Rates and Charges Financial Hardship Policy provides for the deferring of payment of any rates or charges, or the granting of a waiver of outstanding interest on rates or charges, whether whole or in part to individual persons in accordance with the provisions of sections 170 and 171(a) of the *Local Government Act 1989* (the Act).

RECOMMENDATION

That Council adopts the Rates and Charges Financial Hardship Policy from February 2021 to February 2025.

Attachments: 1 [Rates and Charges Financial Hardship Policy](#)

DISCUSSION

Council's Rates Charges Financial Hardship policy (Policy) was adopted in June 2017. The Policy is now due for review in accordance with Council's policy review schedule.

There have been no material changes to the Policy which aims to:

- a) Provide a deferment of rates and charges or grant a waiver of interest on rates and charges to ratepayers experiencing demonstrated financial hardship;
- b) Provide guidelines, templates and establish principles to apply when a deferment or waiver of rates application is received;
- c) Identify the type and amount of assistance that may be granted prior to a deferment or waiver of rates application being approved;
- d) Ensure that council's debt collection practices are sensitive and responsive to ratepayer's financial hardship issues; and
- e) Alleviate the potential for rates to become a factor in domestic economic violence.

RELEVANT LAW

This Policy is in line with relevant sections of the *Local Government Act 1989*.

RELATED COUNCIL DECISIONS

Council adopted a revised COVID-19 Financial Hardship Policy at the September 2020 Council Meeting. The COVID-19 Financial Hardship policy will lapse in March 2021. While these 2 policies were developed

using the same principles, the COVID-19 Financial Hardship policy will apply in the event of any inconsistencies between the 2 documents until March 2021.

OPTIONS

Not applicable.

SUSTAINABILITY IMPLICATIONS

Not applicable.

COMMUNITY ENGAGEMENT

The public will be made aware of the Policy through Council's website.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable.

COLLABORATION

Not applicable.

FINANCIAL VIABILITY

The continued implementation of this Policy will result in a loss of interest income. The Policy does not allow for waiving of rates or legal costs which have been incurred.

A report to the September 2020 Audit and Risk Committee (Committee) highlighted the outcomes of an aged rates debtor review undertaken by the Manager Finance. This review uncovered a variety of individual arrangements which had been made with rate debtors over a number of years. It is anticipated there may be some deviation from the Policy in addressing these debtors due to the complexity of arrangements entered into. Regular updates on this matter will be provided to the Committee regarding actions to address aged rate debtors will be provided during the next 12 months.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

It is noted the Victorian Ombudsman has yet to present a report outlining her findings with respect to rates and financial hardship arrangements available to rate payers within councils. If after release of this report further review of the Policy is required a report, a revised Policy will be presented to the Council for consideration.

COUNCIL PLANS AND POLICIES

Not applicable.

TRANSPARENCY OF COUNCIL DECISIONS

The Policy provides clear guidelines to ratepayers about the process and action which will be taken upon receipt of a financial hardship application.

CONFLICTS OF INTEREST

I, Hannah Yu, have no conflicts to declare in relation to this report.

POLICY LOCATION	Corporate Services	POLICY TITLE	Rates and Charges Financial Hardship
POLICY NUMBER		DATE ADOPTED	
REVISION NUMBER	2	REVISION DATE	

Introduction

This policy relates to the deferring of payment of any rates or charges, or the granting of a waiver of outstanding interest on rates or charges, whether whole or in part to individual persons in accordance with the provisions of sections 170 and 171(a) of the *Local Government Act 1989* (the Act).

The aim of the policy is to:

- provide a deferment of rates and charges or grant a waiver of interest on rates or charges to ratepayers experiencing demonstrated financial hardship;
- provide guidelines, templates and establish principles to apply when an application for the deferment or waiver of interest on outstanding rates or charges is received;
- identify the type and amount of assistance that may be granted prior to an application for the deferment or waiver of interest on outstanding rates or charges being approved;
- ensure Council's debt collection practices are sensitive and responsive to ratepayer's financial hardship issues; and
- Alleviate the potential for rates to become a factor in domestic economic violence.

The policy is aimed to assist ratepayers that are experiencing financial difficulty to pay their outstanding rates and charges. The deferment or waiver of a debt under the Act will be considered after the ratepayer has exhausted other means of assistance provided by Council in paying the outstanding amount.

Council will assist the ratepayer to initiate an achievable repayment plan to limit the outstanding debt to be paid within a reasonable timeframe. It is expected that if Council is prepared to put payment plans in place, the ratepayer will reciprocate by making a concerted effort to repay the debt outstanding.

Objectives

The objective of this policy is to formulate a process of assistance to ratepayers to minimise the applications for deferment or waiver of interest on rates or charges due to financial hardship.

If Council is able to offer flexible arrangements that suit individual ratepayers in settling their outstanding debt, then the process creates a win: win situation for the ratepayer and Council.

There are significant issues for ratepayers that have to declare themselves as bankrupt. Issues arise for ratepayers concerning credit ratings and future borrowing applications as well as social implications with friends and family.

Scope

This Policy applies to deferring rates or charges, or waiving interest on rates or charges, whether whole or in part, for reasons of financial hardship.

This policy excludes applications for waiving rates or charges, whether whole or in part, under section 171(2) of the Act. Where an application for waiving rates or charges is received, such application will be reviewed by Council in a closed session of Council.

Rates and Charges

Current Rate Payment Process

Council sends out annual rate notices in late August or early September which are due for payment in full by 15 February each year.

Ratepayers who elect to pay by quarterly instalments will receive a separate notice for the second, third and fourth instalments. The four instalments are due on 30 September, 30 November, 28 February and 31 May respectively.

Council also offers a 9 monthly instalment plan (September to May) via direct debit, whereby ratepayers agree to have a monthly deduction made direct from their bank account to clear the annual rates and charges.

Ratepayers may also put in place an agreed payment plan to pay their rates.

Council uses the following options to receive payment for rates and charges:

- Over the Counter (Wycheproof Office)
- BPay
- In person at Australia Post of Australia Post Billpay
- By mail
- Centrepay
- eNotices

A Final Notice is sent in early March to all ratepayers with an outstanding rates balance (excluding instalment payers and payment arrangements).

Ratepayers with accounts with a balance greater than \$500 remaining unpaid or for which no payment plan has been arranged are then referred to Council's debt collection agency for initiation of legal action.

Charging of Interest

Interest is charged on all outstanding balances in accordance with the provisions of section 172 of the Act.

Waiving Interest

Interest waivers fall under two categories:

- Administration Waivers:

Ratepayers may have interest only waived in the event of an administrative issue, error or omission which has caused or significantly contributed to the failure to pay rates in a timely manner.

- **Compassionate Waiver:**

Ratepayers may have interest waived where they have demonstrated compassionate grounds for a payment being late, and thus attracting interest.

Sale of Property for Debt Recovery

Under the provisions of section 181 of the Act, Council may sell a property for the recovery of unpaid rates and charges.

Sale of a property for debt recovery purposes will only be undertaken as a last resort where all other means of recovering outstanding rates have failed or where all attempts to locate the owner of the property have been unsuccessful.

Staff Training

Council will provide training to rates and customer service staff that deal with ratepayers on a day-to-day basis. Training will increase awareness of hardship issues, available counselling resources, focus on ratepayer needs and ensure communication strategies are compassionate and confidential.

Policy

In accordance with the Act, deferring or waiving of rates or charges or interest is only available to a ratepayer's principal place of residence on properties rated as Residential or Retirement Village Properties. No option is available to defer or waive rates and charges on properties rated as vacant, commercial, industrial, or farm land (unless section 171(4)(b) of the Act applies).

Ratepayers may have interest on outstanding rates or charges or part thereof, waived or rates or charges or interest deferred subject to compliance with the following conditions:

1. The ratepayer must be experiencing undue and unavoidable hardship; and
2. The ratepayer is:
 - a) a pensioner (eligible to claim the State Government pensioner rate rebate); or
 - b) receiving Centrelink benefits for a minimum period of six consecutive months; or
 - c) able to provide evidence of severe financial hardship as certified by an assessment carried out by Council.

Notwithstanding the above, ongoing rates and charges will continue to be levied.

In all applications for deferral of rates or charges or interest the applicant will be encouraged to continue to pay the portion of rates or charges or interest that is affordable given their individual circumstances.

The total amount deferred on a single assessment should not exceed 5% of the Capital Improved Value of the subject property.

Guidelines for Consideration of an Application

Applications from ratepayers for financial assistance by means of flexible payment options will be considered by Council officers under delegation.

The following guidelines should be considered when assessing an application for waiving of interest on rates or charges.

1. the interest payable must relate to the applicants principal place of residence;
2. applications for waiving of interest on rates or charges for residential investment, commercial or industrial properties and vacant will NOT be granted;
3. applications for waiving of interest on rates or charges for farms or commercial properties that are also used for residential purposes will NOT be granted, unless the residential part of the property is separately assessed for rates. In such cases, the relationship of the applicant to the adjoining business activity and gross income generated by that activity will be taken into consideration;
4. the amount to be waived or deferred must not be more than 5% of the Capital Improved Value of the residential property in the application;
5. the ratepayer must be experiencing demonstrated financial hardship;
6. the ratepayer must be able to demonstrate the requirement to pay the full amount outstanding would exacerbate existing financial hardship;
7. the ratepayer must show they are prepared to contribute towards the longer term payment of any outstanding amount. To this end, a "Debt Finalisation Date" must be nominated by the debtor;
8. the ratepayer must demonstrate they are able to honour payment arrangements they have entered into;
9. Council expects that the ratepayer is making legitimate attempts to ensure money is available to make rates and charges payments;
10. Council accepts that the ratepayer's commitment to a mortgage on their principal place of residence, utility services, property and health insurance and car loan and registration payments are essential and take precedence over rates and charges payments. That being so, it does not exclude the rates and charges debt from being paid and does not mean penalty interest will not be charged;
11. Council requires the ratepayer to advise Council if they decide to sell the property before the Debt Finalisation Date. Interest on the outstanding balance may then be applied if it is deemed appropriate;
12. Council requires the ratepayer to provide a Statutory Declaration of all income and expenses, assets and liabilities and potential sources of income. This includes details of shares portfolios, business partnerships, joint ventures etc. Copies of documentary evidence (e.g.: Tax returns etc.) may be required to be presented at Council's discretion;
13. Council may arrange for the information provided above to be assessed by independent professionals if considered necessary;

14. Council may require the ratepayer to meet with financial counselling professionals involved in the assessment of the application;
15. Any legal costs incurred against the property will remain, as this is a cost Council has incurred.

All information received by Council or professionals engaged in the assessment process will be treated as strictly confidential.

Implementation and Review

Applicants are able to apply for assistance at any stage throughout the year. All applications are to be received by Council's Revenue Officer.

The application will be assessed against the above criteria by the Manager Finance. All applications will be assessed on their merits as it is acknowledged that applicants may not meet all of the above principles/criteria. Therefore, a flexible approach will be taken in regard to provision of the above information.

If necessary, the application will be referred to a Financial Counselling Service or a similar service, for independent assessment. This referral may be at the instigation of the Manager Finance or the applicant.

A report and final recommendation will be presented to the Director Corporate Services. The report must include details of the appraisal of the application by either the Manager Finance or the independent assessor.

References

This policy was developed in accordance with the:

- *Local Government Act 1989*

8.1.3 COMMUNITY ENGAGEMENT POLICY

Author's Title: Manager Customer Engagement

Department: Office of the CEO

File No: CM/14/05

Relevance to Council Plan 2017 - 2021

Strategic Objective: Support our councillors, staff, volunteers and the community to make informed and transparent decisions.

PURPOSE

The purpose of this report is to adopt the Community Engagement Policy as required by the Local Government Act 2020.

SUMMARY

The preparation of a Community Engagement Policy is a requirement of the Local Government Act 2020 with a policy to be adopted by 1 March 2021.

RECOMMENDATION

That Council adopts the Community Engagement Policy.

Attachments: 1 [Community Engagement Policy](#)

DISCUSSION

The Local Government Act 2020 has reformed community engagement on plans, policies and decision-making. The new legislation requires Council to develop and maintain a Community Engagement Policy. The Policy must, among other things, replace the public submission process prescribed by Section 223 of the previous Act (1989).

This is a major change for matters such as the Council Plan and Annual Budget. Council is required to adopt and implement a Community Engagement Policy by 1 March 2021.

The Draft Community Engagement Policy was adopted by Council at the 22 November 2020 Ordinary Meeting of Council for the purpose of community consultation.

RELEVANT LAW

The policy takes up the recommendations of the Victorian Auditor General on public participation; and applies the principles and other requirements as prescribed by section 55 of the Local Government Act 2020.

RELATED COUNCIL DECISIONS

The development of a new Community Engagement Policy is item 2.4 in the Council Plan 2017-21 Year 4 Annual Plan.

OPTIONS

Not applicable.

SUSTAINABILITY IMPLICATIONS

Not applicable.

COMMUNITY ENGAGEMENT

Council consulted with the community in the development of the draft policy with a survey on Council's engagement platform OurSay. The online platform was used due to the COVID-19 pandemic.

A second round of consultation was advertised and undertaken on Our Say after the adoption of the draft policy.

The results from the survey and consultation were considered in the preparation of this document.

INNOVATION AND CONTINUOUS IMPROVEMENT

Community engagement and participation is an important element of the democratic process. An empowered community is one that actively participates to influence decisions that affect their lives.

We understand our community is diverse and facing many geographical and demographical challenges.

By strengthening relationships and listening to our community, we ensure that we can make better, more informed decisions and therefore deliver value to the public in all aspects of our work.

This policy document provides the community engagement and public participation framework for engagement activities undertaken by Council.

COLLABORATION

Council collaborated with other Local Governments, State Government agencies and Aboriginals Victoria in the preparation of this draft policy.

FINANCIAL VIABILITY

Platforms listed within the policy for use during periods of community engagement have been factored into Council's budget, which is reported on monthly.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Local Government Act 2020

Charter of Human Rights and Responsibilities Act 2006

Subordinate Legislation Act 1994

Public Administration Act 2004

Equal Opportunity Act 2010

Child Safe Safety Act 2015

COUNCIL PLANS AND POLICIES

Council Plan 2017-21

Social Media Policy

Information Privacy Policy

Councillor Code of Conduct

Staff Code of Conduct

Customer Service Strategy

Inclusiveness Plan

Project Management Framework

TRANSPARENCY OF COUNCIL DECISIONS

Deliberative engagement requires a higher level of participation and the policy is informed by the IAP2's Public Participation Spectrum.

The spectrum is designed to assist with the selection of the level of participation that defines the public's role in any community engagement program. It clarifies the role of the public (or community) in planning and decision-making, and how much influence the community has over planning or decision-making processes.

CONFLICTS OF INTEREST

No staff member involved in the preparation of this report has a conflict of interest.

COMMUNITY ENGAGEMENT POLICY



BULOKE
SHIRE COUNCIL



CONTENTS

INTRODUCTION	4
ACKNOWLEDGEMENT	4
WHAT IS COMMUNITY ENGAGEMENT?	5
UNDERSTANDING OUR COMMUNITY	6
OUR APPROACH AND PRINCIPLES	7
OUR PRINCIPLES	7
OUR ENGAGEMENT VISION	7
ENGAGEMENT CONTEXT	8
OUR COMMUNITY ENGAGEMENT FRAMEWORK	9
IAP2 PUBLIC PARTICIPATION SPECTRUM	10
WHY WE ENGAGE	11
WHO WE ENGAGE	11
WHEN WE ENGAGE	11
HOW WE ENGAGE	12
EVALUATING OUR ENGAGEMENT	12
RESOURCES AND TOOLS TO SUPPORT OUR COMMUNITY ENGAGEMENT FRAMEWORK	13
INDEPENDENT RESEARCH	13
OUR COMMUNICATION CHANNELS	13
TRAINING	14
INTEGRATED COMMUNITY ENGAGEMENT	14
DEVELOPMENT OF THIS POLICY	15
RESPONSIBILITY	15
RELATED DOCUMENTS	15

INTRODUCTION

Buloke Shire Council is committed to listening to and understanding our community. We consider community engagement and public participation to be an essential component of good governance and leadership.

COUNCIL ADDRESSES ITS KEY VALUES THROUGH:

- Good communication
- Transparency in decision making
- Accountability for actions
- Working collaboratively with partners
- Taking responsibility
- Being responsive and timely

Community engagement and participation is an important element of the democratic process. An empowered community is one that actively participates to influence decisions that affect their lives.

We understand our community is diverse and facing many geographical and demographical challenges.

By strengthening relationships and listening to our community, we ensure that we can make better, more informed decisions and therefore deliver value to the public in all aspects of our work.

This policy document provides the community engagement and public participation framework for engagement activities undertaken by Council.

This policy also outlines our commitment to provide the community with genuine opportunities to contribute to and inform projects, strategies, services and decisions that affect them. It will underpin sound planning and project development and will help us meet our legislative requirements.

ACKNOWLEDGEMENT

Buloke Shire Council acknowledges the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagalk Nations and the Dja Dja Wurrung people as the traditional owners of parts of the land now known as Buloke. We pay our respects to Elders past and present, and value their ongoing contribution to our heritage and our community.

Buloke has significant number cultural heritage places including an Aboriginal historical place, burials, artefact scatters, earth features, low density artefact distributions, scarred trees and a stone feature.



WHAT IS COMMUNITY ENGAGEMENT?

Community engagement is about having conversations with people who are potentially impacted by Council decisions. It can also involve discerning issues that are important to the community, or to groups within the community, in order to advocate to state and federal government and other bodies that have influence in our area. In our engagement we listen, we consult, we act and we report back to our community.

Community engagement is a planned process with the specific purpose of working with identified groups of people, connected by geographic location, special interest, or affiliation, or issues affecting their wellbeing. The scope is broad with the focus on the collective, rather than on the individual. Engagement must be inclusive and accessible, reflecting the diversity that exists within our community.

Community engagement is a part of public participation and is often used interchangeably with that term. 'Participation' implies more than just communication, participation means being involved in decisions.

The International Association for Public Participation (IAP2) defines public participation as "the involvement of those affected by a decision in the decision making process. We use the term public participation to describe these situations, though the same activities are also described as community or stakeholder consultation, engagement and participation."

UNDERSTANDING OUR COMMUNITY

Understanding our communities of identity, place and interest supports targeted engagement and outreach to those groups. Our research undertaken as part of compiling this policy tells us that currently, the top three sources of local news and information for our residents are:

 Social media **63%**

 Local newspaper **56%**

 Direct contact with Council **44%**

We also know that unique aspects of our community as well as changes in technology and expectations require us to routinely adapt, refresh and update our approaches.

Council's Inclusiveness Plan outlines that Council will work towards community engagement to involve everyone in the decisions that affect them and facilitate finding their own solutions towards a vision of liveable communities for all.

According to the Australian Bureau of Statistics 39% of Buloke's population is aged 60 and over, 20% of those are aged 70 or over. The median age is 50.7 years. In addition to this, we are getting older. 34% of residents live in lone person households.

By 2031 it is projected that the number of residents in Buloke aged 65+ will grow by 10% and the number of residents aged 0-19 years old and 20-64 years old will each decrease by 5%.

Source: Victoria in Future, 2016, Buloke Shire Profile.



OUR APPROACH AND PRINCIPLES

Community engagement enables the public to participate in decisions that impact on their lives. Councillors will make decisions based on legislative requirements, the expert advice of Council officers and community inputs gathered through formal and informal engagement.

OUR PRINCIPLES

Council adopts the following principles and commitments informing all community engagement processes. These principles are set out in Section 56 of the Local Government Act 2020. These principles are aligned to the strong values of our community; the expectations our communities will continue to underpin our engagement processes. To that end, our community engagement will have a clearly defined objectively and scope.

PARTICIPANTS IN COMMUNITY ENGAGEMENT WILL:

- Have access to objective, relevant and timely information to inform their participation.
- Be representative of the persons and groups affected by the matter.
- Are entitled to reasonable support to enable meaningful and informed engagement.
- Be informed of the ways in which the community engagement process will influence Council decision making.

OUR ENGAGEMENT VISION

Buloke is a significant part of Victoria's true agricultural heartland. It is liveable and harmonious because the community participates in decisions that impact on their quality of life. We are inclusive, respect diversity and engage in a variety of ways across the organisation. Our values are evident in all our public interactions. We listen, we consult, we act and we report back to our community.

Our engagement is considered and coordinated and our Council officers have the tools they need to engage effectively and meet the expectation of our community.

ENGAGEMENT CONTEXT

Our community engagement activities can be categorised according to the following:

1 THE LOCAL GOVERNMENT ACT 2020 OUTLINES A SET OF FIVE OVERARCHING PRINCIPLES THAT ARE CENTRAL TO OUR ENGAGEMENT PRACTICE.

These broadly outline the need for community engagement to be transparent, accountable, meaningfully informed and representative. The Act also outlines the process for developing a Community Vision. Other relevant documents and legislation are listed in this policy.

2 ENGAGEMENT AROUND MAJOR STRATEGIC AND POLICY ISSUES

Strategies such as the Council Plan and the Integrated Community Plan may require establishing or use of advisory groups and steering committees or special one-off forums/conferences to be a part of appropriate engagement.

3 ENGAGEMENT CONCERNING LOCAL ISSUES

Local issues including site specific master plans, community plans, or specific issues such as emergency awareness may require specific engagement plans. We will be flexible according to the scale of the project. Engagement processes may include community forums, working groups, surveys or other engagement tools.

