



ORDINARY COUNCIL MEETING

AGENDA

Wednesday 12 August 2020

Commencing at 7.00pm

Remote Via Zoom

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

ORDER OF BUSINESS

1. COUNCIL WELCOME AND STATEMENT OF ACKNOWLEDGEMENT

WELCOME

The Mayor Cr Carolyn Stewart will welcome all in attendance.

STATEMENT OF ACKNOWLEDGEMENT

The Mayor Cr Carolyn Stewart 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, 8 July 2020.

4. REQUESTS FOR LEAVE OF ABSENCE

5. DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

In accordance with Sections 77A, 77B and 78 of the Local Government Act Councillors are required to disclose an "interest" in a decision if they would receive, or could be reasonably perceived as receiving a direct or indirect financial or non-financial benefit or detriment (other than as a voter, resident or ratepayer) from the decision.

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

6. QUESTIONS FROM THE PUBLIC

NIL

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	NIL	
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	NIL	
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	NIL	
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	NIL	

10. MEETING CLOSE

NEXT MEETING

THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD VIA ZOOM ON WEDNESDAY, 9 SEPTEMBER 2020 AT 7.00PM.

Anthony Judd
CHIEF EXECUTIVE OFFICER

6. QUESTIONS FROM THE PUBLIC

Nil

7. PROCEDURAL ITEMS**7.1 REPORT OF ASSEMBLY OF COUNCILLORS MEETINGS**

Author's Title: Executive Assistant

Department: Office of the CEO

File No: GO/05/04

PURPOSE

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 as defined in the Act.

Council is to note the records of the Assembly of Councillors Meetings held on 1 July 2020 and 15 July 2020.

SUMMARY

An Assembly of Councillors Meeting is defined in the Act as 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 1 July 2020 and 15 July 2020 are attached.

RECOMMENDATION

That the Council note the report of Assembly of Councillor Meetings held on 1 July 2020 and 15 July 2020.

- Attachments:**
- 1 [Assembly of Councillors Record - 1 July 2020](#)
 - 2 [Assembly of Councillors Record - 15 July 2020](#)

BULOKE SHIRE COUNCIL

Record

Councillor Briefing

Date and Time:	1 July 2020	Time:	5pm
Location:	Zoom		

ITEMS

NO.	TOPIC	PURPOSE
1.	Councillor/ CEO only time	
2.	Welcome	
3.	Apologies:	Cr Warren
4.	Attendees:	Cr Stewart, Cr White, Cr Pollard, Cr Simpson, Cr Mine, Cr Vis, Anthony Judd, Travis Fitzgibbon, Wayne O'Toole, Rose Harris, Hannah Yu
5.	Visitors	Terry Bramham (8.1), Lauren McBriarty (8.2), Amber Ricks (9.1), Helen Sheridan (9.1), Rodney Hotker (9.2)
6.	Declarations of Pecuniary Conflicts of Interest	Nil
7.	Confirmation of Councillor Briefing Notes	Agreed
8.	Presentations	
	8.1 Overview of the proposed Governance Rules – Terry Bramham, Macquarie Lawyers	
	8.2 Wimmera Mallee Tourism Board – Lauren McBriarty, Executive Officer	
9.	Items for Discussion	
	9.1 End of Pool Season Report 2019/2020	
	9.2 Rural Land Use and Settlements Strategy	
	9.3 Year 4 Annual Plan	

10. Councillor Matters

11. CEO Updates

12. Next Briefing:

Date and Time:	15 July 2020	Time:	3pm
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Location:	Zoom
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13. Briefing Close

BULOKE SHIRE COUNCIL

Record

Councillor Briefing

Date and Time:	15 July 2020	Time: 3.00pm – 6.00pm
Location:	Zoom	

ITEMS

NO.	TOPIC	NOTES
1.	Welcome	Cr David Pollard (in absence of Cr Stewart)
2.	Apologies	Cr Carolyn Stewart (late)
3.	Attendees	Cr Carolyn Stewart (arrived at 3.15pm) Cr David Pollard, Cr Daryl Warren, Cr Bronwyn Simpson Cr David Vis, Cr Ellen White, Cr Graeme Milne, Anthony Judd, Wayne O'Toole, Travis Fitzgibbon, Rose Harris
4.	Visitors	<ul style="list-style-type: none">• Ken Rowe• Judy Chapman• John Scales (JWS Research)• Reid Mather (RFA)
5.	Declarations of Pecuniary Conflicts of Interest	Nil
6.	Confirmation of Councillor Briefing Notes	
7.	Presentations	
7.1	CSS Survey John Scales - JWS research	
7.2	Reid Mather – Executive Officer – Rail Freight Alliance	
7.3	Saleyard Masterplan – Judy Chapman/ Ken Rowe	
7.4	Relief and Recovery Plan update (Rose Harris)	

8. Items for Discussion

8.1 Monthly Capital Report (Wayne O'Toole)

8.2 Working for Victoria update (Anthony Judd)

9. Councillor Matters

10. CEO Updates

11. Councillor/ CEO only time

12. Next Briefing:

Date and Time: 5 August 2020

Time: 5.00pm – 8.00pm

Location: Zoom

13. Briefing Close

7.2 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		
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		
8 July 2020 Ordinary Meeting Review decision to close the Donald Branch on the basis that the continuing operation of the Branch is essential to well-being and sustainability of	Shayne Elliot CEO ANZ Group	9 July 2020	28 July 2020	Decision to close ANZ Donald made after careful consideration & continued year-on-year decline in customer traffic/increase use of digi banking. 15% of customers used branch, with majority via other means incl online & digital channels (% pre-dates COVID-19). Noting transition issues for some customers, so est a VIC-based dedicated customer care team for support by calling 1800 841 549 or LocalCustomerCareTeamVICTAS@anz.com .

the community and business in Donald & District.				<p>Regarding personal identification & security, for password resets customers can call our contact centre (13 13 14) or reset through ANZ's app.</p> <p>Customer identification, for select accounts they offer electronic verification for personal loans, everyday banking, credit cards, and eVerify for home loans, so no need for customers to visit a branch provided they have appropriate ID.</p> <p>For more info on eVerify visit: https://www.anz.com.au/support/anz-eVerify/</p> <p>Simone Stella Senior Advisor, Government Relations ANZ </p>
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7.3 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
Nil items.			

7.4 BUILDING PERMITS - MONTHLY UPDATE

Author's Title: Statutory Administration Support

Department: Works and Technical Services

File No:

EXECUTIVE SUMMARY

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

RECOMMENDATION

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

Attachments: Nil

LIST OF BUILDING PERMITS APPROVED BY COUNCIL SURVEYOR

Permit No.	BAMS Permit No.	Address	Project Description	Value	Date Approved
20200094	9016796111341	21 Kaye Street, Charlton	Storage Shed	\$9,500	09/07/2020
20200095	8655986063391	Berriwillock North Road, Boigbeat	Hay Shed	\$127,000	09/07/2020
20200096	1991260719897	28 McCracken Avenue, Donald	Carport	\$11,933	09/07/2020
20200097	6017748247327	2329 Warracknabeal-Birchip Road, Wilkur	Machinery Shed	\$95,000	16/07/2020

LIST OF BUILDING PERMITS APPROVED BY PRIVATE SURVEYOR

Permit No.	Address	Project Description	Value	Date Approved
20200086	1243 Warne Road, Warne	Hay Shed	\$196,610	11/06/2020
20200087	525 Glenloth Road, Nareewillock	New Dwelling	\$492,900	15/06/2020
20200088	729 Nullawil North Road, Warne	Farm Shed	\$74,503	15/06/2020
20200089	55 Camp Street, Wycheproof	Shed	\$16,880	15/06/2020
20200090	33-43 McClelland Avenue, Sea Lake	Alterations & Additions – Egress and Exit Signs	\$25,000	16/06/2020
20200093	33-49 Davies Street, Charlton	Verandah	\$64,778	18/06/2020
20200099	192 Warren Road, Reedy Dam	Fodder Storage Shed	\$88,750	24/06/2020
20200100	63 Corack Road, Wycheproof	Farm Shed	\$53,844	25/06/2020
20200101	564 Coatsworths Road, Teddywaddy West	Farm Shed	\$87,868	26/06/2020
20200102	268 Reillys Road, Corack	Farm Shed	\$112,794	26/06/2020
20200103	74 Dunns Road, Donald	Farm Shed	\$129,481	26/06/2020
20200104	7-9 Florence Court, Donald	Storage Shed	\$14,920	29/06/2020
20200105	256 Nandaly-Tempy Road, Nandaly	Farm Shed	\$128,997	01/07/2020
20200106	976 Borung Highway, Carron	Farm Shed	\$113,476	01/07/2020
20200107	613 Roberts Road, Wooroonook	Hay Shed	\$47,613	03/07/2020
20200108	373 Sheep Hills Road, Lawler	Farm Storage Shed	\$124,596	03/07/2020
20200109	27 Sproats Lane, Donald	Storage Shed with Attached Carport	\$13,000	06/07/2020
20200110	3118 Calder Highway, Nandaly	Farm Shed	\$39,999	07/07/2020
20200111	17 Camp Street, Donald	Garage with Attached Carport	\$45,000	08/07/2020
20200112	204 Sellick Road, Jeffcott	Farm Shed	\$96,712	10/07/2020
20200113	4979 Sunraysia Highway, Massey	Machinery Shed	\$80,752	10/07/2020

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
PPA865/20	Adam Campbell	31 Green Plains East Rd., Corack (CA 20 Parish Corack)	15/06/20	Construction of a hay shed in an Overlay	Issued
PPA867/20	DJ & KE Rickard	18 Johnson St., Birchip (Lot 2 PS712022)	23/06/20	Construction of a dwelling in the Heritage overlay	Awaiting report
PPA868/20	GW & BJ Kelly	406 Stannard Rd., Watchupga (Lot 1 TP219186)	06/07/20	Construction of a pig shed	Further information request
PPA869/20	James Course	Sea Lake –Swan Hill Rd., Sea Lake (Lot 3 PS333821)	01/07/20	Construct and display a major promotion sign	Referral, public notice
PPA870/20	Gordon Bailey	Boundary Rd., Pier Milan	07/07/20	Use of land for outdoor recreation (Camel Capers offroad race event)	Referral, public notice
PPA871/20	MV & AT Donnellon	1939 Borung Hwy., Jeffcott (Lot 1 TP196983)	21/07/20	Construction of a shed within a setback and associated with a Section 2 use	Issued
PPA872/20	Tey's Australia	224 Yeungroon Woosang Rd., Yeungroon East (CP165006)	27/07/20	Construction of a 200m x 36m shed associated with a feedlot	New

Application No	Applicant	Address	Date Rec	Summary of Proposal	Status
PPA873/20	Charlton Golf Club	286 Golf Links Rd., Charlton (CA 18D Parish Charlton West)	27/07/20	Construction of a golf cart shed in PPRZ	New
PPA874/20	Conballan Pty Ltd	Calder Hwy., Boigbeat (CA 31 Parish Boigbeat)	27/07/20	Construction of silos within a setback	Issued
PPA863/20	Yuille Holdings Pty Ltd	432 Broadway, Wycheproof (Lot 1 TP387376)	28/05/20	Construct and display an electronic business display sign	Referral, Public notice
PPA862/20	Hazchem Pty Ltd	94 Birchip Sea Lake Rd., Birchip	18/05/20	Use and development of land for an above ground, self bunded diesel cell	Issued
PPA860/20	DA & LM Broad	1 M Keanes Rd., Wycheproof Sth. (CA 57 Parish Teddywaddy)	12/05/20	Use and development of land for a second dwelling on a lot	Issued
PPA864/20	Price Merrett Consulting	279 Goddard Rd., Teddywaddy West (CA 62 Parish Teddywaddy)	09/06/20	3 lot Boundary realignment	Issued

7.6 CHARLTON PARK COMMITTEE OF MANAGEMENT MEETING MINUTES

Author's Title: Governance Officer

Department: Corporate Services

File No: ED/05/15

Relevance to Council Plan 2017 - 2021

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

PURPOSE

To note the minutes of meetings held by the Charlton Park Committee of Management.

SUMMARY

Charlton Park Committee of Management (the Committee) held Ordinary meetings on 7 October 2019, 2 February 2020 and 1 June 2020. The Minutes of these have been provided as part of the Committee's governance requirements.

RECOMMENDATION

That Council notes:

1. The minutes of the Charlton Park Committee of Management meeting held on 7 October 2019;
2. The minutes of the Charlton Park Committee of Management meeting held on 2 February 2020; and
3. The minutes of the Charlton Park Committee of Management meeting held on 1 June 2020.

Attachments:

- 1 [↓](#) Charlton Park Minutes 7 Oct 2019
- 2 [↓](#) Charlton Park Minutes 3 Feb 2020
- 3 [↓](#) Charlton Park Minutes 1 Jun 2020

DISCUSSION

The Committee is a Special Committee of Council established under section 86 of the *Local Government Act 1989* to manage specific Council assets. The Committee held Ordinary meetings on 7 October 2019, 3 February 2020 and 1 June 2020.

The minutes have been provided to meet the Committee's governance requirements in accord with Council's *Meetings Procedure and Common Seal Local Law 2019*. The minutes for these meetings have been attached to this report.

RELEVANT LAW

Council's noting of the meeting minutes of Special Committees of Management meets the requirements under the section 86 of the *Local Government Act 1989*.

RELATED COUNCIL DECISIONS

Council appointed the Committee at its 2016 May Ordinary Meeting. At its November 2017 Ordinary Meeting the Committees most recent delegated powers, duties and functions were provided via an Instrument of Delegation.

OPTIONS

Not applicable

SUSTAINABILITY IMPLICATIONS

Not applicable

COMMUNITY ENGAGEMENT

Not applicable

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

The *Buloke Shire Council Meetings Procedure and Common Seal Local Law 2019* sets out provisions relating to Special Committees.

TRANSPARENCY OF COUNCIL DECISIONS

Decisions made at meetings of Committees of Management are decisions made by Council under delegation from Council.

CONFLICTS OF INTEREST

No officer involved in preparing this report has had a conflict of interest.

Charlton Park Committee of Management

Minutes (draft) of meeting held on Monday 7th October 2019, at Community Complex Meeting Room

List of club representatives:

Buloke Shire	Carolyn Stewart	Sec / Treasurer	Simon Peck
Harness Club	Joe Thompson	Golf	Anne Kenny
Cricket	Adam Soulsby	Bowling	Kevin Willey
Park Golf	Pat Clifford	Netball	Kim Fitzpatrick
Pony Club	Alena Olive	Hockey	Julie Bourke
Football Club	Shane Fitzpatrick	Show	Wendy Laffin
Stadium	Kelvin Baird	Angling	Kevin Willey
Tennis	Wendy Laffin		
Croquet	Barb Dalrymple		

Present: Kim Fitzpatrick, Carolyn Stewart, Shane Fitzpatrick, Simon Peck, Kevin Willey, John Harley, Barb Dalrymple, Wendy Laffin, Joe Thompson, Julie Bourke.

Apologies: Kelvin Baird, Anne Kenny

Minutes of previous meeting:

Moved by K Willey / W Laffin – Carried

Business Arising:

- Nil.

Correspondence in:

Buloke Shire Meeting procedures & common seal

Correspondence out:

Nil

Finance Report:

- Current balance \$47,537
Some issues with finalising new budget due to unknown costs involved with new building.

Moved that the report be accepted.

Simon Peck / J Thompson – Carried.

Club Reports:

Lions Club

- Swap meet to be held at Park Oct 12. Shire currently repairing fence and surrounds.

Angling Club

- Quote to replace posts around lawn area - \$3,500. Agreed at last meeting that the Committee would consider financial support.
- Moved that Charlton Park Committee of Management commit \$1,750 to the cost of the new posts at the Angling Club.
J Harley / J Thompson - carried

A&P Society

- Show to be held on 19th October. Everything prepared to date.

Football Club

- Moving items into new building Saturday morning (Oct 12).

Croquet Club

- Membership drive this weekend.

Hockey Club

- Some problems with weeds on pitch. K Dixon will be contacted to see if he has taken action.

Harness Racing Club

- Still currently racing off-site. First meeting back is scheduled for Dec 20.
- New stables to be erected to increase number to 100.

2020 committee (J Harley)

- Official opening of building Oct 20.
- Work to complete area at east end of building has commenced. User clubs are negotiating a loan to cover the cost. The Shire has been requested to act as guarantor, but has yet to make a decision on this. A business case is being produced for both the Shire and the potential lender.
- 2020 committee still actively seeking grants and other funding to complete future stages.
- See minutes of Community Forum below.

Community Forum

John Harley led a detailed discussion with representatives of user groups on the future development of the Park.

- A document was presented outlining proposed future stages and seeking input from Clubs.
- Areas discussed included preparing marketing materials to promote the building for hire, ideas for landscaping at both the east and west end of the building and harness racing requirements.
- Representatives were requested to continue the discussions with their own committees and provide feedback and ideas to John and the 2020 Committee.

General Business:

- Meeting procedures as per correspondence) were tabled
- Various Park users who will be responsible for the loan to complete the 2020 project (see 2020 report above) sought financial assistance from this committee to service the loan or cover the costs of additional works.

Motion: That the Charlton Park Committee of Management contribute \$10,000 to the 2020 Committee to facilitate the completion of the construction at the east end of the building.

Moved – K Willey

Seconded – W Laffin

Carried

Meeting closed: 9.25 pm

Next Meeting:

Monday 2nd December 2019, 8.00pm – Community Complex Meeting room

Charlton Park Committee of Management
Minutes (draft) of meeting held on Monday 3rd February 2020, at Angling Clubrooms

List of club representatives:

Buloke Shire	Carolyn Stewart	Sec / Treasurer	Simon Peck
Harness Club	Joe Thompson	Golf	Anne Kenny
Cricket	Adam Soulsby	Bowling	Kevin Willey
Park Golf	Pat Clifford	Netball	Kim Fitzpatrick
Pony Club	Alena Olive	Hockey	Julie Bourke
Football Club	Shane Fitzpatrick	Show	Wendy Laffin
Stadium	Kelvin Baird	Angling	Kevin Willey
Tennis	Wendy Laffin		
Croquet	Barb Dalrymple		

Present: Kim Fitzpatrick, Kelvin Baird, Shane Fitzpatrick, Simon Peck, Kevin Willey, Barb Dalrymple, Wendy Laffin, Naomi Fitzpatrick (Hockey)

Apologies: John Harley, Anne Kenny, Carolyn Stewart, Joe Thompson, David Pollard

Minutes of previous meeting:

Moved by K Willey / W Laffin – Carried

Business Arising:

- Nil.

Correspondence in:

Nil

Correspondence out:

Nil

Finance Report:

- Current balance \$46,648

Moved that the report be accepted.

Simon Peck / K Baird – Carried.

Club Reports:

Football Club

- TRACS (truck convoy) have requested to hold function at Park on May 16 (similar to event held in 2018). Will start arriving Saturday afternoon, stay the night and leave after breakfast Sunday morning.
- Wendy Laffin negotiating regarding the organisation of the function.

Angling Club

- As per last meeting Kevin requested funding to assist in replacement of posts around lawn area at the Angling Club rooms. Some changes to original plan with timber posts now to be used. This reduced costs to \$1,045 (originally \$3,500). However, the Club has also recently paid \$900 for unplanned electrical repairs of approximately \$900.

Moved that this committee provide \$1,750 as previously agreed to cover Angling Club costs.

Moved – K Baird, Seconded – W Laffin Carried

2020 committee (J Harley)

- John provided details of progress via email.
- Applications for grants are still pending. This should allow works to be completed at the west end of the building.
- Conference centre work is being undertaken to promote the building. John has requested that the fee structure be examined and finalised. He has some recommendations which will be discussed by the sub-committee.

General Business:

- Corellas – shooting program has been recommenced with some success in keeping Park clear for tennis tournament. Still a massive problem around town. A town-wide program to move the birds on is being planned for November. Clubs are asked to raise this with clubs so maximum participation can be achieved.
- Building sub-committee – a cleaner has been appointed to be funded through fees paid by clubs involved. It is still undecided how the payment to the 2020 (\$10,000) will be structured. Upcoming bookings and events include:

Feb 11 - Grainflow farmers meeting

Feb 12 – Elders land auction

Feb 16 – football trainers course

Mar 1 – CFA regional competition

Mar 15 – Charlton Cup

Mar 19 – DET Leadership Forum

Meeting closed: 8.45 pm

Next Meeting:

Monday 6th April 2020, 8.00pm – Community Complex Meeting room

Charlton Park Committee of Management
Minutes (draft) of meeting held on Monday 1st June 2020, at Community Complex

List of club representatives:

Buloke Shire	Carolyn Stewart	Sec / Treasurer	Simon Peck
Harness Club	Joe Thompson	Golf	Anne Kenny
Cricket	Adam Soulsby	Bowling	Kevin Willey
Park Golf	Pat Clifford	Netball	Kim Fitzpatrick
Pony Club	Alena Olive	Hockey	Julie Bourke
Football Club	Shane Fitzpatrick	Show	Wendy Laffin
Stadium	Kelvin Baird	Angling	Kevin Willey
Tennis	Wendy Laffin		
Croquet	Barb Dalrymple		

Present: John Harley, Kim Fitzpatrick, Kelvin Baird, Shane Fitzpatrick, Simon Peck, Kevin Willey, Pat Clifford, Wendy Laffin, Kelly Wright (Hockey), Carolyn Stewart, Joe Thompson, David Pollard

Apologies: Anne Kenny, Alena Olive

Minutes of previous meeting:

Moved by K Baird / K Fitzpatrick – Carried

Business Arising:

- Nil.

Correspondence in:

Nil

Correspondence out:

Nil

Finance Report:

- Current balance \$58,037

Moved that the report be accepted.

Simon Peck / W Laffin – Carried.

Club Reports:

A&P Society

- Still unsure if show will go ahead due to COVID 19 restrictions.
- Grant has been gained for purchase of display cabinets. This leaves a shortfall of \$1,900. Wendy asked if this committee would be able to allocate some funds to assist with purchase, especially as they will be available for community use.

Moved J Harley – that \$1,000 be allocated towards the cost of the cabinets. Seconded K Willey. Carried

Angling Club

- Posts have been delivered, waiting to be installed.

Park Golf

- Competition has started. Pat requested that mowing of airways could be undertaken by the Park's Committee, as has occurred previously. Pat was asked to direct requests to Doug Finlay, who does the mowing for the Park.

Netball Club

- Seeking to return to training and currently communicating with Amber Ricks (Buloke Shire) as to requirements.

Football Club

- Still in recess. The Board will meet on Thursday and a decision regarding the season is expected then.

2020 committee (J Harley)

- The committee have decided to allocate \$10,000 towards meeting the loan obligations of the clubs for 20/21.
- Some issues are still outstanding on the building. They are currently being addressed.
- The development of a website has been commenced and is currently being amended. A video to promote the building is being created with financial support from MKM (builders).
- Redevelopment of the west end (netball area) continues. The Buloke Shire has been responsible for returning the area to its precious condition. The work of Randall Perry and Wes Jenkyn is acknowledged.
- Some new security lighting is being installed.

Harness Racing Club

- All meeting have been transferred to Bendigo until restrictions are reduced.
- Oct 5 is a proposed date for first meeting, however many issues to be overcome before then.
- New trainer has moved to town and investigating expansion of training facility.

General Business:

- Corellas – David outlined a possibility of using a drone to move birds from areas outside the Park, including the Bowling Club. Many steps to go through including permits, funding and licences. The committee were supportive of David continuing his investigations.
- Lions Club Swap Meet – depending on restriction, the weekend of Oct 10 & 11 has been booked.
- Kevin reported that clubs should be aware of changes to VCGLR regulations regarding raffle registrations.

Meeting closed: 8.55 pm

Next Meeting:

AGM - Monday 3rd August 2020, 8.00pm – Community Complex Meeting room

7.7 WYCHEPROOF RECREATION RESERVE COMMITTEE OF MANAGEMENT MEETING MINUTES

Author's Title: Governance Officer

Department: Corporate Services

File No: ED/05/15

Relevance to Council Plan 2017 - 2021

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

PURPOSE

To note the minutes of meetings held by the Wycheproof Recreation Reserve Committee of Management.

SUMMARY

Wycheproof Recreation Reserve Committee of Management (the Committee) held Annual General Meeting on 2 July 2019. The minutes of this meeting and the financial statement from 20 June 2017 to 20 Aug 2019 have been provided as part of the Committee's governance requirements.

RECOMMENDATION

That Council notes:

1. The minutes of the Wycheproof Recreation Reserve Committee of Management AGM held on 2 July 2019; and
2. The financial statement of the Wycheproof Recreation Reserve Committee of Management for the period of 20 Jun 2017 to 20 Aug 2019.