4 ENGAGEMENT LINKED TO DAY TO DAY BUSINESS

We will identify and manage community engagement activities associated with core business and projects approved in Council's budget. We will only consult on those aspects of core business that are negotiable and where the community can have meaningful input.

OUR COMMUNITY ENGAGEMENT FRAMEWORK

We commit to ensuring that those who are affected by a decision will be given the opportunity to inform that decision.

The framework for determining the level of involvement in the decision and the methods we use is the International Association of Public Participation (IAP2) Spectrum.

The IAP2 Spectrum identifies and defines each of the five levels of engagement. It details our promise to the public for each level of engagement ensuring that both Council and the community have shared expectations. Decisions on the level of engagement will be made according to the scale, complexity and strategic importance of projects.

Our framework is supported internally by the Community Engagement Strategy and a suite of tools available to Council officers.

THE OBJECTIVES OF THE COMMUNITY ENGAGEMENT FRAMEWORK ARE TO:

- Ensure Councillors and Council staff (including external contractors and consultants) engage with the community in a meaningful way about decisions that affect them
- Provide a consistent approach to community engagement
- Assist in selecting the method and level to engage the community in projects or the decision to be made
- Increase trust and community confidence by fostering positive relationships between Council and communities of interest.

IAP2 PUBLIC PARTICIPATION SPECTRUM

IAP2's Public Participation Spectrum is designed to assist with the selection of the level of participation that defines the public's role in any community engagement program. It clarifies the role of the public (or community) in planning and decision-making, and how much influence the community has over planning or decision-making processes.

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions	To obtain public feedback on analysis alternatives and/or decisions	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution	To place final decision making in the hands of the public
PROMISE TO THE PUBLIC	We will keep you informed	We will keep you informed, listen to and acknowledge your feedback, and provide feedback on how public input influenced the decision	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decision to the maximum extent possible	We will implement what you decide
EXAMPLE TECHNIQUES	Community Updates Website Social media	Focus groups Surveys Public Meetings	Workshops Community Forum Summits Listening posts	Advisory Committees Project Control Groups	Local Government Elections Delegated decisions

WHY WE ENGAGE

Community engagement provides decision makers with better opportunities to make informed decisions. By engaging the expertise and experience of the community, Council is better able to understand local issues and needs.

WHO WE ENGAGE

We engage with a broad range of people, all with differing interests. For the purpose of this framework we identify the community as anyone affected by Council's decisions. This includes individuals or groups identified but not limited to residents, ratepayers, business owners, customers, community groups, sporting groups, youth, agencies, funding bodies, developers, internal stakeholders and culturally and linguistically diverse groups.

WHEN WE ENGAGE

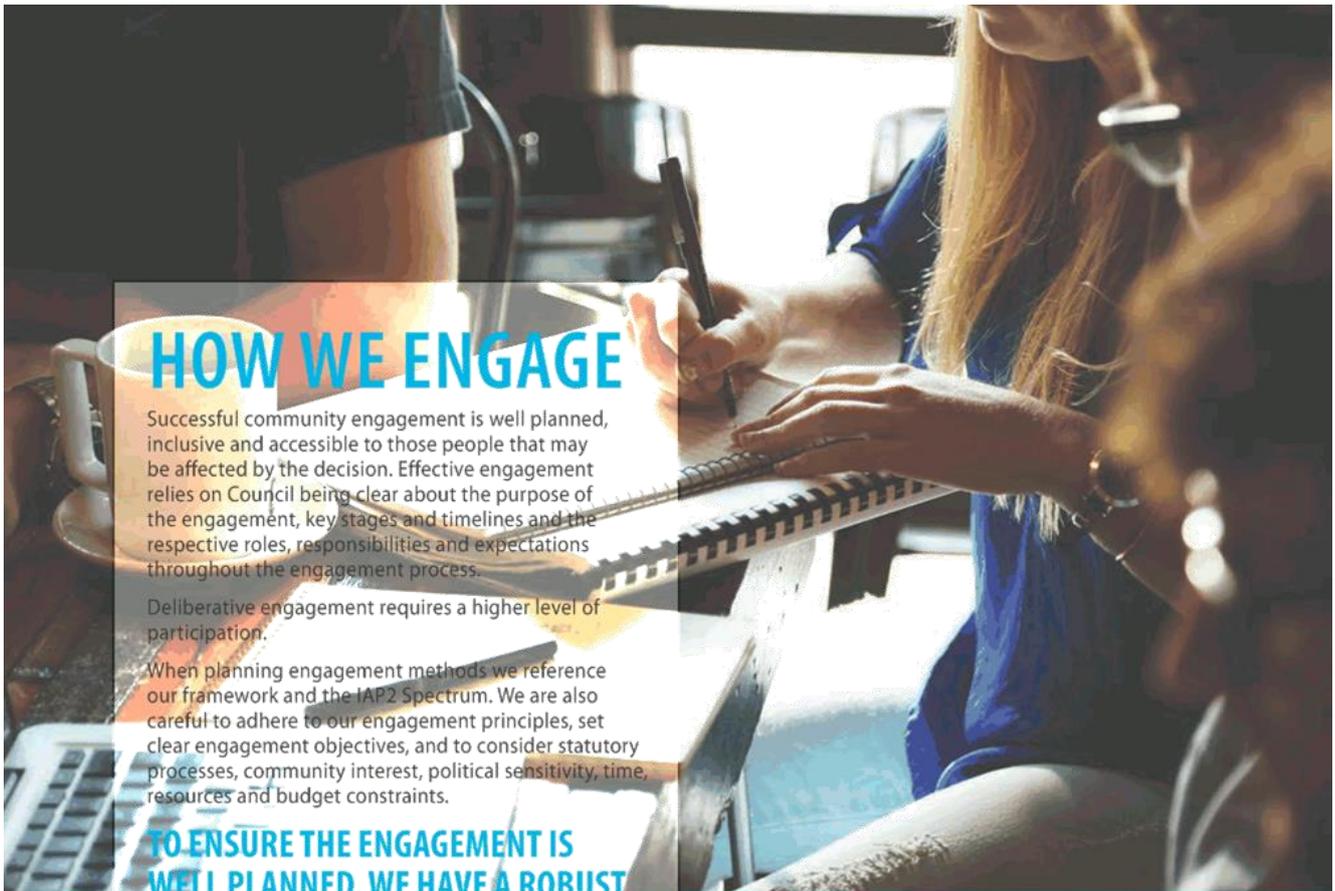
If there is a decision to be made by Council that will impact and affect the community and other key stakeholders then community engagement is usually required.

We will plan for community engagement early in our project planning process.

We are committed to informing the community and key stakeholders during the early stages of project development to provide real opportunities for the community to influence decisions. Doing this gives the community the ability participate in a meaningful way and allows us to discern opportunities and constraints early in the planning process.

We will provide the community with sufficient time to participate in any engagement activity. Wherever possible we will set the engagement at suitable times for stakeholders; for example not over significant holiday periods or at times of the day when participants will find it difficult to be involved.

What constitutes sufficient time will depend on the scale and/or complexity of the project and the number of people who will participate in the engagement activity. As a general rule, two to four weeks should be allowed from the time of notification until the close of time for comment by any stakeholder group. For some projects, there are legislative requirements that will need to be considered.



HOW WE ENGAGE

Successful community engagement is well planned, inclusive and accessible to those people that may be affected by the decision. Effective engagement relies on Council being clear about the purpose of the engagement, key stages and timelines and the respective roles, responsibilities and expectations throughout the engagement process.

Deliberative engagement requires a higher level of participation.

When planning engagement methods we reference our framework and the IAP2 Spectrum. We are also careful to adhere to our engagement principles, set clear engagement objectives, and to consider statutory processes, community interest, political sensitivity, time, resources and budget constraints.

TO ENSURE THE ENGAGEMENT IS WELL PLANNED, WE HAVE A ROBUST ENGAGEMENT PROCESS FEATURING A THREE STAGE APPROACH:

- Plan (developing the engagement plan)
- Do (implementing engagement activities and receiving input)
- Report (providing feedback on level of engagement and participation outcomes).

Our engagement will respect the rich diversity of our local community. We will recognise the long Indigenous heritage of our area and respect the insights of the original owners across all engagement areas. We will make sure that, where possible, our engagement is community driven and responsive to the hopes and needs of our community.

We will value accessibility and engage in a manner that is inclusive of the cultures and language groups that make up our municipality as well as being aware of the diversity in ages, gender, abilities and the range of socio-economic perspectives and aspirations. We will take special care with the young and the vulnerable, acknowledging their voice and engaging in safe and respectful ways. We will adhere to the Victorian Government's policy on conducting research in schools.

EVALUATING OUR ENGAGEMENT

We measure our engagement performance in order to test that we are delivering public value to our community.

We measure the level of engagement or number of interactions, submissions made, surveys completed, participants in a workshop, letters distributed, calls taken and more.

We also measure participation outcomes. How were the decisions that we made influenced by community inputs? When we listened and consulted, did we act on what we heard and understood?

Effective evaluation of community engagement activities can provide considerable benefits including:

- Improving community engagement practice by identifying achievements and providing evidence of how effective engagement works
- Identifying and articulating lessons learned and improving current practices
- Assisting in developing an evidence base for community vision, concerns and aspirations
- Meeting our requirements for the Victorian Auditor-General's Office.

RESOURCES AND TOOLS TO SUPPORT OUR COMMUNITY ENGAGEMENT FRAMEWORK

INDEPENDENT RESEARCH

Community satisfaction and preferred methods of engagement are captured in regular independent research. This is based on a randomly selected sample of citizens and delivers statistically reliable results that can be compared across years and in some years across Councils.

The Local Government Community Satisfaction Survey is facilitated by the State Government on behalf of all Victorian councils.

The results of the survey are reported to Council and made available to the public. These results inform the 'Know Your Council' website which enables comparison of our customer satisfaction ratings with other Victorian councils and benchmark our performance from year to year.

OUR COMMUNICATION CHANNELS

To encourage and invite our community and stakeholders to participate in community engagement activities, we may promote the opportunities in a range of different ways.

SOME OF THE COMMUNICATIONS CHANNELS AND TOOLS THAT CAN BE USED TO SUPPORT OUR ENGAGEMENT ACTIVITIES INCLUDE:

- Council Meetings and Briefings
- Weekly Community Updates in local newspapers
- Our Say Buloke engagement platform
- Buloke Shire Council website
- Social media including Facebook, Twitter, LinkedIn and YouTube
- Print promotions such as letters, posters or flyers
- Drop in sessions, site visits and open days
- Focus groups, workshops and stakeholder briefing sessions
- Media promotion including media releases and/or advertising
- Community Forum Summits
- Weekly Customer Service Information sheets
- Regular radio appearances
- Community Support Meetings
- Face to face Customer Service
- Buloke Library Service
- Attendance at Community Forum Meetings



TRAINING

Training will be provided to staff to increase understanding of our Community Engagement Framework, processes and tools, and to build capacity in order for staff to deliver sound engagement activities across the organisation.

INTEGRATED COMMUNITY ENGAGEMENT

We have several legislative requirements to engage, and are often managing several large projects across different parts of the organisation at any one time. Council is committed to being respectful of the community's time in our engagement activities. We will coordinate and integrate our large scale community engagement where possible in the interests of efficiency.

DEVELOPMENT OF THIS POLICY

THIS COMMUNITY ENGAGEMENT POLICY 2020 WAS DIRECTLY INFORMED BY:

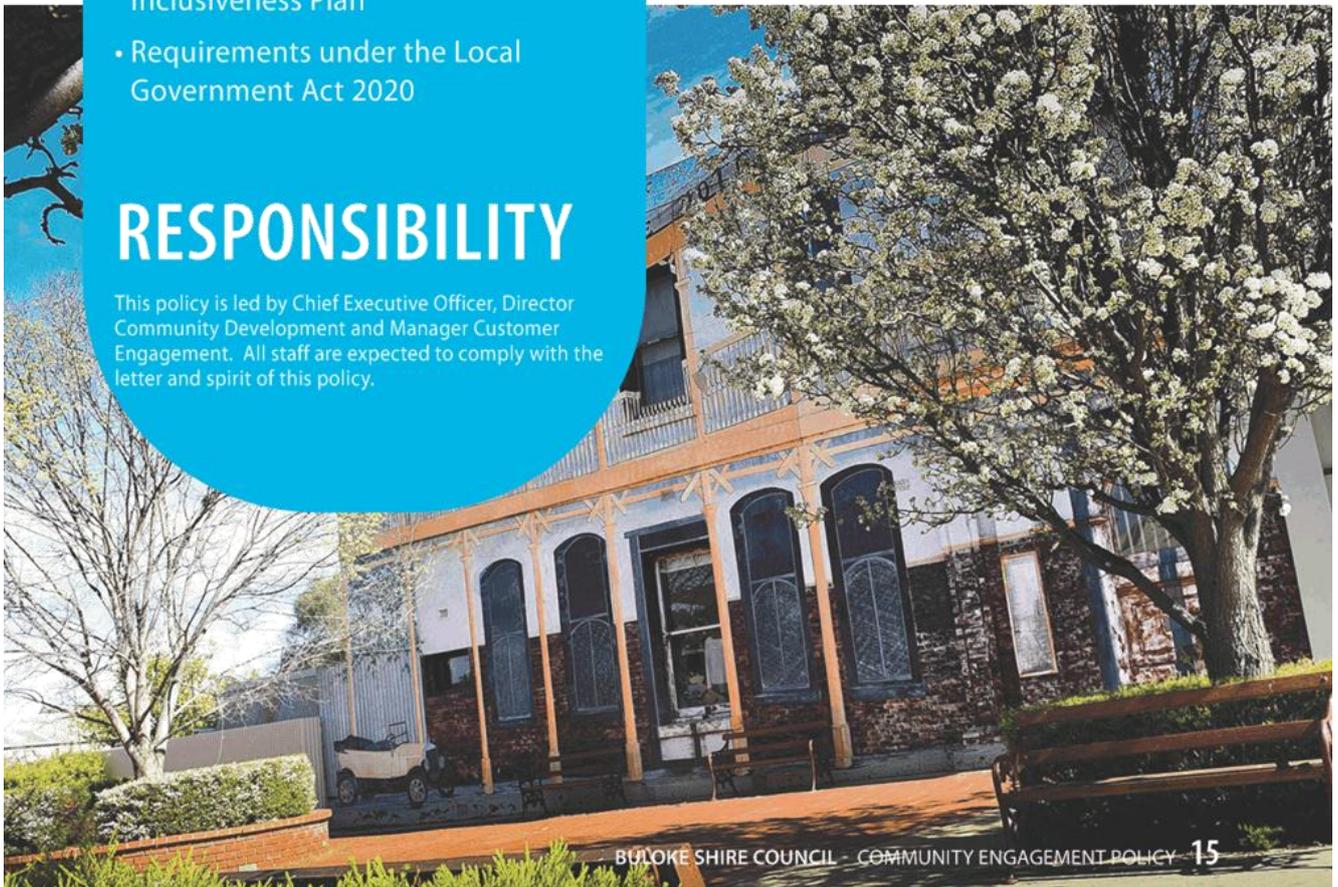
- Community Engagement Policy Survey
- Consultation with our ten Community Forums
- A Community Engagement period as part of the development of the Policy
- A review of existing Council plans and strategies including the Inclusiveness Plan
- Requirements under the Local Government Act 2020

RESPONSIBILITY

This policy is led by Chief Executive Officer, Director Community Development and Manager Customer Engagement. All staff are expected to comply with the letter and spirit of this policy.

RELATED DOCUMENTS

Council Plan 2017-21
Social Media Policy
Information Privacy Policy
Councillor Code of Conduct
Staff Code of Conduct
Customer Service Strategy
Project Management Framework
Inclusiveness Plan
Charter of Human Rights and Responsibilities Act 2006
Local Government Act 2020
Subordinate Legislation Act 1994
Public Administration Act 2004
Equal Opportunity Act 2010
Child Safe Safety Act 2015



P. 1300 520 520
A. PO Box 1, Wycheproof VIC 3527
367 Broadway, Wycheproof VIC 3527
E. buloke@buloke.vic.gov.au
www.buloke.vic.gov.au



8.2 MANAGEMENT REPORTS

8.2.1 REVIEW OF COUNCILLOR AND MAYORAL ALLOWANCES

Author's Title: Director Corporate Services

Department: Corporate Services

File No: GO|06|11

Relevance to Council Plan 2017 - 2021

Strategic Objective: Support our councillors, staff, volunteers and the community to make informed and transparent decisions.

PURPOSE

To recommend the Council confirm the level of Councillor and Mayoral allowances as proposed by the Review.

SUMMARY

Council undertook a review of allowances for the Mayor and Councillors, and gave notice of the review pursuant to section 223 of the *Local Government Act 1989*. No submissions were received during this review.

RECOMMENDATION

That Council having undertaken a review of allowances for the Mayor and Councillors, given notice of the review under section 223 of the *Local Government Act 1989* and having received no submissions, set the annual allowances for Councillors and the Mayor for the next 4 years as follows:

- Councillors: \$21,049
- Mayor: \$62,884

with the intention to adjust the above allowances in accordance with any adjustment factor determined by the Minister until such time as the Victorian Independent Remuneration Tribunal has made a determination under the *Local Government Act 2020*;

Attachments: Nil

DISCUSSION

Council has a legislative requirement under section 74 of the *Local Government Act 1989* (Act) to review and determine the level of the Councillor allowance and the Mayoral allowance within a period of 6 months after a general election or by next 30 June, whichever is later.

The review process includes a section 223 public consultation before the allowances can be set for the next four years.

Following completion of the review and consideration of any submissions received pursuant to the provisions of s223 of the Act Council can determine the allowance level which will stand for the next 4 years.

The review proposed the base rate for the term of this Council (4 years) for the Mayor and Councillors be as follows:

- Councillors: \$21,049
- Mayor: \$62,884

Allowances are paid to compensate Councillors for the duties performed as an elected local government Councillor. Mayoral and Councillor allowances are subject to an additional 9.5% superannuation guarantee.

An advertisement calling for submissions pursuant to section 223 of the Act was placed in local newspapers and on the Council's website. No submissions were received.

RELEVANT LAW

Whilst the Councillor allowance provisions of the 1989 Act were revoked on 6 April 2020, and replaced with section 39 of the *Local Government Act 2020*, the Victorian Independent Remuneration Tribunal has yet to determine an allowance for Mayors, Deputy Mayors or Councillors.

Despite the repeal of the Councillor allowance provisions under the 1989 Act, section 39(6) of the *Local Government Act 2020* provides that the 1989 Act provisions continue to apply in respect of allowances payable to Mayors and Councillors until the first Determination is made by the Remuneration Tribunal.

Accordingly, section 74(1) of the 1989 Act requires that Councils must review and determine the level of Mayoral and Councillor allowances are governed by limits within the allocated categories as determined by the Minister of Local Government through an Order in Council.

Councils are designated either a category 1, 2 or 3. The categories are derived by Local Government Victoria from a formula based on an individual Council's population and annual revenue. Buloke is a Category 1 Council.

References to the applicable sections within the Act are outlined within this report.

RELATED COUNCIL DECISIONS

The former Council set the Councillor and Mayoral allowance at 100% of the rate applicable to Category 1 Councils.

OPTIONS

Council may determine to pay less than the uppermost allowance limit applicable under the 1989 Act. This option has not been recommended on the grounds that no increases to Councillor and Mayoral allowances have occurred since 2019. Additionally, the recommendation to pay allowances at 100% of the Category 1 rate reflects the workload associated with Councillor and Mayoral activities.

The Act provides a Council must pay a Councillor allowance or a Mayoral allowance in accordance with any review and determination made by Council under section 74. The Act further provides a Council does not have to pay an allowance to a Councillor or Mayor who does not want to receive an allowance.

SUSTAINABILITY IMPLICATIONS

Not applicable

COMMUNITY ENGAGEMENT

Council has met its obligations to give public notice of its intention to set the Councillor and Mayoral Allowance. Any person had the right to make a submission in respect of the intended levels.

No submissions were received.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable.

COLLABORATION

Not applicable.

FINANCIAL VIABILITY

Upon the completion of the section 223 process and the setting of the allowances, the amount of the allocation will be confirmed as part of the 2021/22 Annual Budget.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable.

COUNCIL PLANS AND POLICIES

Estimations for Councillor and Mayoral allowance amounts are incorporated into the Council's Strategic Resource Plan and Long Term Financial Plan.

TRANSPARENCY OF COUNCIL DECISIONS

Payments of Councillor and Mayoral allowances are reported within the Council's Annual Report of Operations.

CONFLICTS OF INTEREST

The *Local Government (Governance and Integrity) Regulations 2020* state that for the purposes of section 129(g) of the *Local Government Act 2020* an exemption for conflicts of interest is applicable in determining the payment of Councillor and Mayoral allowances provided for under section 39(6) of the Act.

8.2.2 GOVERNANCE RULES 2021

Author's Title: Director Corporate Services

Department: Corporate Services

File No: LA|08|16

Relevance to Council Plan 2017 - 2021

Strategic Objective: Support our councillors, staff, volunteers and the community to make informed and transparent decisions.

PURPOSE

To recommend adoption of the Governance Rules 2021 (Rules).

SUMMARY

Section 60 of the *Local Government Act 2020* (the Act) requires Council to adopt and apply Rules which describe the way it will conduct Council meetings and make decisions.