Attachments:

- 1 [Wyche Rec Reserve AGM 2 Jul 2019 pg1](#)
- 2 [Wyche Rec Reserve AGM 2 Jul 2019 pg2](#)
- 3 [Financial Statement 2017-19](#)

DISCUSSION

The Committee is a Special Committee of Council established under section 86 of the *Local Government Act 1989* to manage specific Council assets. The Committee held an Annual General Meeting 2 July 2019.

The minutes have been provided to meet the Committee's governance requirements in accord with Council's *Meetings Procedure and Common Seal Local Law 2019*. The minutes for these meetings have been attached to this report.

RELEVANT LAW

Council's noting of the meeting minutes of Special Committees of Management meets the requirements under the section 86 of the *Local Government Act 1989*.

RELATED COUNCIL DECISIONS

Council appointed the Committee at its Ordinary Meeting held on 11 May 2016. At its November 2017 Ordinary Meeting the Committees most recent delegated powers, duties and functions were provided via an Instrument of Delegation.

OPTIONS

Not applicable.

SUSTAINABILITY IMPLICATIONS

Not applicable.

COMMUNITY ENGAGEMENT

Not applicable.

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

Council's *Meetings Procedure and Common Seal Local Law 2019* sets out provisions relating to Special Committees.

TRANSPARENCY OF COUNCIL DECISIONS

Decisions made at meetings of Committees of Management are decisions made by Council under delegation from Council.

CONFLICTS OF INTEREST

No officer involved in preparing this report has had a conflict of interest.

WYCHEPROOF RECREATION RESERVE COMMITTEE

ANNUAL GENERAL MEETING

TUESDAY JULY 2nd 2019

6pm at Multi Purpose Room – Sporting Complex

- Present:** Adrian Jorgenson (Croquet)
Eleanor Pollard (Croquet)
Bianca Orr (Tennis)
Alan Wallace (Bowls)
Sophia Humphreys (Netball)
Jenna Allan (Netball)
Mel Waters (Cricket)
Paul Ferner (Buloke Shire)
Tom Draffin
Wendy Turnbull (Field & Game Club)
Alan Jones
Mark McLennan
- Welcome:** Chairperson Alan Jones welcomed all representatives to the meeting.
- Apologies:** Pam Wallace, Richard McLennan, David Pollard, Gary Pollard and Amy Cozens.
- Minutes:** Moved Sophie Humphreys, sec. Eleanor Pollard that the minutes of the previous meeting held 12th November 2018, as tabled, be confirmed. Carried.
- Correspondence:** Moved Gary Pollard, sec. Sophie Humphreys
- Treasurer's Report:** Moved Wendy Turnbull, sec. Tom Draffin that the Treasurer's Report, as tabled, be accepted.
- Election of Office Bearers:**
- | | | |
|---|-------------------------|---------|
| President: | Peter Coles (Bowls) | |
| Secretary: | Claire Phyland (Hockey) | |
| Treasurer: | Mel Waters (Cricket) | |
| <i>All were duly nominated and elected.</i> | | Carried |
- Allocation of Funds:**
- | | | |
|---------------|--|--------------------|
| Football Club | \$3,750.00 - \$797.68 + \$200 = | \$3,152.32 |
| Netball Club | | \$3,000.00 |
| Hockey Club | \$3,000.00 - \$797.66 + \$200 = | \$2,402.34 |
| Bowls Club | \$3,000.00 - \$1,025.00 = | \$1,975.00 |
| Tennis Club | \$3,000.00 - \$4,616.00 = (\$1,616.00) = | nil |
| Golf Club | | \$3,000.00 |
| Race Club | | \$1,500.00 |
| Cricket Club | \$3,000.00 - \$797.66 + \$200 = | \$2,402.34 |
| P-12 College | | \$3,000.00 |
| Croquet Club | | \$3,000.00 |
| Field & Game | | \$ 750.00 |
| Total: | | \$24,182.00 |

General Business:

- Paul Fernee said that there is \$30,000 allocated to Bowls and Golf for upgrades to their respective kitchens.
- Eleanor Pollard asked if anything had happened regarding temporary repair to public toilets at the Football ground. They are okay at the moment.
- Jenna Allan spoke on behalf of the Netball Club. They discussed in length regarding the management of projects within the Rec Reserve. They suggested we need a better management system, ie: we don't have a working priority plan as other towns within the Shire have, which are working well for them. They have many ideas and issues with certain parts of Rec Reserve. For example playground at Netball area, more suitable change rooms for Netball and Hockey, women's umpires change room.
This would need to be discussed thoroughly before a move in this direction.
- In the Netballers overall plan the removal of all or part thereof, of the existing show shed and building of new change rooms (netball and hockey), playground, toilets, BBQ area.
- At this early stage, a letter of support from the Rec Committee.
- Jenna Allan will need to provide to each club a draft of how this committee will work, so clubs can discuss pros and cons of the proposed system.
- Jenna Allan moved a motion that they receive a letter of support from the Rec Reserve Committee regarding their stage 1 proposal for a playground at the west end of the existing show shed.
- Alan Jones moved a motion that the allocation to clubs be held over till the water usage amounts are found, sec. Eleanor Pollard. Carried.
- The Netball's Management proposal will be sent to the current Rec Reserve secretary and then to be distributed by him to all member clubs.
- Meeting in August to be organised with all member clubs regarding Netballs proposal.

Membership: Buloke Shire Council/Wycheproof Recreation Reserve Special Committee

Moved A. Jones/W. Turnbull that the following 12 community members be nominated as the representatives from the associated clubs.

Carried.

Race Club	Richard McLennan
Bowls Club	Peter Coles
Golf Club	Alan Jones
Tennis Club	Gary Pollard
Cricket Club	Mel Waters
P-12 College	Cathy Grant
Croquet Club	Eleanor Pollard
Hockey Club	Claire Phyland
Netball Club	Amy Cozens
Football Club	Mark McLennan
Field & Game Club	Wendy Turnbull

Bank Account Signatories:

Moved and Seconded that the new office bearers signatures be added to Bendigo Bank accounts with any two of the three (Peter Coles, Claire Phyland and Mel Waters) to sign.

Chairperson Alan Jones closed the meeting **7.30pm**

Wycheproof Recreation Reserve Committee

Statement on Income and Expenditure for the period 20/6/17 - 20/8/19

INCOME

Balance 20/6/17	\$39,131.17
BAS Refund	\$69.00
Shire Allocation 2016/17	\$33,100.00
Shire Allocation 2017/18	\$33,100.00

EXPENDITURE

Allocations to Sport Clubs	\$83,716.00
GWM Water	\$10,826.88
Australia Post	\$74.00
Wycheproof Golf Club	\$1,025.00
W.C.R.C.	\$102.50
Stuart Nicholls Plumbing	\$732.60
McLennan Electrical	\$66.00
Bank Charges	<u>\$0.70</u>

Total	<u>\$96,543.68</u>
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Balance 20/8/19	\$15,911.17
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Unpresented Cheques	- <u>\$7,054.68</u>
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*Hockey**Race Club**Cricket**Field & Game***\$105,400.17****\$105,400.17****Bank Balances**

Cheque Account	\$15,911.17
Less unpresented cheques	- <u>7054.68</u>
	<u>\$8,856.49</u>

Term Deposit	<u>\$15,833.98</u>
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Next Review 20/10/19

Net Worth at 20/8/19	\$24,690.47
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Treasurer

Wendy Turnbull

7.8 CHARLTON PARK COMMITTEE OF MANAGEMENT AGM AND MEETING MINUTES - 3 AUGUST 2020

Author's Title: Governance Officer

Department: Corporate Services

File No: ED/05/15

Relevance to Council Plan 2017 - 2021

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

PURPOSE

To note the minutes of meetings held by the Charlton Park Committee of Management.

SUMMARY

Charlton Park Committee of Management (the Committee) held an Annual General Meeting (AGM) on 3 August 2020. An Ordinary meeting was also held on 3 August 2020. The Minutes of these have been provided as part of the Committee's governance requirements.

RECOMMENDATION

That Council notes:

1. The minutes of the Charlton Park Committee of Management AGM held on 3 August 2020; and
2. The minutes of the Charlton Park Committee of Management meeting held on 3 August 2020.

Attachments:

1. [Charlton Park CofM AGM Minutes 3 Aug 2020](#)
2. [Charlton Park CofM Meeting Minutes 3 Aug 2020](#)

DISCUSSION

The Committee is a Special Committee of Council established under section 86 of the *Local Government Act 1989* to manage specific Council assets. The Committee held Ordinary meetings on 7 October 2019, 3 February 2020 and 1 June 2020. The Annual General Meeting and Ordinary meeting was held on 3 August 2020.

The minutes have been provided to meet the Committee's governance requirements in accord with Council's *Meetings Procedure and Common Seal Local Law 2019*. The minutes for these meetings have been attached to this report.

RELEVANT LAW

Council's noting of the meeting minutes of Special Committees of Management meets the requirements under the section 86 of the *Local Government Act 1989*.

RELATED COUNCIL DECISIONS

Council appointed the Committee at its 2016 May Ordinary Meeting. At its November 2017 Ordinary Meeting the Committees most recent delegated powers, duties and functions were provided via an Instrument of Delegation.

OPTIONS

Not applicable.

SUSTAINABILITY IMPLICATIONS

Not applicable.

COMMUNITY ENGAGEMENT

Not applicable.

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

Council's *Meetings Procedure and Common Seal Local Law 2019* sets out provisions relating to Special Committees.

TRANSPARENCY OF COUNCIL DECISIONS

Decisions made at meetings of Committees of Management are decisions made by Council under delegation from Council.

CONFLICTS OF INTEREST

No officer involved in preparing this report has had a conflict of interest.

Charlton Park Committee of Management**Minutes of Annual General Meeting held on Monday 3rd August 2020, at the Community Complex**

Present: Kim Fitzpatrick, Carolyn Stewart, Shane Fitzpatrick, Simon Peck, Kevin Willey, John Harley, Kelvin Baird, Glenda Litton, Wendy Laffin, Julie Bourke, Joe Thompson, Dan McLoughlan (Buloke Shire)

Apologies: David Pollard, Anne Kenny, Alena Olive, Amber Ricks

Minutes of previous meeting:

Moved they be accepted – John Harley

Seconded – Kelvin Baird

Carried

Business Arising:

Nil

Correspondence in:

Nil

Correspondence out:

Nil

Finance Report:

- Balance at June 30 2020 - \$55,153
- Annual report for 2019/20 financial year presented for adoption.

Moved that the report be accepted – Simon Peck (Treasurer)

Seconded – Joe Thompson

Carried.

Election of office bearers:

- **Chairman**

Moved that the chair be held by Council delegate (as is the current situation) – current delegate Carolyn Stewart.

Moved – Wendy Laffin.

Seconded – John Harley

Carried

- **Secretary / Treasurer**

Only nomination – Simon Peck (accepted)

Nominated by Kelvin Baird

Carried

Nomination of club representatives (by individual clubs):

Harness Club	Joe Thompson
Cricket	Adam Soulsby
Park Golf	Pat Clifford
Pony Club	Alena Olive
Football Club	Shane Fitzpatrick
Stadium	Kelvin Baird
Tennis	Wendy Laffin
Croquet	Glenda Litton

Golf	Anne Kenny
Bowling	Kevin Willey
Netball	Kim Fitzpatrick
Hockey	Kelly Wright
Show	Wendy Laffin
Angling	Kevin Willey

Bank account signatories:

Motion that the signatories remain as currently – David Pollard, Simon Peck & Kevin Willey

Moved – John Harley Seconded – Kim Fitzpatrick

Carried

General Business:

Nil

Meeting closed: 8.15 pm

Next Meeting: will be decided at a later date

Charlton Park Committee of Management**Minutes (draft) of meeting held on Monday 3rd August 2020, at Community Complex****List of club representatives:**

Buloke Shire	Carolyn Stewart	Sec / Treasurer	Simon Peck
Harness Club	Joe Thompson	Golf	Anne Kenny
Cricket	Adam Soulsby	Bowling	Kevin Willey
Park Golf	Pat Clifford	Netball	Kim Fitzpatrick
Pony Club	Alena Olive	Hockey	Kelly Wright
Football Club	Shane Fitzpatrick	Show	Wendy Laffin
Stadium	Kelvin Baird	Angling	Kevin Willey
Tennis	Wendy Laffin		
Croquet	Glenda Litton		

Present: John Harley, Kim Fitzpatrick, Kelvin Baird, Shane Fitzpatrick, Simon Peck, Kevin Willey, Wendy Laffin, Julie Bourke, Carolyn Stewart, Joe Thompson, Glenda Litton, Dan McLoughlan (Buloke Shire)

Apologies: Anne Kenny, Alena Olive, David Pollard, Amber Ricks

Minutes of previous meeting:

Moved by Wendy Laffin / Kelvin Baird – Carried

Business Arising:

- Nil.

Correspondence in:

Buloke Shire	Draft Governance Rules
Buloke Shire	Loan Guarantee Policy
Buloke Shire	Election Period Policy
Buloke Shire	Clarification of GST position
Buloke Shire	Changes to Local Government Act

Correspondence out:

Nil

Finance Report:

- Current balance \$55,479

Moved that the report be accepted.

Simon Peck / Shane Fitzpatrick – Carried.

Club Reports:

A&P Society

- Show has been cancelled for 2020.

Angling Club

- Posts have been installed. Extra posts were placed at the boat ramp for tying up boats.

Hockey Club

- Season has been cancelled.

- The Club is looking to upgrade their facilities beside the pitch. They would like to know what the constraints are as to size (especially height). A site meeting between the Hockey and Harness Racing Clubs will be organised to discuss implications.

Bowling Club

- Still waiting for clarification on CoVid restrictions regarding players per green and numbers in clubhouse before deciding on how the season will progress.

Croquet Club

- Similar situation to Bowling Club. Wait and see how things develop.

Tennis Club

- Requested that tree be removed which is damaging the playing surface. Dan McLoughlan to submit a works request.

Netball Club

- Season cancelled but have been training, however this will cease under the new restrictions.
- The new shelter has been ordered and should be started in the coming months.

Football Club

- Season cancelled, however juniors have commenced training. This will cease under the new restrictions.
- 2020 committee (J Harley)
- Work has commenced on external shelter for TVs required on race day.
- Walk through has been requested with builders to deal with some remaining faults.
- Preparations have begun for the removal of Harness Racing Clubs sheds.

Harness Racing Club

- Scheduled meeting planned for Monday 17 August.
- As Shire will close building to the public from Thursday Joe will check that HRV has contacted Shire to allow use of the building on race day.

General Business:

- Corellas – a reminder that some planning will need to be done to prepare for community scare program in early November.
- Lions Club Swap Meet – has been cancelled.
- CoVid restrictions – Dan explained that the Shire will be imposing the same restrictions as during the previous lockdown, including closing buildings to the public.
- Upgrade to river gate – some planning has been done to upgrade the entrance to the Park via Lundy St (river gate). They will be asked to liaise and come back to the committee with some ideas and costings.
- Relocation of tank – a large water tank owned by the Shire and currently located on Joe Thompson's property is unused and could be moved to the Park to supplement the current storage system. Joe has had some preliminary talks with Anthony Judd (CEO) and Anthony has suggested the committee could write to Council requesting the tank be relocated. Brad Ryan who completed the original installation has indicated that relocation is viable and there is room to locate it next to the existing tank. There would be some costs involved with moving and connecting the tank. A suggestion to sell the existing unused tanks at the main entrance to the Park was also made.

Moved: the committee write a letter to Council to request the tank be relocated. This committee agrees in principle to finance the operation, subject to costings being provided beforehand. The letter would also canvas the possibility of the existing tanks being sold to finance the move.

Moved – John Harley, Seconded – Kevin Willey Carried.

Meeting closed: 9.00 pm

Next Meeting:

Monday 5th October, 8.00pm – Community Complex Meeting room

8. GENERAL BUSINESS

8.1 POLICY REPORTS

8.1.1 COUNCIL EXPENSES POLICY

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 present the Council Expenses policy for consideration and adoption by the Council.

SUMMARY

Council is required under the *Local Government Act 2020* (the Act) to adopt and maintain a policy outlining the types of expenses and prescribed procedures for claiming or reimbursing same.

RECOMMENDATION

That Council adopt the Council Expense Policy as attached.

Attachments: 1 [Council Expenses Policy](#)

DISCUSSION

The Council Expenses policy (the Policy) has been reviewed to ensure compliance with relevant provisions under the Act. The Policy outlines the process by which reimbursement of out-of-pocket expenses of the Councillors and members of any Delegated Committees occurs.

New provisions under the Act relevant to the Policy are:

- Application to both the Councillors and members of any Delegated Committees
- Reimbursement of child care costs
- Reimbursement of costs incurred by those who are carers within the meaning of Section 4 of the *Carers Recognition Act 2012*.

The Policy was circulated for out of session consideration by the Committee. Feedback provided in relation to the functions and responsibilities of the Committee has been incorporated into the Charter.

RELEVANT LAW

Section 41 of the Act provides that a council must adopt and maintain an expenses policy on or by 1 September 2020. This provision came into operation on 1 May 2020.

Other applicable legislation includes the *Carers Recognition Act 2012*, and the *Gender Equality Act 2020*.

RELATED COUNCIL DECISIONS

The Reimbursement of Expenses policy was adopted by the Council in December 2018.

The Council's Election Period policy was adopted by the Council in June 2020. The policy states 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.

OPTIONS

Not applicable to this report.

SUSTAINABILITY IMPLICATIONS

Not applicable to this report.

COMMUNITY ENGAGEMENT

Not applicable to this report.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable to this report.

COLLABORATION

Collaboration with other councils occurred in the development of the Policy through the Engage Victoria website.

FINANCIAL VIABILITY

An operating amount is set within the Annual Budget each year for the reimbursement of expenses and costs associated with resources provided to the Mayor, the Deputy Mayor and Councillors for Council-related duties.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable to this report.

COUNCIL PLANS AND POLICIES

Not applicable to this report.

TRANSPARENCY OF COUNCIL DECISIONS

Details of Councillor, Mayoral, Deputy-Mayoral and Delegated Committee member expenses will be provided to the Audit and Risk Committee in accordance with Section 40 of the Act and will be published in Council's Annual Report of operations.

CONFLICTS OF INTEREST

In providing this advice to the Council as the Director Corporate Services I, Hannah Yu, have no interests to disclose in this report.

POLICY LOCATION	Corporate Services	POLICY TITLE	Council Expenses
POLICY NUMBER	CA04	DATE ADOPTED	[INSERT ADOPTION DATE MM/YY]
REVISION NUMBER	4	REVISION DATE	[INSERT REVISION DATE MM/YY]

Purpose

The purpose of the Buloke Shire Council Expenses policy is to set the guidelines for reimbursement and/or payment of necessary out of pocket expenses incurred by all Councillors, the Mayor, the Deputy Mayor, members of the Council's Delegated Committees and independent members of the Council's Audit and Risk Committee in the performance of their civic and statutory duties.

Scope

This policy is applicable to all Councillors, the Mayor and the Deputy Mayor of the Buloke Shire Council (Council), members of the Council's Delegated Committees and independent members of the Council's Audit and Risk Committee.

This policy outlines the prescribed types of Councillor, Mayoral, Deputy-Mayoral, Delegated Committee member and Audit and Risk Committee independent member out-of-pocket expenses, support, resources and facilities provided to Councillors, the Mayor, the Deputy Mayor, and members of the Council's Delegated Committees and independent members of the Council's Audit and Risk Committee in the performance of duties necessary and appropriate for the purposes of achieving the objectives of the Council.

Definitions

In this Policy –

“Council” refers to the Buloke Shire Council.

“Councillor Expenses” are those bona-fide expenses reasonably and necessarily incurred by Councillors, the Mayor and the Deputy Mayor (out-of-pocket) or on behalf of Councillors, the Mayor or the Deputy Mayor for the purpose of Council business. These are categorised in four areas, namely travel and accommodation expenses, membership and professional development expenses, carer expenses, and information and communication technology expenses.

“Committee Member Expenses” are those bona fide expenses reasonably and necessarily incurred by

- members of the Council's Delegated Committees and independent members of the Council's Audit and Risk Committee (out-of-pocket), and/or
- on the Council's Delegated Committees and the Audit and Risk Committee

for the purpose of Council business. These are categorised in three areas, namely travel and accommodation expenses, membership and professional development expenses and carer expenses.

“Delegated Committee” is a delegated committee as defined under the *Local Government Act 2020*.

“Other Official Duties” are bona fide duties related to the performance of the role of a Councillor or a member of the Council’s Delegated Committee.

Policy Statement

The Council is beholden by the *Local Government Act 2020* (the Act) and has an obligation under section 41 of the Act to develop and maintain a Council Expenses policy outlining the details of Councillor, Mayoral, Deputy-Mayoral and Delegated Committee Member Expenses incurred and support, resources and facilities provided in the course of their duties, which are paid or reimbursed by the Council. The Council also provides support, resources and facilities to its Audit and Risk Committee independent members, and expenses incurred by its Audit and Risk Committee in bona fide activities are paid or reimbursed by the Council.

This policy acknowledges the demands and expectations placed on Councillors, the Mayor, the Deputy Mayor, the Council’s Delegated Committees and the Audit and Risk Committee and where necessary provides that appropriate resourcing and facilities be offered to successfully fulfil these roles.

The cost of allowances and expense reimbursements paid to Councillors, the Mayor, the Deputy Mayor, the Council’s Delegated Committees and its Audit and Risk Committee, together with the costs of related services and resources, are managed as part of Council’s annual budget process.

This policy recognises the Council must have regard to the principles of transparency in decision making in its operations and administration and community accountability.

Guidelines

General – Councillors, Mayor, Deputy Mayor, Members of Delegated Committees, Independent Members of Audit and Risk Committees

1. Services and facilities, including standard-issue stationary as requested, are provided for use while conducting Council-related business.
2. When claiming out-of-pocket expenses, original receipts or supporting documentation must be provided to support claims. Councillors, members of Delegated Committees and independent members of the Audit and Risk Committee shall submit claims and valid tax invoices/receipts for reimbursement within 60 days of expenses being incurred, or within two weeks after 30 June annually (whichever is the earlier). Any claims received after this time will be subject to a Council resolution prior to such claim being paid.
3. Claims for facilities and expenses other than those included in this document should be referred to the Chief Executive Officer. The Chief Executive Officer is responsible for setting aside an appropriate amount in Council’s Annual Budget for reimbursement of

Councillor, Mayoral, Deputy-Mayoral, Delegated Committee and Audit and Risk Committee expenses.

4. Any costs incurred by a Councillor or member of a Delegated Committee or independent member of the Audit and Risk Committee which are not covered specifically within this policy will not be met, unless the Councillor or member of a Delegated Committee or independent member of the Audit and Risk Committee has received prior authorisation from the Council or, if delegated to do so, from the Chief Executive Officer.
5. Details of Councillor, Mayoral, Deputy-Mayoral and Delegated Committee member expenses will be provided to the Audit and Risk Committee in accordance with Section 40 of the Act and will be published in Council's Annual Report of operations.

Travel and Accommodation Expenses – Councillors, Mayor and Deputy Mayor

1. Councillors, the Mayor and the Deputy Mayor may claim and be reimbursed under the following circumstances:
 - Attendance at Council Meetings, Councillor briefings, meetings of Delegated Committees and meetings of Community Asset Committees of the Council.
 - Attendance at civic or ceremonial functions convened in accord with Council's Civic Function policy.
 - Attendance at meetings, functions or in the undertaking of other official duties as a representative of the Council or the Mayor.
 - Attendance at meetings of community groups, organisations and statutory authorities to which the Councillor has been appointed as Council's delegate or is otherwise authorised by the Council to attend.
 - Attendance at inspections of a road, property or area or to discuss with any person(s) any matter related to Council business and/or to carry out activities in the capacity of a Councillor.
 - Attendance at meetings with Council Officers on any matters relating to the Council.
2. In addition to travel reimbursements set out above, Councillors may claim a remote area travel allowance at the rate of \$40 per day (or as may be amended from time to time by a determination of the Victorian Independent Remuneration Tribunal) to attend Council meetings, or municipal or community functions where that Councillor resides more than 50 kilometres from the specified meeting centre, to a maximum of \$5,000 in any one year.
3. On and off-street car parking fees may be reimbursed and claims should be accompanied by details stating the nature of Council business and date and time of activity.
4. Councillors shall have access to a Council supplied Myki card to enable travel on trains, trams, buses and light rail journeys. Councillors with personal Myki cards may submit a claim for specific trips undertaken on Council business.
5. Access will be provided, wherever possible, to Council fleet vehicles for use when attending Council related activities. A Council vehicle shall be provided to Mayor.