A review in December 2020 was undertaken to provide for the Mayor to call a Meeting of the Council.

RECOMMENDATION

That Council adopt the Governance Rules 2021.

Attachments: 1 [Governance Rules 2021](#)

DISCUSSION

A review of the Rules was undertaken in December 2020 to incorporate provisions enabling the Mayor, by written notice to the Chief Executive Officer, to call a Meeting of the Council.

A period of community engagement was undertaken following the December 2020 Council Meeting, inviting the public to make submissions on the proposed amendment.

No submissions were received.

It is now appropriate for the Rules to be considered for adoption by the Council.

RELEVANT LAW

Section 60 of the Act requires Council to adopt and apply Governance Rules (Rules) which describe the way it will conduct Council meetings and make decisions.

Council must ensure that a process of community engagement is followed pursuant to Section 60(4).

RELATED COUNCIL DECISIONS

Council's Election Period policy was adopted at the June 2020 Council Meeting. No changes are proposed to the Election Period policy.

Council resolved to release its revised Rules at the December 2020 Council Meeting for the purposes of community engagement.

OPTIONS

Council may determine not to provide that the Mayor to call a meeting of the Council within its Governance Rules. This option is not recommended due to the previous provisions of the *Local Government Act 1989* for Special Meetings not being replicated within the *Local Government Act 2020*. Meetings outside of the adopted Meeting Schedule may be used for awarding of contracts and for the Mayor to present the Annual Report of Operations to the Buloke community, for example.

SUSTAINABILITY IMPLICATIONS

Not applicable.

COMMUNITY ENGAGEMENT

Council Officers undertook an engagement process in relation to the revised Rules following the Council Meeting held on 9 December 2020. Council invited public submissions in relation to any proposal contained within the revised Rules and invited the public to make presentations in support of any written submissions at its February 2021 Council meeting. A copy of the invitation and the revised Rules were made available on Council's website.

No submissions were received.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable.

COLLABORATION

Not applicable.

FINANCIAL VIABILITY

There are no financial implications associated with the adoption of the Rules.

Penalty rates applicable under the Act in relation to inappropriate use of Council resources, and publicity which might influence the outcome of a Council election are outlined in Schedule 3 – Election Period Policy.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable.

COUNCIL PLANS AND POLICIES

Not applicable.

TRANSPARENCY OF COUNCIL DECISIONS

The Rules demonstrate Council continues to provide good governance through the performance of its role in accordance with the overarching governance principles and supporting principles of the Act.

CONFLICTS OF INTEREST

I, Hannah Yu, have no conflicts of interest to declare in relation to this report.



GOVERNANCE RULES 2021

**BULOKE SHIRE COUNCIL
 GOVERNANCE RULES 2021**

PART 1 – PRELIMINARY	3	35. Deferral of confirmation of Minutes	14	76. Disagreeing with the Chairperson's ruling on a point of order	20
1. Purpose	3	36. Availability of Minutes	14	77. Adjournment and resumption of meeting	20
2. Role of Council	3	37. Recording of meetings	14	78. Procedural motions	20
3. Overarching governance principles and supporting principles	3	DIVISION 6 – VOTING AT MEETINGS	14	79. The closure	20
4. Council decision making	4	38. How determined	14	80. Adjourning the debate	20
5. General power	4	39. By showing of hands	14	81. Urgent or other business	21
6. Definitions	4	40. When a division is permitted	14	82. Petitions and joint letters	21
PART 2 – THE MAYOR, DEPUTY MAYOR AND ACTING MAYOR	6	41. Procedure for a division	14	83. Councillor presenting petition	21
7. When is a Mayor to be elected?	6	42. Between the original vote and a division	14	DIVISION 5 – NOTICE OF MOTION	22
8. Election of Mayor	6	43. No discussion once declared	15	84. Must be listed on Agenda	22
9. Election of Deputy Mayor	6	44. Addressing the meeting	15	85. Procedure	22
10. Acting Mayor	7	PART 4 – DELEGATED COMMITTEE MEETINGS	15	86. Rejection of a vague notice	22
PART 3 – COUNCIL MEETINGS	7	DIVISION 1 – NOTICES AND AGENDAS	15	87. Listing notice on Agenda	22
DIVISION 1 – NOTICES AND AGENDAS	7	45. Schedule 1 applies to the conduct of Delegated Committee meetings.	15	88. Register of notices	22
11. Notice of dates and times of meetings	7	PART 5 – OTHER MEETING PROCEDURES	15	89. May be moved by any Councillor and amended	22
12. Council may alter meeting dates	7	DIVISION 1 – MATTERS NOT PROVIDED FOR	15	DIVISION 6 – NOTICE OF AMENDMENT OR RESCISSION	22
13. Notice of meeting	8	46. Matters not provided for	15	91. Procedure	22
14. Leave of absence	8	DIVISION 2 – MOTIONS	15	92. Listing notice on Agenda	22
DIVISION 2 – OPEN MEETINGS	8	47. Form of motion or amendment	15	93. If lost	23
15. Meetings open to the public	8	48. Moving a motion	16	94. If not moved	23
16. Councillor Code of Conduct	8	49. Agreed alteration to a motion	16	95. May be moved by any Councillor	23
DIVISION 3 - QUORUMS	9	50. Right of reply	16	96. When not required	23
17. Council meetings	9	51. No right of reply for amendments	16	97. Register of notices	23
18. Meetings of Delegated Committees and Community Asset Committees	9	52. Moving an amendment	16	DIVISION 7 – PUBLIC PARTICIPATION	23
19. Urgent or emergency meetings	9	53. Who may propose an amendment?	16	98. During meetings	23
20. Inability to gain a quorum	9	54. Who may debate an amendment?	17	99. Meetings	23
21. Inability to maintain a quorum	9	55. How many amendments may be proposed?	17	100. Public question time	23
22. Inability to maintain a quorum due to disclosed conflicts of interest	9	56. An amendment once carried	17	101. Councillor question time	24
23. Notice of adjourned meeting	9	57. Foreshadowing motions	17	102. Reports from Councillors	24
DIVISION 4 – CONDUCT OF BUSINESS	10	58. Withdrawal of motions	17	103. Chairperson may remove	24
24. The order of business	10	59. Separation of motions	17	DIVISION 8 – ADDITIONAL DUTIES OF CHAIRPERSON	25
25. Change to order of business	10	60. Chairperson may separate motions	17	104. Chairperson's duties and responsibilities	25
26. Chief Executive Officer may include items on an agenda	10	61. Motions in writing	17	PART 6 – COMMON SEAL	25
27. Meetings of Delegated Committees and Community Asset Committees	10	62. Circulated motions	17	105. Purpose	25
28. Time limit for meetings	11	63. Debating the motion	18	106. Use of Common Seal	25
DIVISION 5 – DISCLOSURE OF CONFLICTS OF INTEREST	11	64. When a resolution is acted upon	18	107. Signatures accompanying the affixing of the Common Seal	25
29. Procedures for the disclosure of a conflict of interest by a Councillor or a member of a Delegated Committee at a meeting of the Council or a Delegated Committee	11	65. Suspension of standing orders	18	108. Authority for use of Common Seal	25
30. Procedure for the disclosure of a conflict of interest by a Councillor at a meeting under the auspices of Council that is not a meeting of the Council or a Delegated Committee	12	66. No motions may be accepted during the suspension of standing orders	18	109. Security of Common Seal	25
31. Disclosure of a conflict of interest by a member of Council staff	12	67. Interruption for point of order	18	110. Common Seal register	25
DIVISION 6 - MINUTES	13	DIVISION 3 – SPEAKING TIMES	19	SCHEDULE 1 – MEETING PROCEDURES FOR DELEGATED COMMITTEES	26
32. Keeping minutes	13	68. Speaking times	19	SCHEDULE 2 – QUESTIONS FROM THE GALLERY	28
33. Confirmation of minutes	13	69. Extension of speaking times by resolution of Council	19	SCHEDULE 3 – ELECTION PERIOD POLICY	30
34. Objection to confirmation of Minutes	14	70. When an extension can be proposed	19		
		71. No extension after next speaker has commenced	19		
		72. Length of extension	19		
		DIVISION 4 – POINTS OF ORDER AND OTHER PROCEDURAL MATTERS	19		
		73. Points of order	19		
		74. Procedure for a point of order	19		
		75. Consideration of point of order	19		

PART 1 – PRELIMINARY

1. PURPOSE

The purpose of these Governance Rules is to provide for:

- (a) the conduct of Council meetings;
- (b) the conduct of meetings of Delegated Committees;
- (c) the form and availability of meeting records;
- (d) the election of the Mayor and the Deputy Mayor;
- (e) the appointment of an Acting Mayor;
- (f) an election period policy;
- (g) the procedures for the disclosure of a conflict of interest by a Councillor or a member of a Delegated Committee at a meeting of the Council or a Delegated Committee;
- (h) the procedure for the disclosure of a conflict of interest by a Councillor at a meeting under the auspices of Council that is not a meeting of the Council or a Delegated Committee;
- (i) the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter;
- (j) the consideration and making of decisions on any matter being considered by the Council fairly and on the merits;
- (k) the institution of decision-making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered; and
- (l) any other matters prescribed by the regulations made under the Act.

2. ROLE OF COUNCIL

- 1) The role of Council is to provide good governance in its municipal district for the benefit and wellbeing of the Buloke municipal community.
- 2) Council will provide good governance through —
 - a) the performance of its role in accordance with the overarching governance principles and supporting principles of the Act; and

- b) the Councillors of the Council performing their roles in accordance with the requirements of the Act.
- 3) In performing its role, Council may—
 - a) perform any duties or functions or exercise any powers conferred on Council by or under the Act or any other Act; and
 - b) perform any other functions that Council determines are necessary to enable Council to perform its role.
- 4) If it is necessary to do so for the purpose of performing its role, Council may perform a function outside its municipal district.

3. OVERARCHING GOVERNANCE PRINCIPLES AND SUPPORTING PRINCIPLES

- 1) Council will in the performance of its role give effect to the overarching governance principles.
- 2) The following are the overarching governance principles—
 - a) Council decisions are to be made and actions taken in accordance with the relevant law;
 - b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;
 - c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
 - d) the municipal community is to be engaged in strategic planning and strategic decision making;
 - e) innovation and continuous improvement is to be pursued;
 - f) collaboration with other Councils and Governments and statutory bodies is to be sought;
 - g) the ongoing financial viability of the Council is to be ensured;
 - h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making; and
 - i) the transparency of Council decisions, actions and information is to be ensured.

**BULOKE SHIRE COUNCIL
 GOVERNANCE RULES 2021**

- 3) In giving effect to the overarching governance principles, Council will take into account the following supporting principles—
- the community engagement principles;
 - the public transparency principles;
 - the strategic planning principles;
 - the financial management principles; and
 - the service performance principles.

4. COUNCIL DECISION MAKING

- Council must consider, and make decisions on, any matter being considered by Council fairly and on the merits.
- Any person whose rights will be directly affected by a decision of the Council is entitled to:
 - communicate their views by written submission;
 - subsequently speak to their submission or to have a person speak on their behalf; and
 - have their interests considered.
- For the purposes of subclauses (1) and (2), a decision of Council means the following—
 - a resolution made at a Council meeting;
 - a resolution made at a meeting of a Delegated Committee; or
 - the exercise of a power or the performance of a duty or function of Council by a member of Council staff or a Community Asset Committee under delegation.

5. GENERAL POWER

Subject to any limitations or restrictions imposed by or under the Act or any other Act, Council has the power to do all things necessary or convenient to be done in connection with the performance of its role.

6. DEFINITIONS

In these Governance Rules, the following words are defined to mean:

Words	Meaning
Act	The <i>Local Government Act 2020</i>
Agenda	The notice of a meeting setting out the business to be transacted at the meeting
Business Days	A normal working day of the Council, usually Monday to Friday excluding declared Public Holidays
Chair	The Chairperson
Chairperson	The person who chairs a meeting of the Council, a Delegated Committee or a Community Asset Committee, and includes a person acting as Chairperson, a temporary Chairperson or a substitute Chairperson
Chief Executive Officer	The member of Council staff appointed to be its Chief Executive Officer, and includes a person acting as Chief Executive Officer
Clause	A clause of these Governance Rules
Councillor Code of Conduct	The Councillor Code of Conduct approved under section 139 of the Act
Committee Meeting	A meeting of a Delegated Committee
Common Seal	The Common Seal of the Council
Community Asset Committee	A Community Asset Committee established by Council under section 65 of the Act

**BULOKE SHIRE COUNCIL
 GOVERNANCE RULES 2021**

Words	Meaning
Confidential Information	<i>As the same meaning as in section 3(1) of the Act</i>
Council	The Buloke Shire Council
Councillor	A person who is an elected member of the Council
Delegated Committee	A Delegated Committee established by Council under section 63 of the Act
Deputy Mayor	A Councillor who has been elected to that position by a vote of Councillors
Division	A formal count and recording of those for and those against a motion
Formal Motion	A motion which relates to a procedural matter only and which is not designed to produce any substantive result but used merely as a formal procedural measure
Mayor	The Mayor of the Council and any person acting as the Mayor.
Meeting	A meeting of Council, a Delegated Committee or a Community Asset Committee
Member	A person who is entitled to vote at a meeting of the Council or a Delegated Committee or Community Asset Committee
Minutes	The record of proceedings of a meeting of the Council, a Delegated Committee or a Community Asset Committee
Municipal District	The area comprising the municipal district of the Council
Notice of Motion	A notice setting out the text of a motion which is proposed to be moved at the next relevant meeting
Present at the Meeting	Physically present at the Council meeting

Words	Meaning
Recommendation	The recommendation made in a report to Council as part of the agenda
Regulations	Any regulations made under the Act
Resident	A person who has a place of residence within the Municipal District
Suspension of Standing Orders	The suspension of the meetings provisions of the Governance Rules to facilitate full discussion on an issue without formal constraints
Written	Includes duplicated, lithographed, photocopied, photographed, printed, typed and emailed

PART 1 – THE MAYOR, DEPUTY MAYOR AND ACTING MAYOR

7. WHEN IS A MAYOR TO BE ELECTED?

- 1) A Mayor is to be elected:
 - a) no later than one month after the date of a general election; or
 - b) within one month after any vacancy in the office of Mayor occurs.
- 2) Before the election of the Mayor, Council must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.
- 3) If the Mayor is elected for a 1 year term, the next election of the Mayor must be held on a day to be determined by Council that is as close to the end of the 1 year term as is reasonably practicable.
- 4) If the Mayor is to be elected for a 2 year term, the next election of the Mayor must be held on a day to be determined by Council that is as close to the end of the 2 year term as is reasonably practicable.
- 5) The election of a Mayor after the period specified in this clause does not invalidate the election.
- 6) A Councillor elected to fill a vacancy in the office of Mayor caused other than by the expiration of a 1 year or a 2 year term serves the remaining period of the previous Mayor's term.

8. ELECTION OF MAYOR

- 1) At a Council meeting that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.
- 2) Subject to section 167 of the Act, any Councillor is eligible for election or re-election to the office of Mayor.
- 3) The election of the Mayor must be chaired by the Chief Executive Officer.
- 4) Subject to subclauses (5) and (6), the Mayor must be elected by an absolute majority of the Councillors.

- 5) If an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.
- 6) However, if only one Councillor is a candidate for Mayor, the meeting must declare that Councillor to be duly elected as Mayor.
- 7) In this clause, **absolute majority** means the number of Councillors which is greater than half the total number of the Councillors of a Council.
- 8) The Chief Executive Officer will invite nominations for the office of Mayor.
- 9) Every nomination shall require a seconder.
- 10) Any Councillor nominated may refuse nomination.
- 11) Where two or more nominations are received, the method of voting will be by show of hands.
- 12) If no candidate receives an absolute majority of votes where there are 3 or more candidates, the candidate with the least number of votes must be eliminated as a candidate and a further poll conducted between the remaining candidates.
- 13) If there are several candidates, the procedure must be repeated until a candidate receives an absolute majority of votes and that candidate shall be declared Mayor.
- 14) If, for the purpose of eliminating the candidate with the least number of votes, two or more candidates have the same least number of votes, the candidate to be eliminated shall be determined by simple majority vote.

9. ELECTION OF DEPUTY MAYOR

- 1) Clause 7 applies to the election of a Deputy Mayor by the Councillors as if any reference in that clause to the Mayor was a reference to the Deputy Mayor.
- 2) Clause 8, other than subclause (3), applies to the election of a Deputy Mayor as if any reference in that section to the Mayor was a reference to the Deputy Mayor.

10. ACTING MAYOR

- 1) Council must appoint a Councillor to be the Acting Mayor when—
 - a) Neither the Mayor or any elected Deputy Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
 - b) the Mayor and any elected Deputy Mayor are both incapable of performing the duties of the office of Mayor and Deputy Mayor respectively for any reason, including illness; or
 - c) the office of Mayor and Deputy Mayor are vacant.
- 2) An appointment under subclause (1) must be for a period specified by Council.
- 3) If—
 - a) an appointment has not been made under subclause (1) or has expired; and
 - b) any of the circumstances specified in subclause (1) (a), (b) or (c) apply—

Council must appoint a Councillor to be the Acting Mayor for a period specified by Council.

- 4) An Acting Mayor—
 - a) must perform the role of the Mayor; and
 - b) may exercise any of the powers of the Mayor—until the circumstances specified in subclause (1) no longer apply or the period of the appointment expires, whichever first occurs.
- 5) If an Acting Mayor has been appointed, unless inconsistent with the context or subject matter, a reference in the Act (except in sections 20 and 23, Division 4 of Part 2 and sections 61(6) and 236(4)) to the Mayor includes a reference to the Acting Mayor.

PART 3 – COUNCIL MEETINGS

DIVISION 1 – NOTICES AND AGENDAS

11. NOTICE OF DATES AND TIMES OF MEETINGS

- 1) At the Council Meeting to elect the Mayor, Council must fix the date, time and place of all meetings of Council and Delegated Committees for the following year, which may be amended where the circumstances require.
- 2) In addition to subclause (1) the Mayor may by written notice delivered to the Chief Executive Officer call a meeting of the Council.
- 3) A notice delivered under subclause (2) must specify the date and time of the meeting and the business to be transacted.
- 4) Unless all Councillors are present and unanimously resolve to deal with the another matter at a meeting called by the Mayor, only the business specified in the notice or resolution is to be transacted.
- 5) Council must provide at least 7 days' notice on Council's website of meetings of the Council and Delegated Committees unless urgent or extraordinary circumstances prevent Council from doing so in which case, Council must give notice that is practicable for the circumstances which includes advice of the reasons why the 7 days' notice of the meeting could not be given.

12. COUNCIL MAY ALTER MEETING DATES

- 1) Council may change the date, time and place of any meeting of Council or Delegated Committee which has been fixed and must provide reasonable notice of the changes to the public.
- 2) Where meeting dates are changed, details are to be published on Council's website.

BULOKE SHIRE COUNCIL
GOVERNANCE RULES 2021

13. NOTICE OF MEETING

- 1) Unless urgent or extraordinary circumstances have necessitated the meeting, a notice of meeting incorporating or accompanied by an agenda of the business to be dealt with must be served on every Councillor at least 2 clear business days before the meeting.
- 2) The notice of meeting for any meeting must state the date, time and place of the meeting and the business to be dealt with and must be sent by post, messenger, email or online portal to each Councillor's place of residence or usual place of business (if applicable) or as otherwise specified by the Councillor.
- 3) A notice may be handed personally to a Councillor in any location within the time required, or may be delivered to another destination, provided a written authorisation of the relevant Councillor is held by the Chief Executive Officer.
- 4) To enable the processes of governance to be efficiently managed, Councillors should keep the Chief Executive Officer informed of their point(s) of contact from time to time.

14. LEAVE OF ABSENCE

It will not be necessary for a notice of meeting or agenda to be served on any Councillor who has been granted leave of absence, unless the Councillor has requested the Chief Executive Officer in writing to continue to give notice of any meeting to be held during the period of their absence.

DIVISION 2 – OPEN MEETINGS

15. MEETINGS OPEN TO THE PUBLIC

- 1) A meeting of Council or a Delegated Committee must be kept open to the public unless Council or the Delegated Committee considers it necessary to close the meeting to the public because a circumstance specified in subclause (2) applies.
- 2) The circumstances are—
 - a) the meeting is to consider confidential information; or
 - b) security reasons; or
 - c) it is necessary to do so to enable the meeting to proceed in an orderly manner.

- 3) If the circumstance specified in subclause (2)(b) or (2)(c) applies, the meeting can only be closed to the public if the Council or Delegated Committee has made arrangements to enable the proceedings of the meeting to be viewed by members of the public as the meeting is being held.
- 4) For the purposes of subclause (3), the arrangements may include provision to view the proceedings on the Internet or on closed circuit television.
- 5) If Council or a Delegated Committee determines that a meeting is to be closed to the public to consider confidential information, the Council or Delegated Committee must record in the minutes of the meeting that are available for public inspection—
 - a) the ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of **confidential information** in clause 6; and
 - b) an explanation of why the specified ground or grounds applied.

16. COUNCILLOR CODE OF CONDUCT

During the course of any Council meeting, Councillors must comply with the Councillor Code of Conduct.

BULOKE SHIRE COUNCIL
GOVERNANCE RULES 2021

DIVISION 3 - QUORUMS

17. COUNCIL MEETINGS

The quorum required for any Council meeting shall be 4 Councillors.