6. Costs relating to use of a private vehicle shall be reimbursed at the rates set out in the *Income Tax Assessment Act 1997* as determined by the Commissioner for Taxation and reviewed annually.
7. A record of private vehicle use must be maintained by the Councillor and shall contain details of Council business, date, destination and number of kilometres and any tolls.
8. Councillors may incur tolls including those associated with the use of CityLink and EastLink while conducting Council business. Councillors may seek reimbursement of costs associated with tolls, including the use of day passes or those transactions incurred as part of existing personal e-tag accounts.
9. Council supplied e-tags will be provided for the Council fleet vehicle issued to the Mayor.
10. All proposals relating to interstate travel by the Mayor and Councillors requires the approval of the Council.
11. When travelling on Council business, Councillors may require accommodation. Councillors may stay in reasonable accommodation appropriate to the area travelled to and the nature of the visit.
12. Bookings for accommodation should be made through the Office of the Chief Executive. Prior to making the booking, the authorisation of the Chief Executive Officer must be obtained. All reasonable sustenance and incidental costs associated with travel will be met by the Council.

Travel and Accommodation Expenses – Members of Delegated Committees and Independent Members of the Audit and Risk Committee

1. Members of Delegated Committees and of the Council's Audit and Risk Committee may claim and be reimbursed under the following circumstances:
 - Attendance at Council Meetings and Councillor briefings.
 - Attendance at meetings, functions or in the undertaking of other official duties as a representative of the Council.
 - Attendance at meetings of community groups, organisations and statutory authorities where authorised by the Council to attend.
 - Attendance at meetings with Council Officers on any matters relating to the activities of the Delegated Committee or the Audit and Risk Committee.
2. On and off-street car parking fees may be reimbursed and claims should be accompanied by details stating the nature of Council business and date and time of activity.
3. Members of Delegated Committees and the Audit and Risk Committee may submit a claim for specific trips undertaken on Council business where such travel incurs cost on their personal Myki cards for trains, trams, buses and light rail journeys.
4. Costs relating to use of a private vehicle shall be reimbursed at the rates set out in the *Income Tax Assessment Act 1997* as determined by the Commissioner for Taxation and reviewed annually.

5. A record of private vehicle use must be maintained by the member of the Delegated Committee, and the Audit and Risk Committee and shall contain details of Council business, date, destination and number of kilometres and any tolls.
6. Members of Delegated Committees may incur tolls including those associated with the use of CityLink and EastLink while conducting Council business. Members of Delegated Committees may seek reimbursement of costs associated with tolls, including the use of day passes or those transactions incurred as part of existing personal e-tag accounts.
7. All proposals relating to interstate travel by members of Delegated Committees requires the approval of the Council.
8. When travelling on Council business, members of Delegated Committees and the Audit and Risk Committee may require accommodation. Members of Delegated Committees and the Audit and Risk Committee may stay in reasonable accommodation appropriate to the area travelled to and the nature of the visit.
9. Bookings for accommodation should be made through the Office of the Chief Executive. Prior to making the booking, the authorisation of the Chief Executive Officer must be obtained. All reasonable sustenance and incidental costs associated with travel will be met by the Council.

Memberships and Professional Development – Councillors, Mayor, Deputy Mayor and Members of Delegated Committees

1. Councillors and members of Delegated Committees shall have the opportunity of participating in a range of conferences, functions, training courses, seminars and similar activities. The type shall generally be of a one-off, occasional or short- term nature and be supported by a program, course material or invitation by organisers.
2. The Council will reimburse Councillors or directly pay membership and subscription fees to bodies and organisations whose activities are relevant to the role of Councillors or role of Council. In seeking membership or subscription, the Councillor will identify the link to Council business and how membership will assist in development or fulfilment of their role.

Carer Expenses – Councillors, Mayor, Deputy Mayor and Members of Delegated Committees

1. Reimbursement of child care costs will be available where the provision of child care is reasonably required in the performance of a Councillor or Delegated Committee member's role. This applies to the care of a dependent, while the Councillor or Delegated Committee member is undertaking their official duties; and may include expenses such as hourly fees and booking fees, if applicable.
2. Child care costs are not eligible for reimbursement if paid to a person who normally or regularly lives with the Councillor or Delegated Committee member, except where a live-in (professional) helper, such as a nanny, is required to work extra time at extra expense because of the Councillor's or Delegated Committee member's duties.
3. Child care costs are not eligible for reimbursement if paid to a person who has any financial or pecuniary interest with the Councillor or Delegated Committee member; or has a relationship with the Councillor, Delegated Committee member or their partner.

4. Expenses incurred by Councillors and members of Delegated Committees who are carers in a care relationship within the meaning of section 4 of the *Carers Recognition Act 2012* will be reimbursed where alternative care is required in order for Councillors and members of Delegated Committees to perform their role.
5. Claims must be accompanied by a receipt from the care provider showing the date and time care was provided and detail the reason care was needed on each occasion.

Information and Communication Technology Expenses – Councillors, Mayor and Deputy Mayor

1. Communication equipment and services shall be provided to assist Councillors in the conduct of Council business. This includes equipment and services that support landline and mobile telephones, internet access, multifunction devices, laptop computers and tablet devices. A reasonable arrangement of equipment and services will be approved by the Chief Executive Officer or delegate and be recorded on a supplementary register within the Council's records management system.
2. Issued items remain the property of Council and must be returned at the end of the Council term.

Exclusions – Councillors, Mayor, Deputy Mayor, Members of Delegated Committees and Independent Members of the Audit and Risk Committee

1. Expenses arising from a breach of road, traffic, parking or other regulations or laws will not be reimbursed or funded in any way by Council.
2. Councillors, members of Delegated Committees and independent members of the Audit and Risk Committee will not be reimbursed for the purchase of alcohol.
3. Councillors, members of Delegated Committees and independent members of the Audit and Risk Committee will not be reimbursed for the payment of travel and accommodation for spouses, partners or accompanying persons for trips undertaken on council business.
4. Independent Members of the Audit and Risk Committee who reside outside of Victoria will not be reimbursed for the expenses associated with interstate travel or interstate accommodation to attend meetings

Election Period Policy

The Mayor, Deputy Mayor, Councillors and members of Council's Delegated Committees will comply with the requirements of the Council's Election Period Policy.

References

This Policy was developed in accord with the following legislation:

- *Local Government Act 2020*
- *Income Tax Assessment Act 1997*
- *Carers Recognition Act 2012*
- *Gender Equity Act 2020*
- *Victorian Independent Remuneration Tribunal and Improving Parliamentary Scrutiny Standards Act 2019*

This Policy is implemented in conjunction with the following documents:

- Buloke Shire Council Councillor Code of Conduct
- Buloke Shire Council Fleet Management policy
- Buloke Shire Council Audit and Risk Committee Charter
- Buloke Shire Council Election Period policy
- Recognition and Support, the Victorian Government's Policy Statement on local Government Mayoral and Councillor Allowances and Resources April 2008

8.1.2 PUBLIC TRANSPARENCY POLICY

Author's Title: Manager Governance

Department: Corporate Services

File No: CM/14/11

Relevance to Council Plan 2017 - 2021

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

PURPOSE

To ensure the Council remains compliant with the new requirements of the *Local Government Act 2020* (the Act) by adopting a Public Transparency policy.

SUMMARY

The relevant provisions in relation to public transparency commenced on 6 April 2020, with Council being required to adopt a Public Transparency policy on or before 1 September 2020, to ensure it is compliant with the new provisions of the Act.

RECOMMENDATION

That Council adopts the Public Transparency Policy

Attachments: 1 [Public Transparency Policy V3](#)

DISCUSSION

In accordance with the Act, Council must adopt and maintain a Public Transparency policy that gives effect to the public transparency principles contained within the Act. The Public Transparency policy must describe the ways in which Council information is to be made publicly available, and specify Council information that must be publicly available in accord with relevant legislation.

The draft Public Transparency policy was circulated for out of session consideration by the Audit Committee. Feedback provided has been incorporated.

RELEVANT LAW

Section 57 of The Act outlines the requirements of Council to adopt and maintain a Public Transparency policy. Section 58 of the Act outlines the public transparency principles.

RELATED COUNCIL DECISIONS

Not applicable.

OPTIONS

Not applicable.

SUSTAINABILITY IMPLICATIONS

Not applicable.

COMMUNITY ENGAGEMENT

Not applicable.

INNOVATION AND CONTINUOUS IMPROVEMENT

The Public Transparency policy is designed to improve public transparency in Council's decision making processes and to assist the community in understanding the information that is accessible to them.

COLLABORATION

Collaboration with other councils in relation to the public transparency policy occurred through special interest groups facilitated by Engage Victoria.

FINANCIAL VIABILITY

Not applicable.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable.

COUNCIL PLANS AND POLICIES

Not applicable.

TRANSPARENCY OF COUNCIL DECISIONS

The Public Transparency policy aligns with the requirements of the Act and supports the overarching governance principles which include the requirement that there be transparency of Council decisions, actions and information.

CONFLICTS OF INTEREST

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

POLICY LOCATION	Corporate Services	POLICY TITLE	Public Transparency Policy
POLICY NUMBER	CA32	DATE ADOPTED	[INSERT ADOPTION DATE MM/YY]
REVISION NUMBER	1	REVISION DATE	August 2023

Purpose

The purpose of this policy is to assist Buloke Shire Council (Council) to promote good governance, open and accountable conduct and to describe the ways in which Council information will be made publicly available. This policy gives effect to the public transparency principles outlined in Section 58 of the *Local Government Act 2020* (the Act).

This document represents the current policy of the Council until it is revised or rescinded.

Scope

This policy is made under Section 57 of the Act. This section of the Act requires the Council to adopt and maintain a public transparency policy.

The public transparency policy applies to all Workers.

Definitions

In this policy –

“Council” refers to the Buloke Shire Council.

“Confidential Information” means confidential information as defined in Section 3 of the Act

“Public Interest Test” means the Council may refuse to release information if it determines that the harm likely to be created by releasing the information will exceed the public benefit in being transparent. When considering possible harm from releasing information, Council will only concern itself with harm to the community or members of the community. Potential harm to the Council will only be a factor if it would also damage the community, such as where it involves a loss of public funds or prevents the Council from performing its functions.

“Workers” means a Council employee, Councillor or Chief Executive Officer, and members of the Council’s Delegated Committees and the Audit and Risk Committee.

Policy Statement

The Council recognises the importance of transparency in its decision making processes and public awareness of the availability of Council information. As a result, this policy is designed to promote:

- (a) Greater clarity in the Council’s decision-making processes

- (b) Increased confidence and trust in the community through greater understanding and awareness
- (c) Enhanced decision making by the community
- (d) Access to information that is current, easily accessible and disseminated in a timely manner
- (e) Reassurance to the community that the Council is spending public monies wisely

The policy seeks to cover both documentary information, process information and how information will be made available to the public and is an integral part of the Council's good governance framework.

Public Transparency Principles

The Council is committed to the principles of public transparency set out in Section 58 of the Act as follows:

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

Council Meetings

Decision making at Council Meetings shall be:

- (a) Undertaken in accordance with the Act and the Governance Rules
- (b) Conducted in an open and transparent forum, unless in accordance with the provisions in the Act and Governance Rules
- (c) Informed through community engagement, in accordance with the Community Engagement Principles and the Council's Community Engagement Policy
- (d) Made fairly and on the merits

Documents Held by Council and Access to Information

Information that will be made available to the public by the Council includes:

- Annual Report
- Council Budget
- Councillor Code of Conduct
- Council Plan
- Council adopted policies
- Council meeting agendas and minutes of Council meetings
- Delegated Committee meeting minutes
- Local Laws and Governance Rules

- Terms of reference or charters for Advisory Committees
- Audit and Risk Committee Performance Reporting
- Summary of Personal Interests in accord with Section 135 of the Act
- Registers of donations and grants made by the Council during a financial year
- Register of Election campaign donations in accord with the Act
- Registers of leases entered into by the Council where the Council is the lessor (and owner)
- Register of Delegations made by the Council
- Register of Authorised Officers
- Registers of gifts, benefits and hospitality offered to Councillors or Council Staff (with staff names removed) of interstate travel undertaken by Councillors or Council Staff (with staff names removed)
- Strategic Resources Plan
- Any other Registers or Records required by legislation

A list of available information is also provided in the Part II Statement (Statement) published on the Council's website in accordance the *Freedom of Information Act 1982*. This Statement is designed to assist members of the public in accessing the information it holds.

The Council will facilitate access to information and will respond to requests for information in line with its legislative obligations (including the public transparency principles) and Council policy. Information may be made available on the Council's website, at the Council offices, by inspection or by request. Consideration will be given to accessibility and cultural requirements when facilitating access to Council information in accord with the *Charter of Human Rights and Responsibilities Act 2006 (Vic)*.

Council information may not be made publicly where:

- (a) The information is Confidential Information by virtue of the Act or any other legislation (examples include but are not limited to the *Privacy and Data Protection Act 2014 (Vic)* or the *Health Records Act 2001 (Vic)*; or
- (b) The release of information would be contrary to the public interest.

Examples of Confidential Information include:

TYPE	DESCRIPTION
Council business information	Information that would prejudice the Council's position in commercial negotiations if prematurely released.
Security information	Information that is likely to endanger the security of Council property or the safety of any person if released.
Land use planning information	Information that is likely to encourage speculation in land values if prematurely released.
Law enforcement information	Information which would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person if released.
Legal privileged	Information to which legal professional privilege or client legal

TYPE	DESCRIPTION
information	privilege applies.
Personal information	Information which would result in the unreasonable disclosure of information about any person or their personal affairs if released.
Private commercial information	Information provided by a business, commercial or financial undertaking that relates to trade secrets or that would unreasonably expose the business, commercial or financial undertaking to disadvantage if released.
Confidential meeting information	Records of a Council and delegated committee meetings that are closed to the public to consider confidential information
Internal arbitration information	Confidential information relating internal arbitration about an alleged breach of the councillor code of conduct.
Councillor Conduct Panel confidential information	Confidential information relating to a Councillor Conduct Panel matter
Confidential information under the 1989 Act	Information that was confidential information for the purposes of section 77 of the <i>Local Government Act 1989</i>

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

Where information is not confidential, and not already available, the Council will apply the principles of a public interest test with consideration also of the resources required to respond to the request.

Responsibilities

Councillors	Champion the commitment and principles for public transparency through leadership, modelling practice and decision-making.
Senior Leadership Team	Champion behaviours that foster transparency and drive the principles through policy, process and leadership. Monitor implementation of this policy.
Director Corporate Services	To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement.
Managers/Team Leaders/Coordinators	Manage areas of responsibility to ensure public transparency, good governance and community engagement is consistent with this policy.
All Staff	Public transparency is the responsibility of all staff as appropriate to their role and function. All staff respond to requests for information and facilitate provision of information in consultation with their manager and in alignment with this policy.

Non Compliance with this Policy

If a member of the community wishes to question a decision about the release of information, this should be raised directly with the officer handling the matter in the first instance. If still not satisfied and would like to contest the decision, this can be reported to Buloke Shire Council's Director Corporate Services in accord with Council's Complaints Handling Policy by telephoning 1300 520 520 or emailing buloke@buloke.vic.gov.au.

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

Other Ways to Access Information

The *Freedom of Information Act 1982* provides a right of access to documents that Council holds. Council is committed to, where possible, proactive and informal release of information in accordance with the Freedom of Information Professional Standards issued by the Victorian Information Commissioner. Read more at www.ovic.vic.gov.au.

Monitoring, Evaluation and Review

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

A periodic review of this policy will be undertaken to ensure any changes required to strengthen or update the policy are made in a timely manner.

References

This policy was developed in accordance with the following legislation:

- *Charter of Human Rights and Responsibilities Act 2006 (Vic)*
- *Equal Opportunity Act 2010 (Vic)*
- *Freedom of Information Act 1982 (Vic)*
- *Local Government Act 2020 (Vic)*
- *Local Government Act 1989 (Vic)*
- *Privacy and Data Protection Act 2014 (Vic)*

This policy was developed in accordance with the following documents:

- Complaints Handling policy
- Customer Service Charter
- Freedom of Information Part II Statement
- Governance Rules
- Information Privacy policy
- Records Management policy

8.2 MANAGEMENT REPORTS

8.2.1 REVIEW OF S6 INSTRUMENT OF DELEGATION

Author's Title: Governance Officer

Department: Corporate Services

File No: PE/02/01

Relevance to Council Plan 2017 - 2021

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

PURPOSE

To review and update the Instrument of Delegation from Council to Members of Council Staff to reflect changes to legislation and organisational structure, and to ensure the two remain in alignment.

SUMMARY

Council is conferred with the power to delegate certain powers, duties and functions to Council staff through legislation. The nature and extent of these delegations are controlled through formal Instruments of Delegation. The current Instrument of Delegation to Council Staff is required to be updated.

RECOMMENDATION

That Council resolves that in the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation to Members of Council staff:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council Staff (Instrument), the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;
2. The Instrument comes into force immediately upon the common seal of Council being affixed to the Instrument;
3. On the coming into force of the Instrument all previous delegations from Council to members of Council staff (other than the Instrument of Delegation to the Chief Executive Officer) are revoked; and
4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may adopt.

Attachments: 1 [S6 Instrument of Delegation](#)

DISCUSSION

Council is conferred with the power to delegate certain powers, duties and functions to Council Staff through legislation, other than the *Local Government Act 2020*. This enables decisions to be made outside of Council Meetings to ensure Council continues to function effectively, and to meet a range of

legislative and regulatory responsibilities in a timely manner. The nature and extent of these delegations are controlled through formal Instruments of Delegation.

The legislation referred to in the Instrument does not provide for the ability of the Chief Executive Officer to sub-delegate to Council staff, and therefore requires the Council to delegate to staff directly.

RELEVANT LAW

The legislation relating to the powers of Council to delegate are listed in the attached Instrument.

RELATED COUNCIL DECISIONS

The Instrument of Delegation to Council Staff was last adopted at the Council Meeting held on 12 December 2018.

OPTIONS

Not applicable.

SUSTAINABILITY IMPLICATIONS

Not applicable.

COMMUNITY ENGAGEMENT

Not applicable.

INNOVATION AND CONTINUOUS IMPROVEMENT

The Instrument takes account of changes to legislation and changes to Council's organisational structure from time to time.

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 Instrument shall facilitate good governance by enabling Council to function efficiently by enabling Council staff to respond to legislative and regulatory responsibilities in a timely manner. The Instrument shall be made available on Council's website.

CONFLICTS OF INTEREST

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



Buloke Shire Council

Instrument of Delegation

S6 Instrument of Delegation - Members of Staff

July 2020

Instrument of Delegation

In exercise of the powers conferred by the legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. record that references in the Schedule are as follows:

CEO	Chief Executive Officer
CPHEM	Coordinator Public Health and Emergency Management
DCD	Director Community Development
DCS	Director Corporate Services
DWTS	Director Works & Technical Services
MDS	Manager Development Services
MIP	Manager Infrastructure Planning
MW	Manager Works
PO	Planning Officer
SAE	Senior Assets Engineer
TLC	Team Leader Compliance

3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on [#date#].

3.2 the delegation:

3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;

3.2.2 remains in force until varied or revoked;

3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and

3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

3.3 the delegate must not determine the issue, take the action or do the act or thing:

3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;

3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a

(a) policy; or

(b) strategy

adopted by Council;

3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or

3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

THE COMMON SEAL of the **BULOKE SHIRE COUNCIL** was hereunto affixed in the presence of

.....Councillor

.....Chief Executive Officer

Date.....

Delegation Sources

- Domestic Animals Act 1994
- Environment Protection Act 1970
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning and Environment Act 1987
- Residential Tenancies Act 1997
- Road Management Act 2004
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

S6 Instrument of Delegation - Members of Staff

Domestic Animals Act 1994			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 41A(1)	Power to declare a dog to be a menacing dog	CEO, MDS, TLC	Council may delegate this power to a Council authorised officer

Environment Protection Act 1970			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 53M(3)	Power to require further information	CPHEM, DCD, DWTS, MDS	
s 53M(4)	Duty to advise applicant that application is not to be dealt with	CPHEM, DCD, DWTS, MDS	
s 53M(5)	Duty to approve plans, issue permit or refuse permit	CEO, CPHEM, DCD, DWTS, MDS, TLC	Refusal must be ratified by Council or it is of no effect
s 53M(6)	Power to refuse to issue septic tank permit	CPHEM, DCD, DWTS, MDS	Refusal must be ratified by Council or it is of no effect
s 53M(7)	Duty to refuse to issue a permit in circumstances in (a)-(c)	CPHEM, DCD, DWTS, MDS	Refusal must be ratified by Council or it is of no effect

Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	CPHEM, DCD	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	CPHEM, DCD	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	CPHEM, DCD	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	CPHEM, DCD	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	CPHEM, DCD	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under	CPHEM,	If s 19(1) applies

Food Act 1984

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	section 19(6)(a) if satisfied that an order has been complied with	DCD	
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	CPHEM, DCD	Where Council is the registration authority
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	CPHEM, DCD	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	CPHEM, DCD	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	CPHEM, DCD	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	CPHEM, DCD	Where Council is the registration authority
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	CPHEM, DCD	Where Council is the registration authority
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	CPHEM, DCD	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	CPHEM, DCD	Where Council is the registration authority
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	CPHEM, DCD	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	CPHEM, DCD	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	CPHEM	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	CPHEM, DCD	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	CPHEM, DCD	Where Council is the registration authority
	Power to register, renew or transfer registration	CPHEM, DCD	Where Council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council

Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			or the CEO (see s 58A(2))
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	CPHEM, DCD	Where Council is the registration authority
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	CPHEM, DCD	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	CPHEM, DCD	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	CPHEM, DCD	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	CPHEM, DCD	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	CPHEM, DCD	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	CPHEM, DCD	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	CPHEM, DCD	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	CPHEM, DCD	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	CPHEM, DCD	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	CPHEM, DCD	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	CPHEM, DCD	Where Council is the registration authority
s 39A	Power to register, renew or transfer food premises despite minor defects	CPHEM, DCD	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	CPHEM, DCD	
s 40C(2)	Power to grant or renew the registration of food	CPHEM,	Where Council is the registration

Food Act 1984

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	premises for a period of less than 1 year	DCD	authority
s 40D(1)	Power to suspend or revoke the registration of food premises	CPHEM, DCD	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	CPHEM, DCD	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	CPHEM, DCD	Where Council is the registration authority
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	CEO, DCD	Where Council is the registration authority

Heritage Act 2017

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers	CEO, DWTS	Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

Local Government Act 1989

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 181H	Power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	CEO	In consultation with Council
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO	

Planning and Environment Act 1987

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	CEO, DWTS, MDS, PO	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the	DWTS, MDS, PO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	Minister		
s 4H	Duty to make amendment to Victoria Planning Provisions available	DWTS, MDS, PO	
s 4I	Duty to keep Victorian Planning Provisions and other documents available	DWTS, MDS, PO	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	DWTS, MDS, PO	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	DWTS, MDS, PO	
s 8A(5)	Function of receiving notice of the Minister's decision	DWTS, MDS, PO	
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	DWTS, MDS, PO	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	DWTS, MDS, PO	
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	CEO, DWTS, MDS, PO	
s 12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s19 of the Planning and Environment (Planning Schemes) Act 1996)	CEO, DWTS, MDS, PO	
s 12B(1)	Duty to review planning scheme	CEO, DWTS, MDS, PO	
s 12B(2)	Duty to review planning scheme at direction of Minister	CEO, DWTS, MDS, PO	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	DWTS, MDS, PO	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	DWTS, MDS, PO	
s 17(1)	Duty of giving copy amendment to the planning scheme	DWTS, MDS, PO	
s 17(2)	Duty of giving copy s 173 agreement	DWTS,	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		MDS, PO	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	DWTS, MDS, PO	
s 18	Duty to make amendment etc. available	DWTS, MDS, PO	
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	DWTS, MDS, PO	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	DWTS, MDS, PO	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	DWTS, MDS, PO	
s 21(2)	Duty to make submissions available	DWTS, MDS, PO	
s 21A(4)	Duty to publish notice	DWTS, MDS, PO	
s 22	Duty to consider all submissions	DWTS, MDS, PO	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	DWTS, MDS, PO	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	DWTS, MDS, PO	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	CEO, DWTS, MDS, PO	
s 26(1)	Power to make report available for inspection	DWTS, MDS, PO	
s 26(2)	Duty to keep report of panel available for inspection	DWTS, MDS, PO	
s 27(2)	Power to apply for exemption if panel's report not received	CEO, DWTS, MDS, PO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 28	Duty to notify the Minister if abandoning an amendment	CEO	Note: the power to make a decision to abandon an amendment cannot be delegated
s 30(4)(a)	Duty to say if amendment has lapsed	DWTS, MDS, PO	
s 30(4)(b)	Duty to provide information in writing upon request	DWTS, MDS, PO	
s 32(2)	Duty to give more notice if required	DWTS, MDS, PO	
s 33(1)	Duty to give more notice of changes to an amendment	DWTS, MDS, PO	
s 36(2)	Duty to give notice of approval of amendment	CEO, DWTS, MDS, PO	
s 38(5)	Duty to give notice of revocation of an amendment	CEO, DWTS, MDS, PO	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	CEO, DWTS, MDS, PO	
s 40(1)	Function of lodging copy of approved amendment	CEO, DWTS, MDS, PO	
s 41	Duty to make approved amendment available	DWTS, MDS, PO	
s 42	Duty to make copy of planning scheme available	DWTS, MDS, PO	
s 46AW	Function of being consulted by the Minister	DWTS	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	DWTS	Where Council is a responsible public entity
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	DWTS	Where Council is a responsible public entity