18. MEETINGS OF DELEGATED COMMITTEES AND COMMUNITY ASSET COMMITTEES

The quorum for a meeting of a Delegated Committee or a Community Asset Committee will be determined by Council for each Committee, but in the absence of Council's determination, the quorum required will be not less than a majority of members.

19. URGENT OR EMERGENCY MEETINGS

In the case of an emergency the quorum required will be 4 Councillors.

20. INABILITY TO GAIN A QUORUM

- 1) If after thirty (30) minutes of the scheduled starting time of any meeting or adjournment a quorum cannot be obtained, those Councillors present, or if there are no Councillors present, the Chief Executive Officer, or in his or her absence, a Senior Officer, may adjourn the meeting for a period not exceeding 7 days from the date of the adjournment.
- 2) If a Council meeting is adjourned, the Chief Executive Officer must ensure that the agenda for such a meeting is identical to the agenda for the meeting which is deemed to have lapsed.
- 3) The Chief Executive Officer must give all Councillors notice of the meeting and every reasonable attempt shall be made to advise the public of the revised meeting date.

21. INABILITY TO MAINTAIN A QUORUM

- 1) If during any meeting or any adjournment of the meeting, a quorum cannot be maintained, those Councillors present, or if there are no Councillors present, the Chief Executive Officer, or in his or her absence, a Senior Officer, may adjourn the meeting for a period not exceeding 7 days from the date of the adjournment.

- 2) If a Council meeting lapses, the unconcluded business must be included in the agenda for the next Council meeting.

22. INABILITY TO MAINTAIN A QUORUM DUE TO DISCLOSED CONFLICTS OF INTEREST

- 1) This clause applies if Council cannot maintain a quorum because of the number of Councillors who have a conflict of interest in a decision in regard to a matter.
- 2) Council must consider whether the decision can be made by dealing with the matter in an alternative manner.
- 3) For the purposes of subclause (2), an **alternative manner** may include—
 - a) resolving to split the matter into 2 or more separate parts, so that a quorum can be maintained for each separate part; or
 - b) making prior decisions on component parts of the matter at a meeting for which a quorum can be maintained, before deciding the overall matter at a meeting for which a quorum can be maintained.
- 4) Subject to complying with any requirements under any other Act, if Council is unable to use an alternative manner, Council must decide to establish a Delegated Committee to make the decision in regard to the matter consisting of—
 - a) all the Councillors who have not disclosed a conflict of interest in regard to the matter; and
 - b) any other person or persons that Council considers suitable.
- 5) Section 63(2) of the Act applies to a Delegated Committee established under subclause (4) to the extent possible after excluding all the Councillors who have disclosed a conflict of interest in regard to the matter.

23. NOTICE OF ADJOURNED MEETING

The Chief Executive Officer may provide written notice of an adjournment but where that is not practicable because time does not permit that to occur then provided a reasonable attempt is made to contact each Councillor, notice by telephone, facsimile, in person or by some other means will be sufficient.

DIVISION 4 – CONDUCT OF BUSINESS

24. THE ORDER OF BUSINESS

- 1) The order of business of Council meetings will be determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes of government.
- 2) The Chief Executive Officer should endeavour to be consistent in preparing any agenda from meeting to meeting. However, this should not preclude the Chief Executive Officer from altering the order of business to enhance the fluent and open process of government of the Council or to take advantage of opportunities which may arise from time to time.
- 3) In determining the agenda, the Chief Executive Officer should confer with the Mayor and consider:
 - a) the general attitude of the Council;
 - b) convenience to the community and interested community groups;
 - c) the sensitivity of issues;
 - d) the interest/s of the community and community groups; and
 - e) any other relevant factor which may impact on the fluent and open processes of the government of the Council.
- 4) As a guide, the Chief Executive Officer should list items, giving priority as follows:
 - a) Procedural and protocol matters which may include:
 - at the Mayor's discretion, an Acknowledgement of Country
 - at the Mayor's discretion, an Opening Prayer
 - Receipt of apologies
 - Confirmation of Minutes
 - Requests for leave of absence
 - Declarations of Conflict of Interest
 - Questions from the public
 - Petitions
 - Planning permits issued under delegated authority
 - Letters of congratulations and recognition of achievements

- Any other Procedural Matter
- b) General business may include:
 - Policy reports
 - Management reports
 - Financial reports
 - Organisational reports
 - Reports from Councillors
 - Matters which may exclude the public
 - c) Other business may include:
 - Notices of motion
 - Questions from Councillors
 - Urgent business
 - Any other business.

25. CHANGE TO ORDER OF BUSINESS

Once an agenda has been sent to Councillors, the order of business for that meeting may only be altered by resolution of Council.

26. CHIEF EXECUTIVE OFFICER MAY INCLUDE ITEMS ON AN AGENDA

After conferring with the Mayor, the Chief Executive Officer may include any matter on an agenda which he or she thinks should be considered by the meeting.

27. MEETINGS OF DELEGATED COMMITTEES AND COMMUNITY ASSET COMMITTEES

The agenda for a meeting of a Delegated Committee will be relevant to the issues which are to be raised at the meeting and any reference to Councillors extends to non-Councillor members of a Delegated Committee and any reference to the Council is to be read as referring to the Delegated Committee.

Unless anything in the instrument of delegation provides otherwise, the conduct of a meeting of a Community Asset Committee is at the discretion of the Community Asset Committee.

28. TIME LIMIT FOR MEETINGS

- 1) A meeting must not extend beyond 10.00 pm unless a majority of Councillors present vote in favour of its extension.
- 2) In the absence of such an extension, the meeting must stand adjourned to a time, date and place to be then and there announced by the Chairperson.
- 3) The Chief Executive Officer must give notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.

DIVISION 5 – DISCLOSURE OF CONFLICTS OF INTEREST

29. PROCEDURES FOR THE DISCLOSURE OF A CONFLICT OF INTEREST BY A COUNCILLOR OR A MEMBER OF A DELEGATED COMMITTEE AT A MEETING OF THE COUNCIL OR A DELEGATED COMMITTEE

- 1) If a Councillor or member of a Delegated Committee has a conflict of interest in a matter which is to be considered or discussed at a meeting of the Council or the Delegated Committee, the Councillor or member must, if they are attending the meeting, disclose the conflict of interest in accordance with subclause (2), and if applicable, subclause (3).
- 2) A Councillor or member of a Delegated Committee who has a conflict of interest and is attending the meeting of the Council or Delegated Committee must make a full disclosure of that interest by either advising:
 - a) the Council or Delegated Committee at the meeting immediately before the matter is considered at the meeting; or
 - b) the Chief Executive Officer in writing before the meeting whether the interest is a general conflict of interest or a material conflict of interest, and the nature of the interest.
- 3) If the Councillor or member advised the Chief

Executive Officer of the details under paragraph (b) of subclause (2), the Councillor or member must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.

- 4) The Chief Executive Officer must—
 - a) keep written disclosures received under this clause in a secure place for 3 years after the date the Councillor or member of a Delegated Committee who made the disclosure ceases to be a Councillor or member of a Committee; and
 - b) destroy the written disclosure when the 3 year period referred to in paragraph (a) has expired.
- 5) While the matter is being considered or any vote is taken in relation to the matter, the Councillor or member of a Delegated Committee must—
 - a) leave the meeting and notify the Mayor or the Chairperson of the Delegated Committee of their departure; and
 - b) remain outside the room and any gallery or other area in view or hearing of the meeting.
- 6) The Mayor or the Chairperson of the Delegated Committee must cause the Councillor or member of a Delegated Committee to be notified that they may return to the meeting after—
 - a) consideration of the matter; and
 - b) all votes have been cast on the matter.
- 7) If a Councillor or member of a Delegated Committee discloses a conflict of interest, the Chief Executive Officer or the Chairperson must record in the minutes of the meeting—
 - a) the declaration of the conflict of interest; and
 - b) the classification of the interest that has given rise to the conflict, and if the Councillor or member has disclosed the nature of the interest to the meeting, the nature of the interest.

30. PROCEDURE FOR THE DISCLOSURE OF A CONFLICT OF INTEREST BY A COUNCILLOR AT A MEETING UNDER THE AUSPICES OF COUNCIL THAT IS NOT A MEETING OF THE COUNCIL OR A DELEGATED COMMITTEE

- 1) At a meeting under the auspices of Council that is not a meeting of the Council or Delegated Committee, the Chief Executive Officer must ensure that a written record is kept of—
 - a) the names of all Councillors and members of Council staff attending;
 - b) the matters considered;
 - c) any conflict of interest disclosures made by a Councillor attending under subclause (3);
 - d) whether a Councillor who has disclosed a conflict of interest as required by subclause (3) leaves the meeting.
- 2) The Chief Executive Officer must ensure that the written record of a meeting held under this clause is, as soon as practicable—
 - a) reported at a meeting of the Council; and
 - b) incorporated in the minutes of that Council meeting.
- 3) If a Councillor attending a meeting held under this clause knows, or would reasonably be expected to know, that a matter being considered by the meeting is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest, the Councillor must, at the time set out in subclause (4), disclose to the meeting that they have a conflict of interest and leave the meeting whilst the matter is being considered by the meeting.
- 4) A Councillor must disclose the conflict of interest either—
 - a) immediately before the matter in relation to which the Councillor has a conflict of interest is considered; or
 - b) if the Councillor realises that they have a conflict of interest after consideration of the matter has

begun, as soon as the Councillor becomes aware that they have a conflict of interest.

31. DISCLOSURE OF A CONFLICT OF INTEREST BY A MEMBER OF COUNCIL STAFF

- 1) A member of Council staff who is providing information to:
 - a) a meeting of the Council, a Delegated Committee or a Community Asset Committee; or
 - b) another member of Council staff exercising a power of delegation or performing a statutory function –
and who has a conflict of interest in a matter to which the information relates, must disclose the conflict of interest when providing the information and before the information is considered by the applicable meeting referred to in paragraph (a) or another member of staff referred to in paragraph (b).
- 2) A disclosure made by a person under subclause (1) must be recorded:
 - a) in the minutes of the applicable meeting referred to in paragraph (a); or
 - b) in a conflict of interest disclosure register maintained by the Chief Executive Officer if the information is provided to another member of Council staff referred to in paragraph (b).
- 3) A member of Council staff who has a conflict of interest in a matter in which they also have delegated power, duty or function must—
 - a) not exercise the power or discharge the duty or function; and
 - b) in the case of the Chief Executive Officer, disclose the type of interest and the nature of the interest to—
 - i. the Mayor, in writing, as soon as they become aware of the conflict of interest in the matter; and
 - ii. the Council by no later than the next meeting of the Council; and

BULOKE SHIRE COUNCIL
GOVERNANCE RULES 2021

- 4) The Chief Executive Officer does not have a conflict of interest in a matter if the matter only relates to—
 - a) the adoption or amendment of a policy relating to Council staff generally;
 - b) the adoption of a code of conduct for Council staff; or
 - c) a decision to delegate a power, duty or function to a member of Council staff.

DIVISION 6 - MINUTES

32. KEEPING MINUTES

- 1) The Chief Executive Officer must ensure that minutes are kept of all meetings of Council, Delegated Committees and Community Asset Committees.
- 2) The minutes of any Council meeting must record:
 - a) the date, place, time, duration and nature of the meeting;
 - b) the names of Councillors present, including the ward they represent;
 - c) apologies and leaves of absence;
 - d) the names of officers present with their organisational title;
 - e) the arrival and departure time of Councillors during the course of the meeting (including any temporary departures or arrivals);
 - f) every motion and amendment moved, including the mover and seconder of any motion or amendment;
 - g) the outcome of every motion that is, whether it was put to the vote and the result of either CARRIED, LOST, WITHDRAWN, LAPSED, AMENDED;
 - h) procedural motions which should be highlighted;
 - i) where a valid division is called, a table of the names of every Councillor and the way their vote was cast; either FOR, AGAINST or ABSTAINED and the Councillor's stated reason for any abstained vote;
 - j) when requested by a Councillor, a record of their support or opposition for any motion;
 - k) details of failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise;

- l) details of any question directed or taken upon notice;
 - m) details of any deputations made to the Council;
 - n) the time and reason for any adjournment of the meeting or suspension of standing orders;
 - o) details of failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise;
 - p) disclosure by a Councillor of a conflict of interest and the details associated with that disclosure required by section 130 and 131 of the Act; and
 - q) any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or the reading the Minutes;
 - r) closure of the meeting to members of the public and the reasons for such closure; and,
 - s) any relevant reports or a summary of relevant reports considered by the Council.
- 3) In addition, every page of the Minutes should:
 - a) be consecutively page numbered; and
 - b) contain consecutive item numbers which are clearly headed with a subject, titles and where appropriated sub-title and file references.
 - c) be indexed through a central indexing system established and maintained by the Chief Executive Officer.

33. CONFIRMATION OF MINUTES

- 1) An appropriate motion to confirm the Minutes would be:
"That the minutes of the (Type of Meeting) held on (Date of meeting) be confirmed."
- 2) If some slight alteration is required to the minutes, then the following words may be added:
"subject to the following alteration(s)"
- 3) If the Confirmation of the Minutes is to be postponed, an appropriate motion would be:
"That the Confirmation of Minutes be held over until:" or
"That the Confirmation of Minutes be held over and relisted on the next Agenda."

**BULOKE SHIRE COUNCIL
GOVERNANCE RULES 2021**

- 4) The Chairperson of the meeting at which the minutes were confirmed is required to verify the minutes by initialing each page of the minutes and by signature on the final page.
- 5) No discussion or debate on the confirmation of minutes will be permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.

34. OBJECTION TO CONFIRMATION OF MINUTES

If a Councillor is dissatisfied with the accuracy of the minutes, then they must:

- a) state the item or items with which he or she is dissatisfied; and
- b) propose a motion clearly outlining the alternative wording to amend the minutes.

35. DEFERRAL OF CONFIRMATION OF MINUTES

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

36. AVAILABILITY OF MINUTES

The Chief Executive Officer will make available confirmed minutes of open meetings of Council and Delegated Committees together with relevant reports on Council's website.

37. RECORDING OF MEETINGS

- 1) The Chief Executive Officer (or other person authorised by the Chief Executive Officer) may record with appropriate recording equipment the proceedings of a Council meeting.
- 2) Subject to subclause (1) a person must not operate any visual or sound recording equipment at any Council meeting without first obtaining the consent of Council or the Chairperson. Such consent may be at any time during the course of such meeting be revoked by Council or the Chairperson.

DIVISION 6 – VOTING AT MEETINGS

38. HOW DETERMINED

To determine a matter before a meeting, the Chairperson will first call for those in favour of the motion and then those opposed to the motion and will declare the result to the meeting.

39. BY SHOWING OF HANDS

In meetings that are required by the Act to be open voting on any matter will be by show of hands.

40. WHEN A DIVISION IS PERMITTED

- 1) A division may be requested by any Councillor on any matter.
- 2) The request must be made to the Chairperson either immediately prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.

41. PROCEDURE FOR A DIVISION

- 1) Once a division has been requested the Chairperson will call for a show of hands by those Councillors voting for the motion and then those Councillors opposed to the motion.
- 2) The Chairperson shall name those Councillors voting for the motion, those Councillors voting against the motion, and any Councillor abstaining from voting, and the names shall be recorded in the Minutes of the meeting.
- 3) Any Councillor abstaining from voting must state their reason for doing so to enable the reason to be recorded in the Minutes of the meeting.

42. BETWEEN THE ORIGINAL VOTE AND A DIVISION

No Councillor is prevented from changing their original vote at the voting on the division, and the voting by division will determine the Council's resolution on the issue.

BULOKE SHIRE COUNCIL
GOVERNANCE RULES 2021

43. NO DISCUSSION ONCE DECLARED

Once a vote on a motion has been taken, no further discussion relating to the motion will be allowed unless the discussion is –

- a) for a Councillor to request that his or her opposition to the motion be recorded in the minutes; or
- b) where a subsequent notice of motion follows a rescission motion.

44. ADDRESSING THE MEETING

- 1) Any Councillor or person who addresses the meeting may remain seated and shall direct all remarks through the Chair.
- 2) A Chairperson may address a meeting, however if the Chairperson wished to debate a particular motion or move any motion or amendment, on any matter under discussion, the Chairperson must advise Council of that intention and vacate the Chair on such occasions for the duration of any item under discussion.
- 3) If the Chairperson vacates the Chair pursuant to sub-clause (2), a temporary Chairperson shall be elected by the meeting and shall take the Chair until the item has been voted upon.
- 4) Any person addressing the Chair should refer to the Chairperson as:
 - Madam Mayor; or
 - Mr. Mayor; or
 - Madam Chairperson; or
 - Mr. Chairperson – as the case may be.
- 5) All Councillors, other than the Mayor, should be addressed as Cr.(surname).
- 6) All Officers should be addressed as Mrs., Ms., Miss or Mr.(surname).

PART 4 – DELEGATED COMMITTEE MEETINGS

DIVISION 1 – NOTICES AND AGENDAS

45. SCHEDULE 1 APPLIES TO THE CONDUCT OF DELEGATED COMMITTEE MEETINGS.

PART 5 – OTHER MEETING PROCEDURES

DIVISION 1 – MATTERS NOT PROVIDED FOR

46. MATTERS NOT PROVIDED FOR

Where a situation has not been provided for under these Governance Rules, Council may determine the matter by resolution.

DIVISION 2 – MOTIONS

47. FORM OF MOTION OR AMENDMENT

- 1) Any motion or an amendment to a motion must:
 - a) be moved and seconded;
 - b) relate to the powers or functions of Council;
 - c) be in writing, if requested by the Chairperson; and
 - d) except in the case of urgent business, be relevant to an item of business on the agenda.
- 2) A motion or amendment must not be defamatory or objectionable in language or nature.
- 3) The Chairperson may refuse to accept any motion or amendment which contravenes this clause.
- 4) A recommendation made in a report that forms part of an agenda item before a meeting has no standing until moved as a motion and seconded. Suggested wording of such a motion may include “**I move the recommendation**”, “**Move the recommendation**” or “**Move that the recommendation be adopted**”.

**BULOKE SHIRE COUNCIL
GOVERNANCE RULES 2021**

48. MOVING A MOTION

- 1) The procedure for moving a motion is –
 - a) the mover must state the motion without speaking to it;
 - b) the Chairperson must call for a seconder unless the motion is a call to enforce a Point of Order;
 - c) unless the motion is a formal motion, it must be seconded by a Councillor other than the mover;
 - d) if a motion is not seconded and is not a formal motion, the motion will lapse for want of a seconder;
 - e) if the motion is seconded, the Chairperson must ask: "Is the motion opposed";
 - f) if no Councillor indicates opposition, and no Councillor wishes to speak to the motion, the motion must be declared to be carried without being voted on and will be treated as being passed unanimously;
 - g) if a Councillor indicates opposition to the motion, then the Chairperson must call the mover to address the meeting;
 - h) after the mover has addressed the meeting the seconder may address the meeting;
 - i) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting) the Chairperson may call upon any Councillor who wishes to speak against the motion;
 - j) after a Councillor has spoken against the motion the Chairperson may call upon any other Councillor to speak for or against the motion;
 - k) a Councillor may speak once on the motion except for the mover of the motion who has a right of reply after which the motion must be put to the meeting for decision;
 - l) a Councillor may be permitted by the Chairperson or by resolution to speak more than once to explain that the Councillor has been misrepresented or misunderstood;
 - m) a Councillor calling the attention of the Chairperson to a Point of Order is not regarded as speaking to the motion or the amendment; and

n) motions must be clear and unambiguous and not be defamatory or objectionable in language or in nature.

- 2) Prior to a motion being moved, the Chairperson may request a member of Council staff to introduce the report relevant to the item on the agenda being considered by the Meeting.

49. AGREED ALTERATION TO A MOTION

- 1) With the leave of the Chairperson, both the mover and the seconder of a motion may agree to an alteration proposed by another Councillor.
- 2) Any such alteration shall not be regarded as an amendment to the motion.

50. RIGHT OF REPLY

- 1) The mover of a motion which has not been amended may, once debate has been exhausted, have a right of reply to matters raised during debate but cannot introduce any new material.
- 2) After the right of reply has been exercised, the motion must be immediately put to the vote without any further discussion or debate.

51. NO RIGHT OF REPLY FOR AMENDMENTS

No right of reply is available where an amendment is before the Council.

52. MOVING AN AMENDMENT

A motion having been moved and seconded may be amended by leaving out, inserting or adding words which must be relevant to the motion and framed so as to complement it as an intelligible and consistent whole.

53. WHO MAY PROPOSE AN AMENDMENT?

An amendment may be proposed or seconded by any Councillor, other than the mover or seconder of the motion.

**BULOKE SHIRE COUNCIL
GOVERNANCE RULES 2021**

54. WHO MAY DEBATE AN AMENDMENT?

A Councillor may address the meeting once on any amendment, whether or not they have spoken to the motion but debate must be confined to the terms of the amendment.

55. HOW MANY AMENDMENTS MAY BE PROPOSED?

- 1) Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time. No second or subsequent amendment can be taken into consideration until the previous amendment has been dealt with.
- 2) A Councillor cannot move more than 2 amendments in succession.

56. AN AMENDMENT ONCE CARRIED

If the amendment is adopted it becomes the substantive motion and, as such, shall be put to the vote by the Chairperson but only after Councillors who did not speak to the motion have exercised their right to do so.