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	DWTS	Where Council is a responsible public entity
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	DWTS	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	DWTS	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	DWTS	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	DWTS	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	DWTS	
s 46GP	Function of receiving a notice under s 46GO	DWTS	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	DWTS	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	DWTS	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	DWTS	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	DWTS	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	DWTS	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	DWTS	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	DWTS	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	DWTS	
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	DWTS	
s 46GV(3)	f\Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	DWTS	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	DWTS	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DWTS	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DWTS	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	DWTS	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	DWTS	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	DWTS	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	DWTS	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	DWTS	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	DWTS	Where Council is the collecting agency

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	DWTS	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	DWTS	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities	DWTS	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	DWTS	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	DWTS	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	DWTS	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	DWTS	Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	DWTS	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to	DWTS	If any inner public purpose land is

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land		vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4) Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZ(9)	Function of receiving the fee simple in the land	DWTS	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	DWTS	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	DWTS	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	DWTS	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	CEO	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	DWTS	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	DWTS	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	DWTS	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to	DWTS	Where Council is the

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires		development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	DWTS	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	DWTS	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	DWTS	Where Council is the development agency under an approved infrastructure contributions plan
s.46GZF(3)	Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	DWTS	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	s 46GZF(3)(a) function of receiving proceeds of sale	DWTS	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	DWTS	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	DWTS	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	DWTS	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	CEO	Where Council is a collecting agency or development agency

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	DWTS	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	DWTS	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	CEO, DWTS, MDS, PO	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CEO, DWTS, MDS, PO	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	CEO, DWTS, MDS, PO	
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	CEO, DWTS, MDS, PO	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	CEO, DWTS, MDS, PO	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	CEO, DWTS, MDS, PO	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO, DWTS, MDS, PO	
s 46Q(1)	Duty to keep proper accounts of levies paid	DCS, DWTS, MDS, PO	
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency or plan preparation costs incurred by a development agency	DCS, DWTS, MDS, PO	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	CEO	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	CEO	Only applies when levy is paid to Council as a 'development agency'

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	CEO	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	CEO, DWTS, MDS, PO	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	CEO	With the consent of, and in the manner approved by, the Minister
s 46QC	Power to recover any amount of levy payable under Part 3B	CEO	
s 46QD	Duty to prepare report and give a report to the Minister	CEO	Where Council is a collecting agency or development agency
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	DWTS, MDS, PO	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	DWTS, MDS, PO	
s 47	Power to decide that an application for a planning permit does not comply with that Act	CEO, DWTS, MDS, PO	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	DWTS, MDS, PO	
s 49(2)	Duty to make register available for inspection	DWTS, MDS, PO	
s 50(4)	Duty to amend application	DWTS, MDS, PO	
s 50(5)	Power to refuse to amend application	DWTS, MDS, PO	
s 50(6)	Duty to make note of amendment to application in register	MDS, PO	
s 50A(1)	Power to make amendment to application	DWTS, MDS, PO	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	DWTS, MDS, PO	
s 50A(4)	Duty to note amendment to application in register	DWTS, MDS, PO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 51	Duty to make copy of application available for inspection	DWTS, MDS, PO	
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	DWTS, MDS, PO	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	DWTS, MDS, PO	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	DWTS, MDS, PO	
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	DWTS, MDS, PO	
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	DWTS, MDS, PO	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	DWTS, MDS, PO	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	DWTS, MDS, PO	
s 52(3)	Power to give any further notice of an application where appropriate	CEO, DWTS, MDS, PO	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	DWTS, MDS, PO	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	DWTS, MDS, PO	
s 54(1)	Power to require the applicant to provide more information	DWTS, MDS, PO	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	DWTS, MDS, PO	
s 54(1B)	Duty to specify the lapse date for an application	DWTS, MDS, PO	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	DWTS, MDS, PO	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	DWTS, MDS, PO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	DWTS, MDS, PO	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, DWTS, MDS, PO	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	DWTS, MDS, PO	
s 57(5)	Duty to make available for inspection copy of all objections	DWTS, MDS, PO	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	DWTS, MDS, PO	
s 57A(5)	Power to refuse to amend application	DWTS, MDS, PO	
s 57A(6)	Duty to note amendments to application in register	DWTS, MDS, PO	
s 57B(1)	Duty to determine whether and to whom notice should be given	DWTS, MDS, PO	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	DWTS, MDS, PO	
s 57C(1)	Duty to give copy of amended application to referral authority	DWTS, MDS, PO	
s 58	Duty to consider every application for a permit	DWTS, MDS, PO	
s 58A	Power to request advice from the Planning Application Committee	DWTS, MDS, PO	
s 60	Duty to consider certain matters	DWTS, MDS, PO	
s 60(1A)	Duty to consider certain matters	DWTS, MDS, PO	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	DWTS	
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	DWTS, MDS, PO	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of	DWTS, MDS, PO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	permit		
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	DWTS, MDS, PO	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	DWTS, MDS, PO	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	CEO, DWTS, MDS, PO	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	CEO, DWTS, MDS, PO	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	DWTS, MDS, PO	
s 62(2)	Power to include other conditions	DWTS, MDS, PO	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DWTS, MDS, PO	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	DWTS, MDS, PO	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	DWTS, MDS, PO	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	DWTS, MDS, PO	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	DWTS, MDS, PO	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	DWTS, MDS, PO	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	DWTS, MDS, PO	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	DWTS, MDS, PO	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(3)	Duty not to issue a permit until after the specified period	DWTS, MDS, PO	This provision applies also to a decision to grant an amendment

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	DWTS, MDS, PO	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	DWTS, MDS, PO	This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	DWTS, MDS, PO	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	DWTS, MDS, PO	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	DWTS, MDS, PO	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DWTS, MDS, PO	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	DWTS, MDS, PO	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s 69(1)	Function of receiving application for extension of time of permit	DWTS, MDS, PO	
s 69(1A)	Function of receiving application for extension of time to complete development	DWTS, MDS, PO	
s 69(2)	Power to extend time	DWTS, MDS, PO	
s 70	Duty to make copy permit available for inspection	DWTS, MDS, PO	
s 71(1)	Power to correct certain mistakes	DWTS, MDS, PO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 71(2)	Duty to note corrections in register	DWTS, MDS, PO	
s 73	Power to decide to grant amendment subject to conditions	DWTS, MDS, PO	
s 74	Duty to issue amended permit to applicant if no objectors	DWTS, MDS, PO	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	DWTS, MDS, PO	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	DWTS, MDS, PO	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	DWTS, MDS, PO	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DWTS, MDS, PO	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	DWTS, MDS, PO	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	CEO, DWTS, MDS, PO	
s 83	Function of being respondent to an appeal	CEO, DWTS, MDS, PO	
s 83B	Duty to give or publish notice of application for review	DWTS, MDS, PO	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DWTS, MDS, PO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	DWTS, MDS, PO	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	DWTS, MDS, PO	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	DWTS, MDS, PO	
s 84AB	Power to agree to confining a review by the Tribunal	DWTS	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	DWTS, MDS, PO	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CEO, DWTS, MDS, PO	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	CEO, DWTS, MDS, PO	
s 91(2)	Duty to comply with the directions of VCAT	CEO, DWTS, MDS, PO	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	DWTS, MDS, PO	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	DWTS, MDS, PO	
s 93(2)	Duty to give notice of VCAT order to stop development	DWTS, MDS, PO	
s 95(3)	Function of referring certain applications to the Minister	CEO, DWTS, MDS, PO	
s 95(4)	Duty to comply with an order or direction	CEO, DWTS, MDS, PO	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CEO, DWTS, MDS, PO	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DWTS, MDS, PO	
s 96A(2)	Power to agree to consider an application for permit	DWTS,	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	concurrently with preparation of proposed amendment	MDS, PO	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	DWTS, MDS, PO	
s 96F	Duty to consider the panel's report under s 96E	CEO, DWTS, MDS, PO	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996)	CEO, DWTS, MDS, PO	
s 96H(3)	Power to give notice in compliance with Minister's direction	DWTS, MDS, PO	
s 96J	Power to issue permit as directed by the Minister	DWTS, MDS, PO	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	DWTS, MDS, PO	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	DWTS, MDS, PO	
s 97C	Power to request Minister to decide the application	DWTS, MDS, PO	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	DWTS, MDS, PO	
s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	CEO, DWTS, MDS, PO	
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection	DWTS, MDS, PO	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	DWTS, MDS, PO	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	DWTS, MDS, PO	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	DWTS, MDS, PO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	DWTS, MDS, PO	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	CEO, DWTS, MDS, PO	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	DWTS, MDS, PO	
s 97Q(4)	Duty to comply with directions of VCAT	DWTS, MDS, PO	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	DWTS, MDS, PO	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	DWTS, MDS, PO	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	DWTS, MDS, PO	
s 101	Function of receiving claim for expenses in conjunction with claim	DWTS, MDS, PO	
s 103	Power to reject a claim for compensation in certain circumstances	DWTS, MDS, PO	
s.107(1)	function of receiving claim for compensation	DWTS, MDS, PO	
s 107(3)	Power to agree to extend time for making claim	CEO, DWTS, MDS, PO	
s 114(1)	Power to apply to the VCAT for an enforcement order	CEO, DWTS, MDS, PO	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CEO, DWTS, MDS, PO	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CEO, DWTS, MDS, PO	
s 123(1)	Power to carry out work required by enforcement order and recover costs	DWTS, MDS, PO	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CEO	Except Crown LandIn consultation with Council
s 129	Function of recovering penalties	DWTS, MDS, PO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 130(5)	Power to allow person served with an infringement notice further time	DWTS, MDS, PO	
s 149A(1)	Power to refer a matter to the VCAT for determination	CEO	In consultation with Council
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	DWTS, MDS, PO	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	DWTS, MDS, PO	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	CEO, DWTS, MDS, PO	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	DWTS	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	DWTS	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	DWTS	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	CEO, DWTS, MDS, PO	In Consultation with Council
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	DWTS	Where Council is the relevant responsible authority
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	CEO, DWTS, MDS, PO	
	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and	CEO, DWTS,	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	MDS, PO	
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, DWTS, MDS, PO	
s 178	power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, DWTS, MDS, PO	
s 178A(1)	Function of receiving application to amend or end an agreement	DWTS, MDS, PO	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	DWTS, MDS, PO	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	DWTS, MDS, PO	
s 178A(5)	Power to propose to amend or end an agreement	DWTS, MDS, PO	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	DWTS, MDS, PO	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	DWTS, MDS, PO	
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	DWTS, MDS, PO	
s 178C(4)	Function of determining how to give notice under s 178C(2)	DWTS, MDS, PO	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	DWTS, MDS, PO	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	DWTS, MDS, PO	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DWTS, MDS, PO	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	DWTS, MDS, PO	If no objections are made under s 178D Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	DWTS, MDS, PO	After considering objections, submissions and matters in s