57. FORESHADOWING MOTIONS

- 1) At any time during debate, a Councillor may foreshadow a motion to inform the Council of their intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- 2) A motion foreshadowed may be prefaced with a statement that, in the event that a particular motion before the meeting is resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- 3) A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.
- 4) The Chief Executive Officer would not be expected to record foreshadowed motions in the Minutes but may do if it is thought appropriate.

58. WITHDRAWAL OF MOTIONS

Before any motion is put to the vote, it may be withdrawn with leave of the Chairperson.

59. SEPARATION OF MOTIONS

Where a motion contains more than one part, a Councillor may request the Chairperson to put the motion to the vote in separate parts.

60. CHAIRPERSON MAY SEPARATE MOTIONS

- 1) The Chairperson may decide to put any motion to the vote in separate parts.
- 2) Where a motion contains several parts or is complicated, it may be separated to avoid difficulties, particularly if different Councillors have differing views about the several parts of the motion.

61. MOTIONS IN WRITING

- 1) Where a motion is lengthy, complicated or the exact intention of the motion is not clear the Chairperson may require a Councillor to submit their motion in writing.
- 2) The Chairperson may wish to suspend the meeting while the motion is being written or may request the Council to defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

62. CIRCULATED MOTIONS

- 1) Where:
 - a) Council gives approval in principle to a matter subject to receiving further information; or
 - b) A matter exceeding the Chief Executive Officer's powers of delegation requires a decision or action before the next Council meeting –the Chief Executive Officer may circulate a proposed motion to Councillors to obtain their approval.
- 2) The proposed motion must be in writing and must contain a statement where a Councillor indicates his or her approval or dissent from the proposed motion in writing.
- 3) The proposed motion will not be considered to have been approved by the Council unless all members of the Council unanimously approve the proposed motion.
- 4) At the next meeting of the Council, the Chief Executive Officer must ensure that the agenda contains a report on the motion circulated and the Council's decision which must be recorded in the minutes of the meeting.

BULOKE SHIRE COUNCIL
GOVERNANCE RULES 2021

63. DEBATING THE MOTION

- 1) Debate must always be relevant to the question before the Chair, and if not, the Chairperson may request the Councillor to confine debate to the subject matter.
- 2) If after being requested to confine debate to the motion before the Chair, the Councillor continues to debate irrelevant matters, the Chairperson may require the Councillor to not speak further in respect of the matter before the Chair.
- 3) Adequate debate is required where a matter is contentious in nature. In such a case, every Councillor should be given an opportunity to debate.
- 4) A motion has not been sufficiently debated if opposing views (where they exist) have not been sufficiently put, not so much the number of those who have spoken, but whether all minority opposing views have been put.
- 5) It may be that several Councillors have addressed the meeting, but their views may be similar. In this case, differing views should be sought by the Chairperson (if they exist).
- 6) On the other hand, if only a few Councillors may have addressed the meeting their views may be representative of the other Councillors, in which case, the debate would be regarded as sufficient.
- 7) While the intention of a motion to adjourn debate is to adjourn debate until the time stated in the motion, debate can be adjourned indefinitely.
- 8) If debate is adjourned indefinitely, some indication should be given to the Chief Executive Officer as to when the matter should be relisted, otherwise it will be relisted at the discretion of the Chief Executive Officer, or upon the subsequent resolution of the Council, whichever occurs first.

64. WHEN A RESOLUTION IS ACTED UPON

- 1) The Chief Executive Officer or other Senior Officer may initiate action or cause action to be initiated on any Council resolution at any time after the close of the meeting at which it was carried.

- 2) A resolution will be considered as having been acted upon once its details have been formally communicated to a person affected by or reliant on the resolution or where a statutory procedure has been actioned.

65. SUSPENSION OF STANDING ORDERS

- 1) The provisions of these Governance Rules may be suspended for a particular purpose by resolution of the Council.
- 2) The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.
- 3) An appropriate motion would be:
"That Standing Orders be suspended to enable discussion on"
- 4) Once the discussion has taken place, and before any motion can be put, the resumption of Standing Orders will be necessary. An appropriate motion would be:
"That Standing Orders be resumed."

66. NO MOTIONS MAY BE ACCEPTED DURING THE SUSPENSION OF STANDING ORDERS

No motion may be accepted by the Chair or be lawfully dealt with during any suspension of standing orders.

67. INTERRUPTION FOR POINT OF ORDER

A Councillor who is addressing the meeting must not be interrupted unless called to order when they must remain silent until the Councillor raising the point of order has been heard and the point of order determined by the Chairperson.

DIVISION 3 – SPEAKING TIMES

68. SPEAKING TIMES

Unless a motion for an extension of time has been carried, the maximum speaking times will be:

- a) the mover of a motion - 3 minutes;
- b) the mover of a motion when exercising his or her right of reply - 3 minutes;
- c) any other Councillor - 3 minutes.

69. EXTENSION OF SPEAKING TIMES BY RESOLUTION OF COUNCIL

An extension of the speaking time may be granted by resolution of Council but only one extension is permitted for each speaker on any question.

70. WHEN AN EXTENSION CAN BE PROPOSED

A motion for extension of speaking time must be proposed:

- a) immediately before the speaker commences debate;
- b) during the speaker's debate; or
- c) immediately after the speaker has concluded debate.

71. NO EXTENSION AFTER NEXT SPEAKER HAS COMMENCED

A motion for an extension of speaking time cannot be accepted by the Chair if another speaker has commenced their debate.

72. LENGTH OF EXTENSION

Any extension of speaking time must not exceed 3 minutes.

DIVISION 4 – POINTS OF ORDER AND OTHER PROCEDURAL MATTERS

73. POINTS OF ORDER

A point of order is an objection that the motion, amendment or statement made is:

- a) contrary to these Governance Rules or the provisions of Act;
- b) defamatory or disloyal;
- c) irrelevant;
- d) improper;
- e) obscene; or
- f) outside Council's legal powers.

74. PROCEDURE FOR A POINT OF ORDER

A Councillor may make a point of order by stating, "Point of Order", at which time the Chairperson must suspend the debate and request the Councillor to state the point of order as follows:

- a) identify the point of order; and
- b) the reason for bringing it to the attention of the Chair.

75. CONSIDERATION OF POINT OF ORDER

- 1) If called to order, a Councillor must remain silent until the point of order is decided unless they are requested by the Chairperson to provide an explanation.
- 2) The Chairperson may adjourn the meeting to consider a point of order otherwise the Chairperson must rule on it as soon as it is raised.
- 3) The Chairperson will decide all points of order by stating the provision, rule, practice or precedent which they consider applicable to the point raised without entering into any discussion or comment.

**BULOKE SHIRE COUNCIL
GOVERNANCE RULES 2021**

76. DISAGREEING WITH THE CHAIRPERSON'S RULING ON A POINT OF ORDER

- 1) The decision of the Chairperson in respect to a point of order raised will not be open for discussion and will be final and conclusive unless the majority of Councillors present vote in favour of a motion of dissent.
- 2) A motion of dissent on a point of order must contain a provision, rule, practice or precedent in substitution for the Chairperson's ruling.
- 3) A motion of dissent in relation to a point of order is not a motion of dissent in the Chair and the Chairperson must at all times remain in the Chair and they will maintain their right to a second vote.
- 4) A motion of dissent on a point of order will take precedence over all other business and if carried will be acted on instead of the ruling given by the Chairperson.

77. ADJOURNMENT AND RESUMPTION OF MEETING

- 1) The Chairperson or the Council may adjourn any meeting until a time and place to be determined at the time of the adjournment.
- 2) For the purpose of stating the time to which the meeting is adjourned, that time may be indicated as at the adjournment or conclusion of another meeting or event.

78. PROCEDURAL MOTIONS

- 1) Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chairperson.
- 2) Procedural motions are not required to be seconded.
- 3) The mover of a procedural motion must not have moved, seconded or spoken to any motion before the Chair or any amendment of it.
- 4) A procedural motion cannot be moved by the Chairperson.
- 5) Unless otherwise provided, debate on a procedural motion is not permitted and the mover does not have a right of reply.
- 6) Unless otherwise provided, a procedural motion cannot be amended.

79. THE CLOSURE

- 1) A motion "That the motion be now put.":
 - a) is a procedural motion which if carried to an original motion, requires that the original motion must be put to the vote immediately, without any further debate, discussion or amendment; and
 - b) if carried in respect to an amendment, requires that the amendment be put to the vote immediately without any further debate or discussion and allows debate on the original motion to continue; and
 - c) if lost, allows debate to continue unaffected.
- 2) The Chairperson has the discretion to reject such a motion for closure if the motion upon which it is proposed has not been sufficiently debated.

80. ADJOURNING THE DEBATE

A motion "That the motion and amendments now before the meeting be adjourned until....":

- a) is a procedural motion which cannot be moved while any person is speaking or during the election of a Chairperson; and
- b) may be debated but may only be amended in relation to the time, date and place of the proposed adjournment.

**BULOKE SHIRE COUNCIL
GOVERNANCE RULES 2021**

81. URGENT OR OTHER BUSINESS

- 1) Business which has not been listed on the Agenda may only be raised as urgent or other business by resolution of the Council.
- 2) Notwithstanding anything to the contrary in these Governance Rules, a Councillor (with the agreement of the meeting) may at a Council meeting submit or propose an item of business if the matter relates to business which does not:
 - a) substantially affect levels of Council service; or
 - b) commit Council to significant expenditure not included in the adopted budget; or
 - c) establish or amend Council Policy; or
 - d) commit Council to any contractual arrangement; or
 - e) require, pursuant to any policy determined by Council from time to time, the giving of prior notice.
- 3) Business must not be admitted as urgent business unless it:
 - a) relates to or arises out of a matter which has arisen since distribution of the agenda; and
 - b) cannot safely or conveniently be deferred until the next Council meeting.

82. PETITIONS AND JOINT LETTERS

- 1) All petitions or joint letters must be tabled at the next meeting following receipt, unless the matter which is the subject of the petition or joint letter has already been acted upon.
- 2) When presented, Council must resolve to receive the petition or joint letter and to refer the matter for a report or appropriate action as required to the next appropriate meeting of the Council, unless Council agrees to deal with it earlier.
- 3) A petition or joint letter must:
 - a) be in legible and permanent writing; and
 - b) not be defamatory, indecent, abusive or objectionable in language or content; and
 - c) not relate to matters beyond the powers of Council.

- 4) Every page of a petition or joint letter must bear the whole of the petition or request.
- 5) Any signature appearing upon a page, which does not bear the whole of the petition or request, may not be considered by Council.
- 6) Every page of a petition or joint letter, must be a single piece of paper and must not be pasted, stapled, pinned or otherwise affixed to any other piece of paper.
- 7) On receipt of a petition or joint letter, the Chief Executive Officer must note on the first page the total number of signatures.
- 8) A copy of the text of the petition or joint letter bearing the note of the Chief Executive Officer in accordance with paragraph (7) must be included on the agenda for the next Council meeting.
- 9) A petition or joint letter may nominate a person to whom a reply may be sent, but if no person is nominated Council may reply to the first or any person whose signature appears on the petition.

83. COUNCILLOR PRESENTING PETITION

Any Councillor presenting a petition or joint letter will be responsible for ensuring that:

- a) they are familiar with the contents and purpose of the petition or joint letter; and
- b) the petition or joint letter is not derogatory or defamatory.

BULOKE SHIRE COUNCIL
GOVERNANCE RULES 2021

DIVISION 5 – NOTICE OF MOTION

84. MUST BE LISTED ON AGENDA

Councillors may give advance warning of their intention to move a particular motion at a forthcoming meeting by giving a Notice of Motion.

A Notice of Motion cannot be accepted by the Chairperson unless it has been listed on the Agenda for the meeting at which it is proposed to be moved.

85. PROCEDURE

A Councillor wishing to have a Notice of Motion placed on the agenda must give written notice to the Chief Executive Officer no less than 2 clear working days prior to the meeting at which the Notice of Motion is to be considered.

86. REJECTION OF A VAGUE NOTICE

- 1) The Chief Executive Officer may reject any Notice of Motion that is vague, but before rejecting it must give the Councillor delivering the notice an opportunity to amend it.
- 2) The Chief Executive Officer would regard a Notice of Motion as vague if the general thrust of the motion is unclear. For example, a mere heading or a motion to the effect "that the matter be discussed", or similar wording, would be insufficient. Therefore, a notice should spell out the action proposed by the motion.
- 3) The Chief Executive Officer must notify the relevant Councillor of any Notice of Motion which has been rejected and the reasons for its rejection.

87. LISTING NOTICE ON AGENDA

Unless the notice specifies a particular meeting date, the Chief Executive Officer must list the Notice of Motion and if more than one, in the order they were received, on the next appropriate meeting agenda.

88. REGISTER OF NOTICES

The Chief Executive Officer must sequentially number every Notice of Motion received and maintain them in a register.

89. MAY BE MOVED BY ANY COUNCILLOR AND AMENDED

A Notice of Motion listed on a meeting agenda, may be moved by any Councillor present and, except where the Notice of Motion is to confirm a previous resolution of the Council, may be amended.

90. IF LOST

If a Notice of Motion is lost, a similar motion cannot be put before the Council for at least 3 months from the date it was last lost, unless the Council resolves that the notice be relisted at a future meeting.

DIVISION 6 – NOTICE OF AMENDMENT OR RESCISSION

91. PROCEDURE

A Councillor may propose a motion to amend or rescind a decision of the Council provided:

- a) the decision has not been acted upon; and
- b) a notice signed by 2 Councillors is delivered to the Chief Executive Officer outlining:
 - i. the decision proposed to be amended or rescinded; and
 - ii. the meeting and date when the decision was made.
- c) that in instances where a Notice of Motion has been lodged and accepted, any motion that proposes to rescind or amend shall not be acted upon until such time as Council considers the Notice of Motion.

92. LISTING NOTICE ON AGENDA

Unless the notice specifies a particular meeting date, the Chief Executive Officer must list the notice of amendment or rescission, and if more than one, in the order they were received, on the next appropriate meeting agenda, together with a brief report outlining the criteria required for the motion to be amended or rescinded.

BULOKE SHIRE COUNCIL
GOVERNANCE RULES 2021

93. IF LOST

Unless the Council resolves to relist at a future meeting a notice to amend or rescind which has been lost, a similar motion must not be put before the Council for at least 3 months from the date it was lost.

94. IF NOT MOVED

If a notice of amendment or rescission is not moved at the meeting for which it is listed, it will lapse.

95. MAY BE MOVED BY ANY COUNCILLOR

A notice of amendment or rescission listed on a meeting agenda may be moved by any Councillor present but cannot be amended.

96. WHEN NOT REQUIRED

- 1) A notice of amendment or rescission is not required where the Council wishes to change a previous decision relating to policy of the Council.
- 2) If the Council wishes to change a policy, a motion of amendment or rescission is not required.
- 3) However, the following standards should apply:
 - a) any intention to change a Council policy which may result in a significant impact, should be communicated to those affected and this may require publication and consultations, either formally or informally; and
 - b) the Council may determine the extent to which these standards should be followed which will depend upon the circumstances of each case.

97. REGISTER OF NOTICES

The Chief Executive Officer must cause every notice of amendment or rescission received to be sequentially numbered and to be maintained in a register.

DIVISION 7 – PUBLIC PARTICIPATION

98. DURING MEETINGS

- 1) At every meeting of Council, at the discretion of the Chairperson, time may be allocated to enable any member of the community to address Council.

- 2) Sub-clause 1) does not apply during any period when Council has resolved to close the meeting in respect of a matter under section 66 of the Act.

99. MEETINGS

Any member of the public or community addressing Council must extend due courtesy and respect to those present and the processes under which Council operates and must take direction from the Chairperson whenever called upon to do so.

100. PUBLIC QUESTION TIME

- 1) There must be a question time at every meeting to enable members of the public present in the gallery to address questions to Councillors.
- 2) Question time may be limited in duration and answers to individual questions may be limited at the discretion of the Chairperson.
- 3) No motions can be moved during question time.
- 4) A Councillor may foreshadow a motion as part of their response to a question during question time but cannot move the motion.
- 5) Any question must be submitted in writing to the Chief Executive Officer (or other person authorised for this purpose by the Chief Executive Officer) by 1.00pm on the day of the meeting using the appropriate form.
- 6) The question should only be read to the meeting if the Chairperson has determined that the question:
 - a) does not relate to a matter of the type described in section 66 of the Act;
 - b) does not relate to a matter in respect of which the Council has no power;
 - c) is not defamatory, indecent, abusive, or objectionable in language or substance;
 - d) is not repetitive of a question already answered (whether at the same meeting or an earlier meeting); and
 - e) is not asked to embarrass a Councillor or member of Council staff.
- 7) If the Chairperson has determined that the question shall not be read to the meeting:
 - f) the meeting must be advised accordingly; and
 - g) the question shall be available to Councillors upon request.

**BULOKE SHIRE COUNCIL
GOVERNANCE RULES 2021**

- 8) The Chief Executive Officer must read to the meeting the name of the person who has submitted a question.
- 9) The Chief Executive Officer must read the text of the question and the Chairperson may then direct that the question be answered by a nominated Councillor or member of Council staff.
- 10) Questions and answers must be as brief as possible, and must not exceed 2 minutes in duration.
- 11) No debate or discussion of a question or an answer is permitted other than for the purposes of clarification.
- 12) A Councillor or member of staff nominated to answer a question may:
 - a) seek clarification of the question from the person who submitted it;
 - b) seek assistance of another person in answering the question; and
 - c) defer answering the question, so that the answer may be researched and a written response provided within 10 working days following the meeting (the question thereby being taken on notice).

101. COUNCILLOR QUESTION TIME

- 1) There must be a question time at every meeting of Council to enable Councillors to address questions to members of Council staff.
- 2) Questions may be asked with or without notice.
- 3) No motions can be moved during question time.
- 4) A Councillor may foreshadow a motion as part of their response to a question during question time but cannot move the motion.
- 5) A Councillor may contribute to an answer to a question made by a member of Council staff.
- 6) A member of Council staff is not obliged to answer a question without notice.
- 7) A member of Council staff who elects to answer a question without notice by indicating that they require time to research their answer must ensure that a response is provided to all Councillors within 10 working days following the meeting.

- 8) An answer must only be given to the meeting if the Chairperson has determined that the relevant question:
 - a) does not relate to a matter which is outside Council's power or authority;
 - b) is not defamatory, indecent, abusive or objectionable in language or substance;
 - c) is not repetitive of a question already answered (whether at the same or an earlier meeting);
 - d) is not asked to embarrass a member of Council staff or a Councillor; and
 - e) does not raise an issue which might be more appropriately dealt with by way of Notice of Motion.
- 9) Debate or discussion of questions or answers is not permitted and all questions and answers must be as brief as possible.

102. REPORTS FROM COUNCILLORS

- 1) At each meeting of Council, Councillors, including the Mayor, will have the opportunity to speak on any meetings, delegations, conferences or events which they have recently attended.
- 2) The duration of any report from a Councillor will be limited to 3 minutes.
- 3) If a Councillor requests that details of their activities be recorded in the minutes, they will provide details in writing to the Chief Executive Officer (or the staff member nominated to receive such information) by 12.00pm on the day following the meeting.

103. CHAIRPERSON MAY REMOVE

- 1) The Chairperson has the discretion to cause the removal of any person including a Councillor who disrupts any meeting or fails to comply with a direction.
- 2) Any member of the Victoria Police Force may remove from the Chamber any person who acts in breach of these Governance Rules.

DIVISION 8 – ADDITIONAL DUTIES OF CHAIRPERSON

104. CHAIRPERSON’S DUTIES AND RESPONSIBILITIES

In addition to other duties and discretions provided in these Governance Rules, the Chairperson:

- a) must not accept any motion, question or statement which appears to the Chairperson to be derogatory, defamatory or embarrassing to any Councillor, member of staff, ratepayer or member of the public; and
- b) must call to order any person who is disruptive or unruly during any meeting.

PART 6 – COMMON SEAL

105. PURPOSE

The purpose of this Part is to provide for the security and proper use of Council’s Common Seal.

106. USE OF COMMON SEAL

The Common Seal of Council must:

- 1) be in a form specified by Council resolution; and
- 2) include the words “Buloke Shire Council”.

107. SIGNATURES ACCOMPANYING THE AFFIXING OF THE COMMON SEAL

Every document to which the Common Seal is affixed must be signed by 1 Councillor and the Chief Executive Officer or, in the absence of the Chief Executive Officer, 1 Councillor and any other member of staff acting as Chief Executive Officer or as authorised by Council.

108. AUTHORITY FOR USE OF COMMON SEAL

The Common Seal must be affixed to a document only for the purpose of giving effect to a decision which has been made by resolution at a Council meeting.

109. SECURITY OF COMMON SEAL

The Chief Executive Officer must ensure the security of the Common Seal at all times.

110. COMMON SEAL REGISTER

The use of the Common Seal must be recorded in a register maintained by the Chief Executive Officer or a member of Council staff to whom this duty has been delegated.

SCHEDULE 1 – MEETING PROCEDURES FOR DELEGATED COMMITTEES

1. NOTICES AND AGENDAS

- 1) The date, time and place of all Delegated Committee meetings are determined on an annual basis by the Committee and at least 7 days' notice must be provided to the public.
- 2) The Committee may change the date, time and place of any Committee meeting which has been fixed and must provide at least 7 days' notice of the changes to the members.
- 3) The agenda for the meeting will be set by the Chairperson.

2. QUORUMS

- 1) The quorum required for Committee meetings will be not less than half the total number of elected Committee members.
- 2) If after 30 minutes of the scheduled starting time of any meeting or adjournment a quorum cannot be obtained, those Committee members present may adjourn the meeting for a period not exceeding 7 days from the date of the adjournment.

3. MINUTES

- 1) The Secretary is responsible for the keeping of minutes on behalf of the Committee.
- 2) No discussion or debate on the confirmation of minutes will be permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.
- 3) If a Committee member is dissatisfied with the accuracy of the minutes, then they must:
 - a) state the item or items with which they are dissatisfied; and
 - b) propose a motion clearly outlining the alternative wording to amend the minutes.

4. BUSINESS OF THE MEETING

- 1) The order of business will be determined by the Secretary to facilitate and maintain open, efficient and effective processes of governance and must include

the opportunity for members to declare any conflict of interest on items on the agenda.

- 2) Once an agenda has been sent to Committee members the order of business for that meeting may only be altered by resolution of the Committee.

5. VOTING

- 1) To determine a matter before a meeting, the Chair will first call for those in favour of the motion and then those opposed to the motion, and will declare the result of the motion.
- 2) Unless the Committee resolves otherwise, voting on any matter will be by a show of hands.
- 3) If there is an equality of votes, the Chair has a second casting vote.

6. ADDRESSING THE MEETING

- 1) Except for the Chair, any Committee member or person who addresses the meeting must address all remarks through the Chair.
- 2) A Committee member who is speaking must not be interrupted unless called to order when they must sit down and remain silent until the Committee member raising the point of order has been heard and the Chairperson has ruled on the point of order.

7. MOTIONS AND AMENDMENTS

- 1) Any motion or amendment which is–
 - a) defamatory; or
 - b) objectionable in language or nature; or
 - c) outside the powers of the Committee; or
 - d) stated to be an amendment but is not must not be accepted by the Chairperson.
- 2) The procedure for any motion is –
 - a) the mover must state the motion without speaking to it;
 - b) it must be seconded by a Committee member other than the mover;
 - c) if a motion is not seconded, the motion will lapse for want of a seconder; and
 - d) if the motion is seconded the Chair must ask if the mover wishes to address the Committee on the motion and if the seconder wishes to address the Committee on the motion or if they wish to reserve his or her address until later in the debate.

BULOKE SHIRE COUNCIL
GOVERNANCE RULES 2021

- 3) The Chair will then ask if any Committee member is opposed to the motion and if they wish to speak. Other Committee members for and against the motion can then debate in turn.
- 4) The mover of a motion shall have a right of reply after the debate, after which the motion shall be immediately put to the vote. No right of reply is available where an amendment is before the Committee.
- 5) An amendment may be proposed or seconded by a Committee member, except the mover or seconder to the original motion. An amendment shall not be a direct negative of the motion.
- 6) A Committee member may address the meeting once on any amendment, whether or not they have spoken to the original motion but debate must be confined to the terms of the amendment.
- 7) Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time. No second or subsequent amendment, whether to the original motion or an amendment of it, can be taken into consideration until the previous amendment has been dealt with.
- 8) If the amendment motion is carried, it then becomes the final motion before the Chair.
- 9) At any time during debate a Committee member may foreshadow a motion to inform the Committee of his or her intention to move a motion at a later stage in the meeting.
- 10) Before any motion is put to the vote it may be withdrawn with leave of the mover and seconder.
- 11) The Chairperson may require any complicated or lengthy motion to be submitted in writing.
- 12) Debate must always be relevant to the question before the Chair and, if not, the Chairperson will request the speaker to confine debate to the subject motion.
- 13) If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters the Chairperson may require the speaker to be seated and not speak further in respect of the matter then before the Chair.
- 14) Unless a motion for an extension of time has been carried, the maximum speaking times will be:
 - a) the mover of a motion – 5 minutes;
 - b) the mover of a motion when exercising their right of reply – 2 minutes
 - c) any other Committee member – 3 minutes

8. OTHER MATTERS

If the Committee is required to deal with:

- a) divisions;
- b) formal motions;
- c) separation of motions;
- d) points of order;
- e) adjournment of meeting;
- f) suspension of standing orders;
- g) a notice of motion;
- h) a notice of rescission motion;
- i) maintenance of order;
- j) suspension; or
- k) removal from the meeting -

these matters should be dealt with in accordance with the relevant Governance Rules applying to a meeting of Council.

SCHEDULE 2 – QUESTIONS FROM THE GALLERY

COUNCIL MEETING QUESTION TIME

- 1) Council sets aside times at its Council meetings to consider written questions submitted by the public. Members of the public who are present at the meeting are permitted to prepare in writing up to 2 questions on any Council matter.
- 2) Members of the public may submit questions by 1.00pm on the day of the meeting on the form printed on the reverse side of this sheet. In most cases, an answer will be given at the meeting.
- 3) Sometimes it may be indicated that further time is required to research an answer. In such cases, the relevant officer will advise the person when an answer will be provided.
- 4) Questions will not be read out and answered if the Chairperson has determined that the relevant question relates to:
 - a) personnel matters
 - b) the personal hardship of any resident or ratepayer
 - c) industrial matters
 - d) contractual matters
 - e) proposed developments
 - f) legal advice
 - g) matters affecting the security of Council property
 - h) any other matter which Council considers would prejudice it or any person
 - i) matters which may disadvantage Council or any personOr is:
 - j) defamatory, indecent, abusive or objectionable in language or substance
 - k) repetitive of a question already answered (whether at the same or an earlier meeting)
 - l) asked to embarrass an Officer or Councillor.
- 5) No debate or discussion of questions or answers shall be permitted and all questions and answers shall be as brief as possible.

BULOKE SHIRE COUNCIL
GOVERNANCE RULES 2021

QUESTION FORM

Any question must be submitted in writing to the Chief Executive Officer (or other person authorised for this purpose by the Chief Executive Officer) by 1.00pm on the day of the Council Meeting using this form.

Meeting Date:

Name:

Phone:

Address:

Question:

Signed:

Date:

Office Use Only

Question answered at Council Meeting:

YES

NO

By Whom:

Summary of Verbal Response:

Written Response Prepared By:

Officer's Signature:

Position:

SCHEDULE 3 – ELECTION PERIOD POLICY

ELECTION PERIOD POLICY

1. PURPOSE

This policy has been adopted by the Buloke Shire Council (Council) in compliance with the requirements of Section 69 of the Local Government Act 2020 (Act).

In order to ensure general elections and by-elections for Council are conducted in a manner that is fair and equitable, and is publicly perceived as such, Council affirms the following policy principles.

2. ELECTION PERIOD

The election period means the period that:

- a) starts at the time that nominations close on nomination day; and
- b) ends at 6 p.m. on election day.

As soon as possible, and no later than 30 days prior to the commencement of the Election Period, the Chief Executive Officer will ensure that:

- a) all Councillors and members of Council staff are informed of the requirements of this policy, and
- b) a copy of this policy is given to all Councillors.

3. PROHIBITED DECISIONS

Council is prohibited from making any Council decision:

- a) during the election period for a general election that:
 - iii. relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or
 - iv. commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
 - v. the Council considers could be reasonably deferred until the next Council is in place; or
 - vi. the Council considers should not be made during an election period; or

- b) during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

4. WHAT IS A COUNCIL DECISION?

For the purposes of clause 3 of this policy, **Council decision** means the following:

- a) a resolution made at a Council meeting;
- b) a resolution made at a meeting of a Delegated Committee; or
- c) the exercise of a power or the performance of a duty or function of Council by a member of Council staff (which includes the Chief Executive Officer) or a Community Asset Committee under delegation.

5. CARETAKER STATEMENT

During the election period, the Chief Executive Officer will ensure a Caretaker Statement is included in every agenda submitted to the Council or to a Delegated Committee of Council for a decision. The Caretaker Statement will appear at the start of the agenda and will state that:

The recommended decisions in all reports on this agenda are not prohibited decisions as defined in clause 4 of the Election Period Policy.

Should any report be presented to the Council or a Delegated Committee during an election period, which is considered does constitute a prohibited decision, this will be clearly indicated with a statement both at the commencement of the agenda and at the heading of any such report.

BULOKE SHIRE COUNCIL
GOVERNANCE RULES 2021

6. COUNCIL RESOURCES

The Council will ensure due propriety is observed in the use of all Council resources, and members of Council staff are required to exercise appropriate discretion in this regard. In any circumstances where use of Council resources might be construed as being related to a candidate's election campaign, advice will be sought from the Chief Executive Officer or the Director Corporate Services.

Council resources, including offices, support staff, Mayoral vehicle, meeting facilities, hospitality, equipment, photocopying and stationery will be used exclusively for normal Council business during the election period and will not be used in connection with any election.

Reimbursements of Councillors' out-of-pocket expenses during the election period will only apply to costs incurred in the performance of normal Council duties, and not for expenses which could be perceived as supporting or being connected with a candidate's election campaign.

No Council logos, letterheads or other Buloke Shire Council logos or associated Council material will be used for, or linked in any way to, a candidate's election campaign. The Chief Executive Officer and members of Council staff will not be asked to undertake any tasks connected directly or indirectly with electioneering.

Councillors and members of Council staff are required to comply with section 304(1) of the Act which states:

A Councillor or member of Council staff must not use Council resources in a way that—

(a) is intended to; or

(b) is likely to—

affect the result of an election under this Act.

Penalty: 60 penalty units.

7. COMMUNITY ENGAGEMENT

During the election period the Council will undertake procedures to limit community engagement. Whilst community engagement is an integral part of Council's policy development process and operations, Council is concerned to ensure that community engagement is not undertaken close to a general election or a by-election so as to possibly become an election issue in itself and influence voting. Councillors acknowledge that issues raised through the community engagement and decisions that follow may also unreasonably bind the incoming Council.

No community engagement will be undertaken during the election period unless authorised by a decision made at a Council meeting that acknowledges the application of this policy and justifies to the Buloke community the special circumstances making it necessary and how the risks of influencing the election will be mitigated or prevented.

8. COUNCIL EVENTS

Councillors acknowledge that the scheduling of Council events in the lead up to elections may raise concerns over their potential use by Councillors for electioneering purposes. To this end the Chief Executive Officer will ensure that no Council events will be scheduled during the election period unless there are special or exceptional circumstances making it necessary and justifying how the risks of influencing the election will be mitigated or prevented.

9. INFORMATION

The Council recognises all election candidates have rights to information from the Council administration. However, it is important that Councillors continue to receive information which is necessary to fulfil their elected roles. Neither Councillors nor candidates will receive information or advice from members of Council staff which might be perceived to support election campaigns, and there shall be complete transparency in the provision of all information and advice during the election period.

Information and briefing material prepared by members of Council staff for Councillors during the election period will relate only to factual matters or to existing Council services. Such information will not relate to policy development, new projects or matters which are the subject of public or election debate or which might be perceived to be connected with a candidate's election campaign.

BULOKE SHIRE COUNCIL
GOVERNANCE RULES 2021

10. PUBLICITY

It is recognised that Council publicity is intended to promote Council activities and services. Council publicity will not be used in any way which might influence the outcome of a Council election.

Councillors and members of Council staff are required to comply with section 304(2) of the Act which states:

A Councillor or member of Council staff must not use Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any electoral material during the election period on behalf of, or purporting to be on behalf of, the Council unless the electoral material only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.

Penalty: 60 penalty units.

In addition:

- a) during the election period, no member of Council staff may make any public statement that could be construed as influencing the election;
- b) during the election period, publicity campaigns, other than for the purposes of conducting the election, will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Council service or function, it must be approved by the Chief Executive Officer. Council publicity during the election period will be restricted to promoting normal Council activities;
- c) any requests for media advice or assistance from Councillors during the election period will be channelled through the Chief Executive Officer. In any event, no media advice or assistance will be provided in relation to election campaign matters, or in regard to publicity that involves specific Councillors;
- d) Councillors will not use their position as an elected representative to access members of Council staff and other Council resources to gain media attention in support of an election campaign; and
- e) all Council media releases (which exclude electoral matters) in the election period will be issued in the name of the Chief Executive Officer as appropriate.

11. ASSISTANCE TO CANDIDATES

Council affirms that all candidates for the Council election will be treated equally.

Any assistance and advice to be provided to candidates as part of the conduct of the Council election will be provided equally to all candidates. The types of assistance that are available will be documented and communicated to all candidates in advance.

All election related enquiries from candidates, whether Councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the Chief Executive Officer or Director Corporate Services.

12. SOCIAL MEDIA

During the election period, Councillors standing for re-election must not include in their official Councillor emails any reference to their personal social media accounts, such as Facebook.

13. PUBLIC AVAILABILITY OF THIS POLICY

A copy of this policy is:

- a) available for inspection by the public at the Council's Wycheproof District Office; and
- b) published on the Council's internet website.



P. 1300 520 520
A. PO Box 1, Wycheproof VIC 3527
367 Broadway, Wycheproof VIC 3527
E. buloke@buloke.vic.gov.au
W. www.buloke.vic.gov.au



8.2.3 EXERCISE OF DELEGATION BY CHIEF EXECUTIVE OFFICER

Author's Title: Executive Assistant

Department: Office of the CEO

File No: FM/03/01

Relevance to Council Plan 2017 - 2021

Strategic Objective: Responding to and enhancing our built and natural environment

PURPOSE

To notify Council of the use of the Chief Executive Officer's Exercise of Delegation for awarding contracts.

SUMMARY

The Chief Executive Officer, through his use of the Exercise of Delegation of awarding contracts, has approved the Tender Evaluation Panel's recommendation for the awarding of Contract C94 2020/2021 for the Birchip Leisure Centre – Change Room Redevelopment to JD Aspen Developments Pty Ltd for the lump sum price of \$199,052 (excluding GST).

RECOMMENDATION

That Council note the information provided in this report.

Attachments: Nil

DISCUSSION

The purpose for awarding Contract No C94 2021/2021 is for the redevelopment of the Birchip Leisure Centre works, including but not limited to demolition, framing, brick laying, fit-out, tiling electrical, plumbing etc. This project has been long in the planning and funded through Sport and Recreation Victoria under the Female Friendly Facilities Program.

RELEVANT LAW

At the 14 March 2018 Ordinary Meeting, Council delegated certain powers and functions under section 98(1) of the *Local Government Act 1989* to the Chief Executive Officer, permitting the Chief Executive Officer to award contracts up to the value of \$250,000.

The administration of the tender process was in accordance with the requirements of the *Local Government Act 2020* and Council's Procurement Policy.

RELATED COUNCIL DECISIONS

Not applicable to this report.

OPTIONS

Not applicable to this report.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications relevant to this report.

COMMUNITY ENGAGEMENT

Consultation with the members of the Birchip Leisure Centre occurred throughout the design phase of this project, and will continue during the construction works.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable to this report.

COLLABORATION

The Senior Leadership Team reviewed the Evaluation Panel recommendations.

FINANCIAL VIABILITY

The associated costs for this project works was included in Council's adopted Budget 2020/2021. This project is slightly over budget (10%), however those costs can be recouped through savings and delays to other projects.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable to this report.

COUNCIL PLANS AND POLICIES

The decision to upgrade the Birchip Leisure Centre Change Rooms is consistent with Council's Plan 2017 – 2021 to respond to and enhance our built and natural environment.

TRANSPARENCY OF COUNCIL DECISIONS

This report is to inform Council of the decision on the awarding of this contract, to comply with the use of Chief Executive Officer's Exercise of Delegation for awarding contracts up to the value of \$250,000.

CONFLICTS OF INTEREST

No officer involved in the evaluation of the tenders or preparation of this report, declared a conflict of interest.

8.2.4 BULOKE SHIRE COUNCIL 2017-21 - YEAR 4 ANNUAL PLAN PROGRESS REPORT

Author's Title: Chief Executive Officer

Department: Office of the CEO

File No: CM/13/06

Relevance to Council Plan 2017 - 2021

Strategic Objective: Deliver our service in a financially viable way

PURPOSE

This report is presented to give Council a progress update on the actions taken against the Year 4 Annual Plan.

SUMMARY

Council, at its Special Meeting 21 June 2017, adopted the Buloke Council Plan 2017-2021 and has subsequently developed and adopted a Year 1, Year 2, Year 3 and Year 4 Annual Plan for the implementation of the strategic objectives. Quarterly progress reports will be presented to Council throughout 2020/21.

RECOMMENDATION

That Council note the progress made to deliver the strategic objectives noted in the adopted Year 4 Annual Plan for the Buloke Council Plan 2017-2021.

Attachments: 1 [Year 4 Annual Plan - January 2021 Report](#)

DISCUSSION

The purpose of these Annual Plans is for Council to develop a series of actions, projects, programs and initiatives to achieve on the Council Plan 2017-2021.

This is the second report against the 2020/21 adopted Annual Plan, with quarterly reports to follow for the remainder of the financial year.

Further to the reported actions in October 2021, progress has been made on the following:

- Draft of the Information Technology Strategy in partnership with Yarriambiack Shire Council delivered.
- Community Engagement Policy drafted and consulted on.
- Tenders called for on key road projects, including Berriwillock Birchip Road and Tower and Industrial Road, Donald.
- Majority of Councillor induction program delivered.
- Surplus land identified and linked to housing opportunities
- Secured funding for art activation, including night activation of Sea Lake Graincorp Silo Art and a street arts festival
- Report and presentation delivered on the State of Buloke Children report
- Tourism facilities completed and open at Lake Tyrrell.
- Commencement of the Climate Change Strategy, for completion in May.
- Significant progress with the Birchip Streetscape project.
- Commencement of upgrades to Birchip Netball Courts

Projects identified to be delayed and extend into the next financial year due to increased projects and funding received since adopting the plan include Wycheproof Library Upgrade and development of the Gender Equality Plan.

RELEVANT LAW

The Annual Plan forms part of the annual review of the Council Plan, required under the Local Government Act.

RELATED COUNCIL DECISIONS

This report responds directly to item '8.2.5 Shire Council 2017-21 – Year 4 Annual Plan'.

OPTIONS

Not applicable.

SUSTAINABILITY IMPLICATIONS

Projects such as the Climate Change Adaptation and Mitigation Strategy and Street Light Conversion are identified in the plan and will have enhanced sustainability outcomes for Council.

COMMUNITY ENGAGEMENT

There was significant consultation undertaken in the development of the Council Plan 2017- 2021, which is the basis of this document. Further actions have been developed through consultation with the community over the past two years.

Many of the actions have a high level of community engagement.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable.

COLLABORATION

Many actions rely on the collaboration with other Councils and also key peak bodies, local stakeholder groups and community.

FINANCIAL VIABILITY

The items listed in the Annual Plan have been factored into the Council budget, which is reported on monthly.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable.

COUNCIL PLANS AND POLICIES

This report responds directly to the implementation of the Council Plan 2017-21 and the adopted Annual Plan 20/21. Some actions will result in the development of new plans and policies (e.g. Gender Equality Action Plan, Community Engagement Policy)

TRANSPARENCY OF COUNCIL DECISIONS

The adoption and regular reporting of an Annual Plan provides good strong transparency to the community regarding the key focus areas of Council over the 20/21 year and how Council is tracking against those actions.

CONFLICTS OF INTEREST

No staff member involved in the preparation of this report has a conflict of interest.

Year 4 Annual Plan Comments

Deliver our services in a financially viable way						
Action	Description of activity	Strategic Basis	Measure	Completion date	Status	Comments
Improve our financial planning and reporting	Revalue Councils land and building assets	Council Plan 1.1	Revaluations completed	Sep-20	Complete	Revaluation completed and fed into Annual Report
Continuous service improvement for efficient and flexible service	Drive efficiencies through shared service Corporate System partnership	Council Plan 1.2	Finance, payroll and records system implemented	Jul-21	In Progress	Project progressing and tenders advertised. Buloke implementation likely in the 21/22 financial year.
Enhance our communication and technology to improve productivity, service delivery and communication with the community.	Redevelop Council's Information Technology Strategy	Council Plan 1.3	Strategy complete	Mar-21	In Progress	Draft strategy developed. On track.

Build a healthy and active Community						
Action	Description of activity	Strategic Basis	Measure	Completion date	Status	Comments
Seek effective place based services and initiatives focussed on prevention based measures	Deliver the(COVID-19) Community Connector Program, funded through DHHS	Council Plan 2.1	Program commenced	Aug-20	Completed (Measure)	Program has commenced and working group in place.
Promote and enhance passive and active recreation	Complete riverfront projects at Charlton and Donald, linking recreational walking paths with the townships.	Council Plan 2.3	Projects completed	Jun-21	In Progress	Contracts awarded and expect start in February.
Promote and enhance passive and active recreation	Through the Community Grants program, support culture, art and community events to aid local community recovery post COVID-19	Council Plan 2.3	Reports to monthly meetings	Jun-21	In Progress	Discussions held with local community groups about these projects. Council unsuccessfully applied for funding for Birchip (Mali Heart) arts project and supported the Charlton River Arts Project. Funding secured for night activation of silo art and a street art festival.
Develop community plans to enhance the liveability of all Buloke communities	Develop a new community engagement policy to guide the review of the integrated 10 year community plan	Council Plan 2.4	Community engagement policy adopted	Apr-21	In Progress	Final Policy presented to February meeting
Actively work to reduce community violence and support victims in partnership with key agencies	Develop a Gender Equality Action Plan	Council Plan 2.5	Action Plan developed	Mar-21	Not yet commenced	Plan delayed in line with guidance material and workshops provided by state government. Staff involved in workshops during March. Plan to be developed and adopted by October 2021.
Explore localised delivery of education to address skill gaps and capitalise on local employment opportunities	Progress the implementation of the Workforce Development and Skills Needs Report, in partnership with stakeholders	Council Plan 2.7	Report on implementation	Mar-21	In Progress	A review of the report has been completed in partnership with Nous and the Mallee Regional Assembly. Partnership underway with SuniTafe and NCLLEN on the Skills First Reconnect through Buloke.
Implement the Municipal Early Years Plan and Child & Youth Strategy to address the needs of young people in the Shire.	Partner with the NCLLEN to deliver the Strong Families Strong Children Program in Buloke	Council Plan 2.8	Program underway. Status reports to Briefing	Dec-20	Completed (Measure)	Report on the State of the Children received and briefing completed

Diversify and enhance the local economy						
Action	Description of activity	Strategic Basis	Measure	Completion date	Status	Comments
Strengthen Agribusiness diversification	Implement Rural Land Use and Settlements Strategy	Council Plan 3.1	Report on implementation progress	Jun-21	Not yet started	Planning scheme ammendment process commenced
Strengthen Agribusiness diversification	Partner with City of Greater Bendigo to seek opportunities for our region flowing from the City (Region) of Gastronomy initiative	Council Plan 3.1	Report on initiatives and activities and benefits of partnership	May-21	In progress	Council officers attending regular Regional Gastronomy meetings. Working with Wayne Street to develop links in to supply chain analysis study and regional artisanal food group with the aim to encourage primary producers to diversify and add value to their product.
Capitalise on Tourism opportunities	Construction of tourism facilities at Lake Tyrrell to capitalise on visitors to the area.	Council Plan 3.2	Construction completed	Dec-20	Complete	Tourism Facilities completed. Funding secured for Regional Roads Victoria to complete further roads upgrades.
Capitalise on Tourism opportunities	Redevelop the Sea Lake office and licence to operator for the Tourism Hub	Council Plan 3.2	Works completed and lease in place	May-21	In progress	Designs complete. To be tendered during February. Lease negotiations underway with DELWP and the preferred lessee.
Advocate and facilitate improved and equitable connectivity to promote liveability	Partner with Agriculture Victoria to roll out the Internet of Things for enhanced farm technology	Council Plan 3.3	Program rolled out and take up of the new technology	Mar-21	In progress	NNNCo currently installing gateways on our facilities to run the network. 30 farmers have opted into the trial and work underway to secure additional farmers
Encourage and promote renewable energy options as a driver of economic growth and a sustainable environment	Deliver the street light energy efficiency conversion program	Council Plan 3.4	Project completed	Jun-21	In progress	Ironbark Sustainability appointed by CVGA as project manager.

Seek funding for regional supply chain strategies (Road and Rail) to secure viable market access for Buloke products	Apply for funding for heavy vehicle	Council Plan 3.5	Projects completed	Jun-21	Complete	\$1.5million successful for the Birchip Berrivillock Road rehabilitation. Application submitted for the Nullawil Birchip Road upgrade for \$350,000. Applications made for Tower Road and Industry Drive in Donald.
Promote the lifestyle and economics of living in Buloke	Develop town brochures and a residents welcome pack	Council Plan 3.2	Projects completed	Dec-20	In progress	Draft brochures to be delivered early February, for feedback from Project Control Group. Likely completion March.
Enhance community cohesion and attractiveness with well-maintained and functional streetscapes.	Deliver improvements to the main street of Birchip and Wycheproof to upgrade safety and implement their streetscape masterplan priorities.	Council Plan 3.7	Construction completed	Jun-21	In progress	Birchip underway. Wycheproof to be re-tendered.

Responding to and enhancing our natural and built environment						
Action	Description of activity	Strategic Basis	Measure	Completion date	Status	Comments
Reduce the asset renewal gap	Review Councils land and building stock and identify surplus assets and review Asset Disposal Policy	Council Plan 4.1	Presented to Council briefing	Feb-21	In progress	Surplus asset list presented to February briefing
Partner with communities to develop fit for purpose multi use hubs	Complete stage 2 of Donald Community Precinct project	Council Plan 4.2	Facility constructed and open to the public	Mar-21	In progress	Project delayed to use funds to apply for larger upgrade to reserve. Application unsuccessful. Split systems are installed, meetings occurring with committee on other stage two elements.
Partner with communities to develop fit for purpose multi use hubs	Complete upgrades at Birchip Netball Courts	Council Plan 4.2	Facility constructed	Mar-21	In progress	Project underway. Delivery by April.

Partner with communities to develop fit for purpose multi use hubs	Complete expansion of Wycheproof Library and the Wycheproof Community Resource Centre	Council Plan 4.2	Facility constructed	May-21	In progress	Designs completed. Project to be tendered in late February/March.
Enhance the strategic delivery of council assets	Implement a new Project Management Framework to guide consistent approach to project management.	Council Plan 4.4	Framework completed and implemented	Aug-20	Completed	Project management framework review completed and implemented. Continual refinement throughout 2020/21
Enhance the strategic delivery of council assets	Undertake a review of leases, licences and user agreements	Council Plan 4.4	Review completed and reported to briefing. Action plan included	May-21	In progress	Project brief developed and background work underway
Support communities' access to recreational water by enhancing our aquatic features	Deliver upgrades to Wooroonook Lakes and Donald Caravan Parks and develop wetlands in Wycheproof	Council Plan 4.6	Projects completed	Jun-21	In progress	Additional funding received for Wycheproof to construct camp kitchen. Works in planning stage, including seeking approvals from DELWP. Gordon Park toilet upgrade complete.
Become a champion of environmental sustainability through design and practice	Develop a Climate Change Adaptation and Mitigation Plan	Council Plan 4.7	Plan completed	Dec-21	In progress	Consultant appointed and plan in development. Workshop with councillors scheduled for February. Likely completion May.
Improve waste management practices and reduce waste to landfill for improved environmental outcomes	Adopt the Waste Management Strategy and deliver on year one actions	Council Plan 4.8	Plan adopted and report on implementation	Jun-21	In progress	Strategy adopted.

Support our Councillors, Staff, Volunteers and the Community to make informed and transparent decisions						
Action	Description of activity	Strategic Basis	Measure	Completion date	Status	Comments
Implement a robust compliance and risk framework to ensure statutory obligations are fulfilled	Conduct a risk management internal audit and implement recommendations into work plan	Council Plan 5.1	Timeframe agreed upon for recommended actions	Oct-21	Completed	Audit completed and recommendations and timeframes accepted.
Ensure the Buloke organisational development strategy supports our culture	Review and deliver a training needs analysis for the Works Department	Council Plan 5.2	Analysis completed and implementation plan established	Dec-20	Completed	Analysis and implementation plan completed
Ensure our Councillors have support in performing their roles and responsibilities	Develop a thorough induction program for councillors, targeting clarity of roles and responsibilities and financial training	Council Plan 5.3 and 5.5	Induction plan developed and implemented	Jan-21	In progress	Majority of induction process completed. Additional training to be undertaken through to April.
Increase our communication and involvement with the community in decision making	Implement Customer Service Strategy	Council Plan 5.5	Report against progress of customer service strategy	Dec-20	Completed	Report presented to December Council meeting
Recognise our volunteers and support their significant contributions	Develop and implement a COVID recovery plan, with actions designed to support community groups and review partnerships.	Council Plan 5.6	Plan established and implemented	Oct-20	In progress	Plan evolving through capturing key issues brought through the Community Support Team, in line with State focus areas (focus shifted from recovery to response again during September).

8.2.5 WYCHEPROOF TURNTABLE LEASE

Author's Title: Chief Executive Officer

Department: Office of the CEO

File No: GS/04/02

Relevance to Council Plan 2017 - 2021

Strategic Objective: Diversify and enhance our local economy.

PURPOSE

This report is presented for Council to consider a lease of the Wycheproof turntable.

SUMMARY

This report proposes that Council enter into a lease with Steamrail Victoria for the Wycheproof Turntable for a period of 10 years.

RECOMMENDATION

That Council having undertaken a community consultation process and considered the submission, authorise the CEO to negotiate a lease or licence with Steamrail Victoria with the following conditions/clauses:

- Steamrail Victoria provides access to other tourism and rail providers during the term of the lease;
- Steamrail Victoria be responsible for undertaking the required works and maintenance to ensure the turntable is operable;
- A nominal or peppercorn rental given the investment Steamrail will need to make to ensure the turntable is operable; and
- 10-year lease.

Attachments: 1 Wycheproof Turntable Lease - Confidential Attachment -
Confidential

DISCUSSION

At the December Ordinary Meeting, Council considered a request from Steamraile Victoria to lease the Council-owned (railway) turntable and sought community feedback on the initiative.

One submission was received during the community consultation process.

The submission did not object to the lease of the turntable, it does request that Council consider the following:

1. That the turntable and approach track from the main line be made available to other organisations.
2. That should the Sea Lake branch line be converted to Standard Gauge; the turntable and approach track from the main line be gauge converted to permit continued use of the asset.

With respect to the submission, Council intends to include a clause that provides access to other rail operators in the lease, which will allow maximum tourism opportunities into the future. Council has also in the past advocated to the State Government to include the turntable and approach track in any works to standardise the Sea Lake line. Council will continue to advocate for this project.

RELEVANT LAW

Not applicable.

RELATED COUNCIL DECISIONS

At the December 2020 Ordinary Meeting, Council called for community feedback into the proposal to lease the turntable.

OPTIONS

Council can decide not to lease the turntable. In this instance, it would restrict future tourism rail operators.

SUSTAINABILITY IMPLICATIONS

The Steamrail Victoria proposal would reap social and economic benefits and promote tourism and economic development further within the Shire.

COMMUNITY ENGAGEMENT

Council received one submission in the community engagement process, which has been summarised in this report.

INNOVATION AND CONTINUOUS IMPROVEMENT

This proposal is an innovative and creative opportunity to promote rail-based tourism on the Kulwin (Calder Highway) railway line, the unique identity of the railway line going through the main street (Broadway) in Wycheproof, the amazing silo art in Nullawil and Sea Lake, and provides continued improvement on tourism opportunities and economic development in the Shire.

COLLABORATION

Council would commit to working with Steamrail Victoria to seek State and Federal grants to assist with the development of this initiative.

FINANCIAL VIABILITY

There would be very minimal financial implications direct to Council as the intention is to enter into a lease at a peppercorn rent (i.e. \$1 per year); and Steamrail Victoria would be responsible for the associated costs for the required upgrades, maintenance and insurance.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

The Loddon Mallee Regional Economic Growth Plan, developed in partnership between local government and state agencies, provides Council broad direction for regional land use and development in the region. This plan considers a range of land uses including tourism.

COUNCIL PLANS AND POLICIES

In line with the Council Plan 2017 – 2021, this proposal provides Council an opportunity to capitalise on any possible and viable tourism opportunities.

TRANSPARENCY OF COUNCIL DECISIONS

Publically advertising Council's intention to lease the Wycheproof Railway Turntable is in line with Council's Plan 2017 – 2021 to support our Councillors, Staff, Volunteers and Community to make informed and transparent decisions.

CONFLICTS OF INTEREST

There were no Conflict of Interest considerations applicable to this report.

8.2.6 BUILDING BETTER REGIONS FUND APPLICATIONS

Author's Title: Chief Executive Officer

Department: Office of the CEO

File No: GS/03/04

Relevance to Council Plan 2017 - 2021

Strategic Objective: Responding to and enhancing our built and natural environment

PURPOSE

This report is presented to Council to consider making applications under the Federal Government Building Better Regions Fund.

SUMMARY

That Council makes applications under the Federal Government Building Better Regions Fund for new cabins across caravan parks and upgrades to the Wycheproof Saleyards

RECOMMENDATION

That Council:

1. Submit funding applications under the Building Better Regions Fund for new cabins at the Charlton Traveller's Rest; Donald and Wycheproof Caravan Parks; and Tchum, Wooroonook, and Watchem Lake Caravan Parks; and for upgrades to the Wycheproof Saleyards; and
2. Considers a co-contribution from the 21/22 Budget for the applications of \$150,000 for the new cabins and \$160,000 towards the saleyards upgrade.

Attachments: Nil

DISCUSSION

The \$1.04 billion Building Better Regions Fund (BBRF) supports the Australian Government's commitment to create jobs, drive economic growth and build stronger regional communities into the future. Grant funding is available through two funding streams:

- The Infrastructure Projects Stream: Supports projects that involve construction of new infrastructure, or the upgrade or extension of existing infrastructure; and
- The Community Investments Stream: Funds community development activities including, but not limited to, new or expanded local events, strategic regional plans, leadership and capability building activities.

The Australian Government announced \$200 million in the 2020-21 Budget for a fifth round of the BBRF. Round Five which includes:

- \$100 million to support tourism related infrastructure projects which are focussed on mitigating the economic impact of the COVID 19 pandemic on a region's tourism industry; and

- The other \$100 million will support regional remote Australia more broadly, by funding general infrastructure projects and community investment projects.

Council has previously had funding through this fund for the Birchip Streetscapes, Roads of Strategic Importance and the Amenity Blocks at the Lakes.

Construction of Cabins at Caravan Parks and Lakes

The construction of new cabins at the Charlton Traveller's Rest; Donald and Wycheproof Caravan Parks; and Tchum, Wooroonook, Green and Watchem Lakes Caravan Parks; would provide further tourist accommodation, as well as potential short-term accommodation for seasonal employees.

A range of strategies have outlined suitable accommodation being a key gap for growth in tourism for the Buloke and broader Wimmera Mallee Region.

Buloke is well positioned to be a base for tourists to explore Lake Tyrrell, the Grampians, the Silo Art Trail and the Murray, as well the range of recreational lakes and other emerging tourism products within our Shire.

Our very popular and picturesque caravan parks located on the various rivers and lakes throughout the Shire, promote the opportunity and necessity to construct the cabins to encourage and cater for a more diverse section of the tourism market.

The erection of cabins would also address the issue of the identified lack of available short-term accommodation for seasonal workers across the Shire.

It is proposed the cabins will be designed to complement the natural landscape of the surrounding lakes and rivers of where they will be located.

These cabins are critical to bring to life the full potential of previous tourism investment into Lake Tyrrell, the Silo Art Trail, Charlton and Donald riverfronts and the ongoing development at recreational lakes.

The costing for this project is still being completed, however initial estimates to complete works to register the lakes and install cabins over the seven sites is approximately \$2,000,000.

Saleyards

In 2019, Council completed a Masterplan for the Wycheproof Saleyards, which outlined a range of infrastructure works required. The works proposed include:

- New ramps, races and gates;
- Roofing over the northern draft and scanner facilities (note roof doesn't cover entire facility); and
- Ram selling pens and drive through unloading area.

These works are costed at \$320,000 and this is a good opportunity to secure external funds to support this important upgrade.

RELEVANT LAW

Not applicable.

RELATED COUNCIL DECISIONS

This follows the Council decision to fund the Masterplan for the Saleyards in previous budgets and also fits within relevant strategies including the Economic Development and Tourism Strategy.

OPTIONS

Council can decide not to apply for these funds, or consider a smaller co-contribution.

SUSTAINABILITY IMPLICATIONS

Designs will be undertaken with environmental sustainability principles in place.

COMMUNITY ENGAGEMENT

Engagement has been undertaken (and is continuing to be undertaken) on both of these projects. If funding is successful, final siting and designs would be completed in consultation with community committees.

INNOVATION AND CONTINUOUS IMPROVEMENT

Both the saleyards and the caravan park projects will provide exciting and continued improvements to Council's wonderful assets and to its levels of service to the community and abroad.

COLLABORATION

Other Wimmera Councils are looking at alternative funding also for cabin style accommodation. In the event more than one Council is successful, joint procurement is an option.

FINANCIAL VIABILITY

This report considers the allocation of funding from the 2021/22 budget. Officers consider this to be available through reviewing the long term financial plan, and leveraging funding is a viable way to approach these important projects.

One of the key principles in applying for this funding is that the ongoing management (booking, cleaning, etc) of the cabins is conducted by the community.

Importantly, this investment may develop and help our caravan park businesses (managed by lease or community committee) to be more financially viable into the future and provide the opportunity for proprietors to reinvest funds back into the improvement of the parks.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

This project is identified in the Loddon Mallee Regional Economic Strategy and the Silo Art Gap Analysis.

COUNCIL PLANS AND POLICIES

This investment is in accordance with the:

- Council Plan 2017 - 2021;
- Economic Development and Tourism Strategy; and
- Community Plans 2030.

TRANSPARENCY OF COUNCIL DECISIONS

This report is to be considered in open Council.

CONFLICTS OF INTEREST

No officer involved in the development of this report has a conflict of interest.

8.3 FINANCIAL REPORTS

8.3.1 FINANCIAL PERFORMANCE REPORT AS AT 31 DECEMBER 2020

Author's Title: Manager Finance

Department: Corporate Services

File No: FM/19/01

Relevance to Council Plan 2017 - 2021

Strategic Objective: Deliver our service in a financially viable way

PURPOSE

To present to the Council the financial statements for the period ending 31 December 2020.

SUMMARY

The anticipated year-end surplus has been forecast down from the approved budget mostly due to confirmations of capital project timing.

The forecasted year-end surplus is \$8.757m which is less \$1.413m less than the approved budget adopted at the start of the financial year.

In accordance with the requirements under the *Local Government Act 2020* this report confirms that a revised 2020/21 Annual Budget is not required.

RECOMMENDATION

That Council receives and notes the Financial Performance Report for the month ending 31 December 2020.

- Attachments:**
- 1 [↓Cashflow Forecast](#)
 - 2 [↓Cashflow Forecast Chart](#)
 - 3 [↓Balance Sheet](#)
 - 4 [↓Income Statement](#)
 - 5 [↓Cashflow Statement](#)

DISCUSSION

The **Income Statement** provides a summary of the total income and total expenditure relating to Council's annual operations. Capital grant income is included in the calculation of the Council's total surplus/ (deficit) but is presented separately to distinguish operational activities. Capital grant income is specifically used to fund expenditure on Council assets which is reported on the balance sheet.

The reported deficit as at 31 October 2020 is \$1.011m. Excluding capital grant income of \$6.938m, the operating result is a deficit of \$7.948m. These results are better than anticipated at this stage of the year due to adjustments in the timing of annual expenditure between months in the financial year.

As highlighted in the Full Year Budget and Forecast columns, little variation is anticipated in operating income and expenditure following reforecasting in December. However, a reduction of \$1.533m capital income is anticipated from the confirmation of capital grant receipt timing which unfavourably impacts

the overall anticipated year end result. Further confirmation of the Dec 18 Flood Event project and Streetscape projects is still in progress to be reported next month.

The **Balance Sheet** summarises the value of Assets (what Council owns) and our Liabilities (what Council owes), and the difference between assets and liabilities (Net Assets or Equity) reflects Council's net worth. Council's net worth as at this accounting period is \$284.220m.

The **Cashflow Statement** reflects actual results for the year to date (July–December) in line with statutory financial reporting.

At 31 December 2020, Council's Cash and Cash Equivalents were \$19.285m of which \$2.456m is grant funding received in advance (restricted cash).

The **Cashflow Forecast** is a projection of cashflow for the remainder of the year based on the cash balance as at 31 December 2020, the monthly budgets, specified timing parameters (such when BAS/super are due and quarterly rate receipts) and capital expenditure.

The **Cashflow Chart** visually depicts the cashflow forecast and the updated format is illustrated in a dual design, based on best practice reporting.

The bank balance is expected to remain positive throughout the 2020-21 financial year and adequate to cover predicted current liabilities.

The **Capital Works Program** has been held over whilst the timing of multi-year capital projects is being finalised.

RELEVANT LAW

This report is consistent with the requirements of the *Local Government Act 2020*.

RELATED COUNCIL DECISIONS

The Council adopted its Annual Budget 2020/21 on 1 July 2020. Variations identified at the July Council Meeting have been incorporated into the Council's current budget. Council's current budget will be used for financial report comparison for the remainder of the 2020/21 financial year.

OPTIONS

Not applicable.

SUSTAINABILITY IMPLICATIONS

Not applicable.

COMMUNITY ENGAGEMENT

Not applicable.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable.

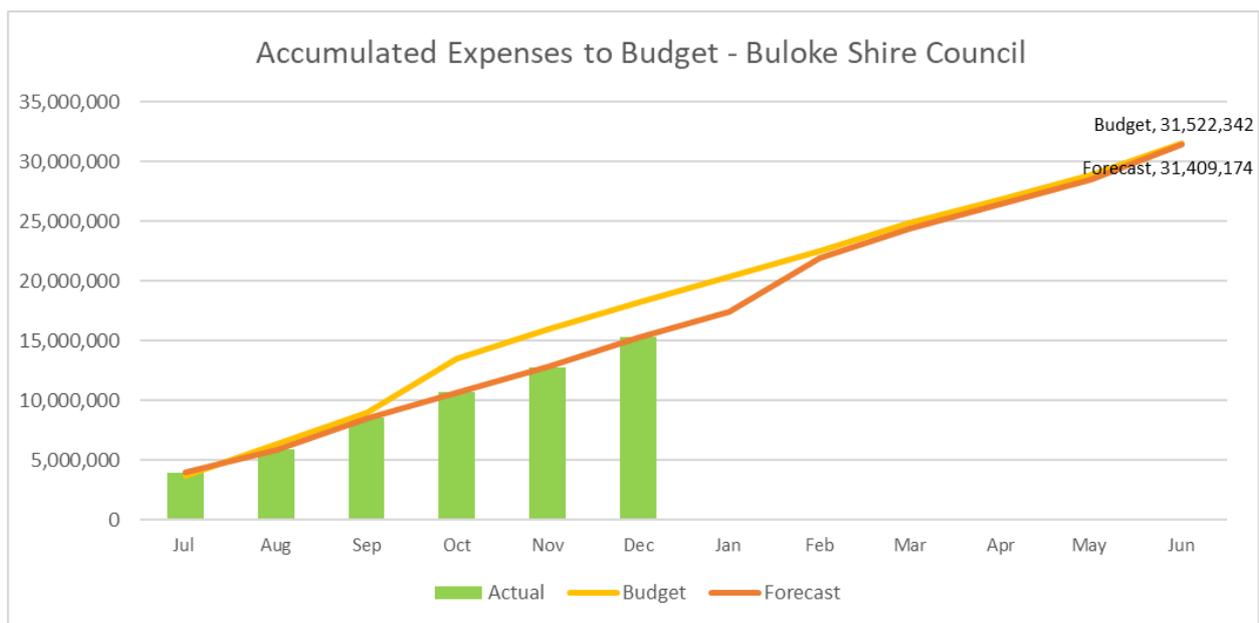
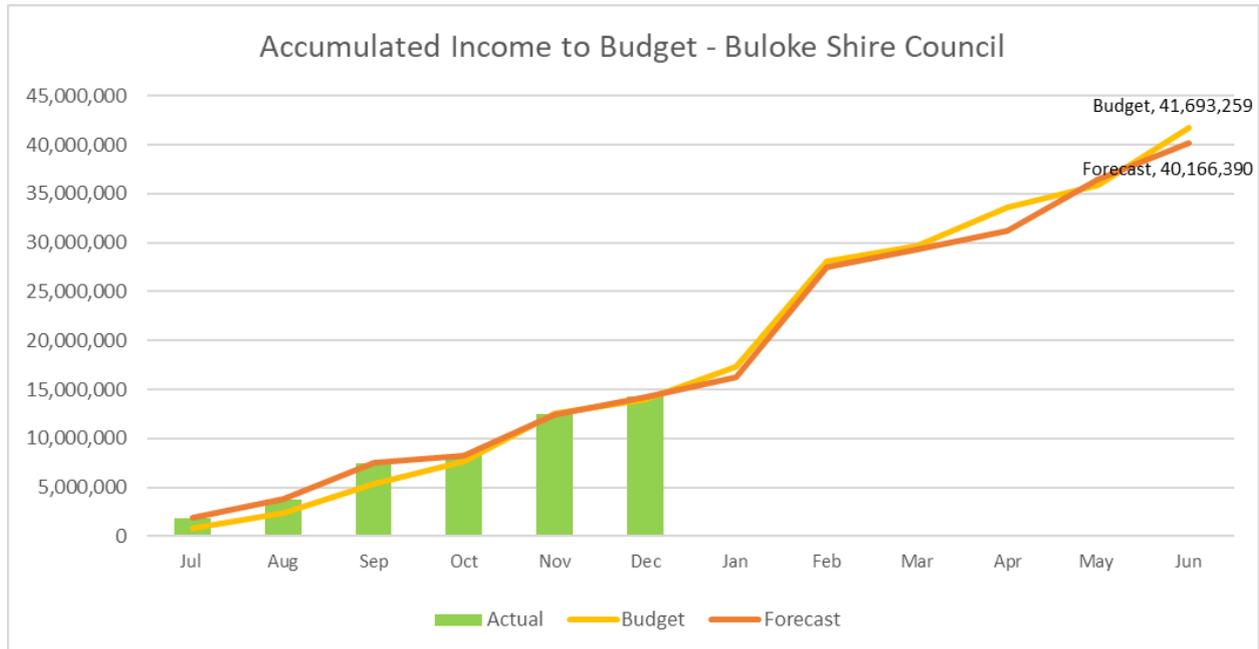
COLLABORATION

Not applicable.

FINANCIAL VIABILITY

The tables below provide an overview of Council's financial performance against Approved budget income and expenses as at 31 December 2020. An analysis of Council's financial position confirms that a revised 2020/21 Annual Budget is not required.

Following reforecasting completed during December, the year-end total income is predicted to be down due to less capital income on confirmation of funding projects. Total year-end Operating Expenditure is anticipated to remain on budget.



REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable.

COUNCIL PLANS AND POLICIES

Council adopted its Annual Budget 2020/21 in July 2020. The Buloke Shire Council Plan 2017-21 outlines Council’s commitment to providing clear and concise reporting on a monthly basis to Council meetings.

TRANSPARENCY OF COUNCIL DECISIONS

Financial reporting ensures the Council and the Buloke community are aware of financial implications of decisions and actions. Reporting Council’s financial position allows the Council to monitor and respond to financial risk.

CONFLICTS OF INTEREST

No officer involved in the preparation of this report had a conflict of interest.

Cashflow Forecast — Buloke Shire Council

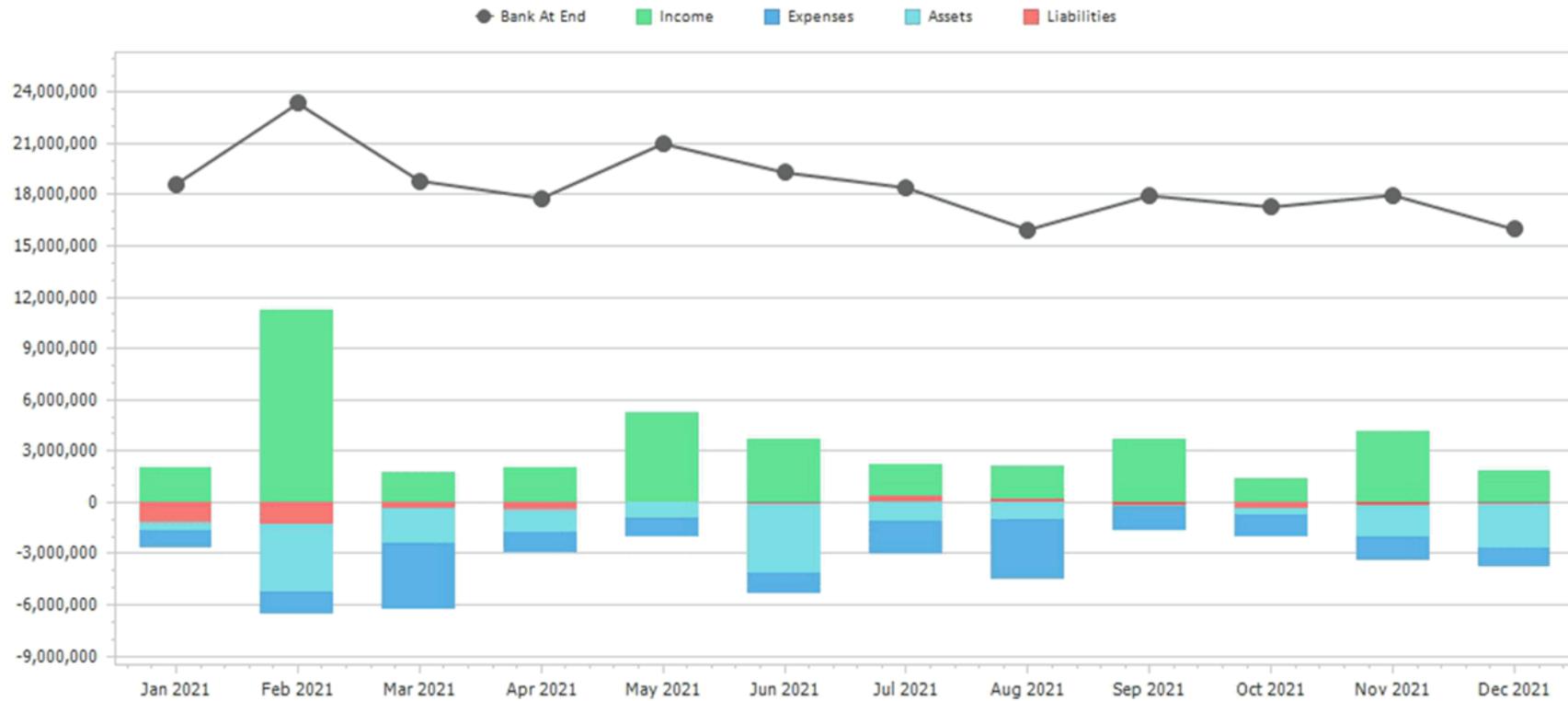
JAN 2021

	Jan 2021	Feb 2021	Mar 2021	Apr 2021	May 2021	Jun 2021	Jul 2021	Aug 2021	Sep 2021	Oct 2021	Nov 2021	Dec 2021	Total
Bank at Beginning	19,285,162	18,623,451	23,350,187	18,815,387	17,790,125	20,989,462	19,303,997	18,410,154	15,955,836	17,944,497	17,287,034	17,970,908	19,285,162
Operating Income													
Rates and charges	1,261	9,857,515	0	0	1,303,107	0	(25)	140,736	1,391,155	(4,275)	1,331,448	9,513	14,030,434
Statutory fees and fines	13,375	14,739	14,739	14,739	14,739	14,739	21,571	22,469	20,049	8,874	29,122	80,503	269,658
User fees	57,778	43,767	54,381	55,564	60,073	100,802	29,198	52,072	73,344	52,902	74,213	57,822	711,916
Grants - operating	1,648,355	1,320,701	84,349	267,873	2,677,175	3,528,504	913,729	1,424,749	101,466	564,929	1,006,859	132,197	13,670,885
Contributions	2,840	91	91	91	91	10,087	2,843	42,488	3,044	2,521	1,036	1,712	66,937
Other Income	10,303	8,922	44,924	10,747	8,602	9,882	2,545	52,371	46,255	35,331	36,096	65,590	331,567
Cash Inflows from Operation	1,733,912	11,245,736	198,484	349,014	4,063,787	3,664,014	969,862	1,734,884	1,635,314	660,281	2,478,773	347,337	29,081,398
Operating Expense													
Employee Costs	(718,103)	(701,383)	(922,234)	(614,059)	(548,142)	(551,307)	(382,319)	(594,008)	(969,303)	(724,043)	(741,499)	(818,991)	(8,285,392)
Materials and services	(279,029)	(463,252)	(2,673,525)	(537,851)	(555,865)	(502,487)	(1,189,987)	(2,847,927)	(299,815)	(402,023)	(645,836)	(225,122)	(10,622,720)
Depreciation & Amortisation (Leasing)	(22,761)	(25,481)	(26,243)	(26,229)	(24,247)	(24,225)	(24,238)	(25,554)	(38,852)	(27,677)	(60,501)	(64,035)	(390,040)
Bad and doubtful debts	0	0	0	0	0	(2,391)	(215,218)	(2,391)	0	(3)	(226)	(3)	(220,231)
Borrowing costs	0	0	0	0	0	0	1	106	1	0	0	0	108
Other expenses	(28,267)	(45,303)	(291,068)	(25,740)	(23,262)	(68,954)	(130,144)	(34,435)	(28,771)	(37,545)	(29,395)	(29,548)	(772,432)
Cash Outflows from Operation	(1,048,160)	(1,235,419)	(3,913,070)	(1,203,879)	(1,151,516)	(1,149,363)	(1,941,904)	(3,504,210)	(1,336,740)	(1,191,290)	(1,477,457)	(1,137,698)	(20,290,707)

	Jan 2021	Feb 2021	Mar 2021	Apr 2021	May 2021	Jun 2021	Jul 2021	Aug 2021	Sep 2021	Oct 2021	Nov 2021	Dec 2021	Total
Asset													
Works In Progress	(409,773)	(3,972,128)	(2,003,245)	(1,332,042)	(873,645)	(4,128,365)	(1,136,745)	(1,051,793)	(222,619)	(373,701)	(1,770,394)	(2,556,367)	(19,830,816)
Movement in Assets	(409,773)	(3,972,128)	(2,003,245)	(1,332,042)	(873,645)	(4,128,365)	(1,136,745)	(1,051,793)	(222,619)	(373,701)	(1,770,394)	(2,556,367)	(19,830,816)
Liability													
PO Accrual	(1,521,842)	(1,141,382)	(760,921)	(380,461)	0	0	0	0	0	0	0	0	(3,804,606)
GST	276,184	69,296	625,130	215,741	160,399	110,963	498,713	357,898	106,620	51,082	69,845	188,498	2,730,371
PAYG Tax Clearing	0	(239,368)	(233,794)	(307,411)	(204,686)	(182,714)	(183,769)	(127,440)	(198,003)	(323,101)	(241,348)	(247,166)	(2,488,800)
Superannuation Payable	7,969	0	0	0	0	0	0	(43,658)	(67,926)	(108,563)	(61,565)	(62,445)	(336,188)
Movement in Liabilities	(1,237,689)	(1,311,453)	(369,586)	(472,131)	(44,288)	(71,751)	314,944	186,800	(159,309)	(380,582)	(233,068)	(121,112)	(3,899,223)
Capital Income													
Grants - capital	300,000	0	1,552,616	1,633,775	1,150,000	0	900,000	180,000	2,072,014	607,829	1,686,019	1,472,070	11,554,323
Other Capital Income	0	0	0	0	55,000	0	0	0	0	20,000	0	0	75,000
Other Inflows	300,000	0	1,552,616	1,633,775	1,205,000	0	900,000	180,000	2,072,014	627,829	1,686,019	1,472,070	11,629,323
Net Movement	(661,711)	4,726,737	(4,534,801)	(1,025,262)	3,199,338	(1,685,466)	(893,843)	(2,454,317)	1,988,661	(657,463)	683,873	(1,995,770)	(3,310,025)
Bank at End	18,623,451	23,350,187	18,815,387	17,790,125	20,989,462	19,303,997	18,410,154	15,955,836	17,944,497	17,287,034	17,970,908	15,975,137	15,975,137

Cashflow Chart — Buloke Shire Council

JAN 2021 — DEC 2021



Balance Sheet — Buloke Shire Council

DEC 2020

	Dec 2020	Jun 2020	Variance	% Variance
Asset				
Current assets	22,019,920	20,523,968	1,495,952	7%
Cash and cash equivalents	19,285,162	17,544,040	1,741,122	10%
Trade and other receivables	2,543,669	2,612,321	(68,652)	(3%)
Inventories	143,841	180,882	(37,041)	(20%)
Other assets	47,249	186,725	(139,476)	(75%)
Non-current assets	273,497,800	271,336,372	2,161,428	1%
Property, infrastructure, plant and equipment	273,497,800	271,336,372	2,161,428	1%
Total Asset	295,517,720	291,860,339	3,657,380	1%
Liability				
Current liabilities	10,001,187	5,333,078	(4,668,110)	(88%)
Trade and other payables	6,094,325	2,399,697	(3,694,628)	(154%)
Trust funds and deposits	996,634	200,294	(796,341)	(398%)
Provisions	2,652,961	2,475,819	(177,141)	(7%)
Leases	257,267	257,267	0	0%
Non-current liabilities	1,296,122	1,296,122	0	0%
Leases	159,554	159,554	0	0%
Provisions	1,136,567	1,136,567	0	0%
Total Liability	11,297,309	6,629,199	(4,668,110)	(70%)
Net Assets	284,220,411	285,231,140	(1,010,729)	0%
Equity				
Equity	284,220,411	285,231,140	(1,010,729)	0%
Accumulated Surplus	112,144,954	103,766,640	8,378,314	8%
Reserves	173,086,186	173,086,186	0	0%
Current Earnings	(1,010,729)	8,378,314	(9,389,043)	(112%)
Total Equity	284,220,411	285,231,140	(1,010,729)	0%

Income Statement — Buloke Shire Council

MONTH: DEC 2020

	Jul 2020 - Dec 2020		Approved Budget		Full Year Budget	
	Actuals	Approved	Variance	Variance (%)	Approved	Forecast
Operating Income						
Rates and charges	2,868,551	2,808,141	60,410	2%	14,023,076	14,030,434
Statutory fees and fines	182,588	179,721	2,868	2%	266,791	269,658
User fees	308,682	283,415	25,267	9%	618,810	647,196
Grants - operating	3,685,848	5,636,746	(1,950,897)	(35%)	13,424,994	13,212,804
Contributions	53,645	56,741	(3,096)	(5%)	70,033	66,937
Other Income	221,656	105,698	115,958	110%	131,963	315,036
Total Operating Income	7,320,971	9,070,462	(1,749,490)	(19%)	28,535,668	28,542,067
Operating Expense						
Employee Costs	5,912,799	6,278,693	365,894	6%	11,376,239	11,319,771
Materials and services	4,629,784	7,038,937	2,409,153	34%	9,823,263	10,066,236
Depreciation & Amortisation (Leasing)	4,537,688	4,730,534	192,846	4%	9,287,795	9,101,351
Bad and doubtful debts	210	0	(210)	N/A	300,000	200,210
Borrowing costs	(108)	0	108	N/A	0	(108)
Other expenses	189,260	199,281	10,020	5%	735,045	721,713
Total Operating Expense	15,269,633	18,247,444	2,977,811	16%	31,522,341	31,409,173
Operating Profit	(7,948,661)	(9,176,982)	1,228,321	(13%)	(2,986,673)	(2,867,106)
Capital Income						
Grants - capital	6,917,932	4,938,938	1,978,994	40%	13,107,589	11,554,323
Other Capital Income	20,000	0	20,000	N/A	50,000	70,000
Total Capital Income	6,937,932	4,938,938	1,998,994	40%	13,157,589	11,624,323
Net Surplus/Deficit	(1,010,729)	(4,238,045)	3,227,315	(76%)	10,170,916	8,757,217

Cashflow Statement — Buloke Shire Council

JUL 2020 - DEC 2020

	Jul 2020 - Dec 2020
Bank at Beginning	17,544,040
Cashflow from Operating Activities:	
Net Profit	(1,010,729)
Adjustments to Net Profit for Non-Cash Activities:	
Non - Cash expenses	4,335,319
Depreciation	4,335,319
Total Adjustments to Net Profit for Non-Cash Activities	4,335,319
Adjustments to Net Profit for Non-Operating Activities:	
Operating Activities	(108)
Cash Outflows	(108)
Total Adjustments to Net Profit for Non-Operating Activities	(108)
Adjustments for Balance Sheet Movement on Operating Activities:	
Current assets	245,170
2 · Trade and other receivables	68,652
4 · Inventories	37,041
5 · Other assets	139,476
Non-current assets	1,914
Property, infrastructure, plant and equipment	1,914
Current liabilities	4,416,486
1 · Trade and other payables	3,443,004
2 · Trust funds and deposits	796,341
3 · Provisions	177,141
Total Adjustments for Balance Sheet Movement on Operating Activities	4,663,570
Net Cashflow from Operating Activities	7,988,052
Cashflow from Investing Activities:	
Non-current assets	(6,498,661)

Property, infrastructure, plant and equipment	(6,498,661)
Net Cashflow from Investing Activities	(6,498,661)
<hr/>	
Cashflow from Financing Activities:	
Current liabilities	251,624
1 · Trade and other payables	251,624
Operating Activites	108
Cash Outflows	108
Net Cashflow from Financing Activities	251,732
<hr/>	
Net Cashflows	1,741,122
Bank at End	19,285,162
<hr/>	

Account tree BSC - Bal Sheet

8.4 ORGANISATIONAL REPORTS

Nil

8.5 REPORTS FROM COUNCILLORS

Nil

8.6 MATTERS WHICH MAY EXCLUDE THE PUBLIC

RECOMMENDATION:

That pursuant to section 66(1) and (2)(a) of the *Local Government Act 2020* the meeting be closed to the public to consider the following reports that are considered to contain confidential information on the grounds provided in section 3(1) of the *Local Government Act 2020* as indicated:

- | | | |
|-------|---|---|
| 8.6.1 | AUDIT AND RISK COMMITTEE MEETING MINUTES 2 DECEMBER 2020 | (g(ii)) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage |
| 8.6.2 | CONTRACT C80 2020-2021 - SUPPLY AND DELIVERY OF ONE (1) NEW TIPPING TRUCK AND QUAD DOG TRAILER | (g(ii)) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage |
| 8.6.3 | CONTRACT C81 2020-2021 - SUPPLY AND DELIVERY OF ONE (1) NEW MOTOR GRADER | (g(ii)) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage |
| 8.6.4 | CONTRACT C91 2020-2021 - ROADS TO REHABILITATION 2020-2021 – PAVEMENT REHABILITATION WORKS | (g(ii)) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage |
| 8.6.5 | CONTRACT C88 2020-2021 - DONALD URBAN ROAD REHABILITATION – INDUSTRY DRIVE AND TOWER ROAD, DONALD | (g(ii)) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage |

RECOMMENDATION:

That Council reopens the meeting to the public pursuant to section 66(1) and (2)(a) of the *Local Government Act 2020*.

9. OTHER BUSINESS

9.1 NOTICES OF MOTION

Nil

9.2 QUESTIONS FROM COUNCILLORS

Nil

9.3 URGENT BUSINESS

Nil

9.4 ANY OTHER BUSINESS

Nil

10. MEETING CLOSE