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DWTS, MDS, PO	After considering objections, submissions and matters in s 178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	DWTS, MDS, PO	After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	DWTS, MDS, PO	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	DWTS, MDS, PO	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	DWTS, MDS, PO	
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	DWTS, MDS, PO	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	DWTS, MDS, PO	
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	DWTS, MDS, PO	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DWTS, MDS, PO	
s 179(2)	Duty to make available for inspection copy agreement	DWTS, MDS, PO	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	DWTS, MDS, PO	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	DWTS, MDS, PO	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	DWTS, MDS, PO	
s 182	Power to enforce an agreement	CEO, DWTS, MDS, PO	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	DWTS, MDS, PO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	DWTS, MDS, PO	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	DWTS, MDS, PO	
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	DWTS, MDS, PO	
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	DWTS, MDS, PO	
s 184G(2)	Duty to comply with a direction of the Tribunal	DWTS, MDS, PO	
s 184G(3)	Duty to give notice as directed by the Tribunal	DWTS, MDS, PO	
s 198(1)	Function to receive application for planning certificate	DWTS, MDS, PO	
s 199(1)	Duty to give planning certificate to applicant	DWTS, MDS, PO	
s 201(1)	Function of receiving application for declaration of underlying zoning	DWTS, MDS, PO	
s 201(3)	Duty to make declaration	DWTS, MDS, PO	
	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	CEO, DWTS, MDS, PO	
	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	CEO, DWTS, MDS, PO	
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	CEO, DWTS, MDS, PO	
	Power to give written authorisation in accordance with a provision of a planning scheme	CEO, DWTS, MDS, PO	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal	DWTS, MDS, PO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	district		
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	DWTS, MDS, PO	

Residential Tenancies Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 91ZU(1)	Power to give a renter a notice to vacate rented premises	CEO, DWTS	Where Council is a public statutory authority engaged in the provision of housing
s 91ZZC(1)	Power to give a renter a notice to vacate rented premises	CEO, DWTS	Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes
s 91ZZE(1)	Power to give a renter a notice to vacate rented premises	CEO, DWTS	Where Council is a public statutory authority engaged in the provision of housing
s 91ZZE(3)	Power to publish Council's criteria for eligibility for the provision of housing	CEO, DWTS	Where Council is a public statutory authority engaged in the provision of housing
s 142D	Function of receiving notice regarding an unregistered rooming house	CPHEM, MDS	
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	CPHEM, MDS	
s 142G(2)	Power to enter certain information in the Rooming House Register	CPHEM, MDS	
s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	CPHEM, MDS	
s 206AZA(2)	Function of receiving written notification	CEO, DWTS	
s 207ZE(2)	Function of receiving written notification	CEO, DWTS	
s 311A(2)	Function of receiving written notification	CEO, DWTS	
s 317ZDA(2)	Function of receiving written notification	CEO, DWTS	
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that	CPHEM, MDS	

Residential Tenancies Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	the plan does not comply with the requirements		
s 522(1)	Power to give a compliance notice to a person	DCD	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CEO	
s 525(4)	Duty to issue identity card to authorised officers	CEO	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	CPHEM, DCD	
s 526A(3)	Function of receiving report of inspection	DCD	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CEO	

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	DWTS, MIP, SAE	Obtain consent in circumstances specified in s 11(2)In consultation with CEO and Council
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	DWTS, MIP, SAE	In consultation with Council
s 11(9)(b)	Duty to advise Registrar	DWTS, MIP, SAE	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	CEO, DWTS	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	CEO, DWTS	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	CEO, DWTS	Where Council is the coordinating road authority
s 12(4)	Power to publish, and provide copy, notice of proposed discontinuance	DWTS, MIP, SAE	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(5)	Duty to consider written submissions received within 28 days of notice	DWTS, MIP, SAE	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	DWTS, MIP, SAE	Function of coordinating road authority where it is the discontinuing

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			body Unless s 12(11) applies
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	CEO, DWTS	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(10)	Duty to notify of decision made	DWTS, MIP, SAE	Duty of coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	DWTS, MIP, SAE	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	DWTS, MIP, SAE	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	DWTS	
s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	DWTS, MIP, SAE	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	DWTS, MIP, SAE	
s 15(2)	Duty to include details of arrangement in public roads register	DWTS, MIP, SAE	
s 16(7)	Power to enter into an arrangement under s 15	DWTS, MIP, SAE	
s 16(8)	Duty to enter details of determination in public roads register	DWTS, MIP, SAE	
s 17(2)	Duty to register public road in public roads register	DWTS, MIP, SAE	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	DWTS, MIP, SAE	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	DWTS, MIP, SAE	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	DWTS, MIP, SAE	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	DWTS, MIP, SAE	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	DWTS, MIP, SAE	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	DWTS, MIP, SAE	Where Council is the coordinating road authority
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	DWTS, MIP, SAE	
s 19(4)	Duty to specify details of discontinuance in public roads register	DWTS, MIP, SAE	
s 19(5)	Duty to ensure public roads register is available for public inspection	DWTS, MIP, SAE	
s 21	Function of replying to request for information or advice	DWTS, MIP, SAE	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	DWTS, MIP, SAE	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	CEO	
s 22(5)	Duty to give effect to a direction under s 22	CEO, DWTS	
s 40(1)	Duty to inspect, maintain and repair a public road.	DWTS, MW	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	DWTS, MW	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	DWTS, MW	
s 42(1)	Power to declare a public road as a controlled access road	DWTS, MIP, SAE	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	DWTS, MIP, SAE	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with VicRoads before road is specified	DWTS, MIP, SAE	Where Council is the coordinating road authority If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to	DWTS,	Where Council is the coordinating

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	specify a road as a specified freight road	MIP, SAE	road authority If road is a municipal road or part thereof and where road is to be specified a freight road
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	DWTS, MIP, SAE	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	CEO	
s 49	Power to develop and publish a road management plan	CEO, DWTS	
s 51	Power to determine standards by incorporating the standards in a road management plan	CEO, DWTS	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	DWTS, MIP, SAE	
s 54(2)	Duty to give notice of proposal to make a road management plan	DWTS, MIP, SAE	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	DWTS, MIP, SAE	
s 54(6)	Power to amend road management plan	CEO, DWTS	Subject to Council resolution
s 54(7)	Duty to incorporate the amendments into the road management plan	CEO, DWTS	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	DWTS, MIP, SAE	
s 63(1)	Power to consent to conduct of works on road	DWTS, MIP, SAE	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	DWTS, MIP, SAE	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	DWTS, MIP, SAE	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	DWTS, MIP, SAE	Where Council is the coordinating road authority
s 67(2)	Function of receiving the name & address of	DWTS,	Where Council is the coordinating

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	the person responsible for distributing the sign or bill	MIP, SAE	road authority
s 67(3)	Power to request information	DWTS, MIP, SAE	Where Council is the coordinating road authority
s 68(2)	Power to request information	DWTS, MIP, SAE	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	DWTS, MIP, SAE	
s 72	Duty to issue an identity card to each authorised officer	DWTS, MIP, SAE	
s 85	Function of receiving report from authorised officer	CEO, DWTS, MIP, SAE	
s 86	Duty to keep register re s 85 matters	DWTS, MIP, SAE	
s 87(1)	Function of receiving complaints	CEO, DWTS, MIP, SAE	
s 87(2)	Duty to investigate complaint and provide report	DWTS, MIP, SAE	
s 112(2)	Power to recover damages in court	CEO	
s 116	Power to cause or carry out inspection	DWTS, MIP, MW, SAE	
s 119(2)	Function of consulting with the Head, Transport for Victoria	CEO, DWTS	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	DWTS	
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	DWTS	
s 121(1)	Power to enter into an agreement in respect of works	DWTS, MIP, MW, SAE	
s 122(1)	Power to charge and recover fees	CEO, DWTS	
s 123(1)	Power to charge for any service	CEO, DWTS	

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	DWTS, MIP, SAE	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	DWTS, MIP, SAE	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	DWTS	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	CEO, DWTS	
sch 2 cl 5	Duty to publish notice of declaration	DWTS, MIP, SAE	
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	DWTS, MIP, SAE	Where Council is the infrastructure manager or works manager
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	DWTS, MIP, SAE	Where Council is the infrastructure manager or works manager
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	DWTS, MIP, MW, SAE	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	DWTS, MIP, MW, SAE	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	DWTS, MIP, MW, SAE	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	DWTS, MIP, MW, SAE	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	DWTS, MIP, MW, SAE	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	DWTS, MIP, MW, SAE	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	DWTS, MIP, MW, SAE	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	DWTS, MIP, MW, SAE	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	DWTS, MIP, SAE	Where Council is the coordinating road authority
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	DWTS, MIP, MW, SAE	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	DWTS, MIP, MW, SAE	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	CEO, DWTS, MIP, SAE	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	CEO, DWTS, MIP, SAE	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	CEO, DWTS, MIP, SAE	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	CEO, DWTS, MIP, SAE	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	DWTS, MIP, SAE	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	DWTS	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	DWTS, MIP, SAE	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	CEO, DWTS	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	DWTS	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 7A cl 2	Power to cause street lights to be installed on roads	DWTS, MIP, SAE	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	DWTS, MIP, MW, SAE	Where Council is the responsible road authority
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	DWTS, MIP, MW, SAE	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	DWTS, MIP, MW, SAE	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

Planning and Environment Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	DWTS	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	DWTS	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	DWTS	where Council is the responsible authority
r.25(b)	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	DWTS	where Council is not the responsible authority but the relevant land is within Council's municipal district
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	DWTS	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will

Planning and Environment Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			amend the planning scheme to designate Council as an acquiring authority.

Planning and Environment (Fees) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CEO, DWTS	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	DWTS, MDS, PO	
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r 19 or 20	CEO, DWTS, MDS, PO	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 7	Function of entering into a written agreement with a caravan park owner	CEO	
r 11	Function of receiving application for registration	CPHEM, MDS	
r 13(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	CPHEM, MDS	
r 13(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	CPHEM, MDS	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CPHEM, MDS	
r 13(4) & (5)	Duty to issue certificate of registration	CPHEM, MDS	
r 15(1)	Function of receiving notice of transfer of ownership	CPHEM, MDS	
r 15(3)	Power to determine where notice of transfer is displayed	CPHEM, MDS	
r 16(1)	Duty to transfer registration to new caravan park owner	CPHEM, MDS	
r 16(2)	Duty to issue a certificate of transfer of registration	CPHEM, MDS	
r 17(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	CPHEM, DCD, MDS	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 18	Duty to keep register of caravan parks	CPHEM, MDS	
r 19(4)	Power to determine where the emergency contact person's details are displayed	CPHEM, MDS	
r 19(6)	Power to determine where certain information is displayed	CPHEM, MDS	
r 22A(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	CPHEM, MDS	
r 22A(2)	Duty to consult with relevant emergency services agencies	CPHEM, MDS	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	CPHEM, MDS	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	CPHEM, MDS	
r 25(3)	Duty to consult with relevant floodplain management authority	CPHEM, DCD, MDS	
r 26	Duty to have regard to any report of the relevant fire authority	CPHEM, DCD, MDS	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	CPHEM, MDS	
r 39	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	CPHEM, MDS	
r 39(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	CPHEM, MDS	
r 40(4)	Function of receiving installation certificate	CPHEM, MDS	
r 42	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	CPHEM, MDS	
sch 3 cl4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	CPHEM, MDS	

Road Management (General) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 8(1)	Duty to conduct reviews of road management plan	DWTS	
r 9(2)	Duty to produce written report of review of road management plan and make report available	DWTS	
r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no	DWTS	Where Council is the coordinating road authority

Road Management (General) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	amendments for which notice is required)		
r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	DWTS	
r 13(1)	Duty to publish notice of amendments to road management plan	DWTS	where Council is the coordinating road authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	DWTS	
r 16(3)	Power to issue permit	DWTS	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	DWTS	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	DWTS	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	DWTS	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	DWTS	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	DWTS	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	CEO, DWTS	

Road Management (Works and Infrastructure) Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	DWTS	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	CEO	Where Council is the coordinating road authority

8.2.2 AUTHORISED OFFICER APPOINTMENTS AND REVOCATIONS UNDER THE PLANNING AND ENVIRONMENT ACT 1987

Author's Title: Governance Officer

Department: Corporate Services

File No: PE/02/01

Relevance to Council Plan 2017 - 2021

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

PURPOSE

To appoint Council Officers as Authorised Officers for the purposes of the *Planning and Environment Act 1987*, and to revoke previously made appointments no longer required.

SUMMARY

Under the *Planning and Environment Act 1987* Council is not able to delegate the power to appoint Authorised Officers. The appointment of Authorised Officers must be by resolution of Council. Instruments where Council has appointed Authorised Officers are required to be revoked or varied by resolution of Council.

RECOMMENDATION

That Council in the exercise of the powers conferred by s 224 of the *Local Government Act 1989* and the other legislation referred to in the attached Instruments of Appointment and Authorisation:

1. Appoints Rodney Hotker, Wayne O'Toole and Roslyn Olle as Authorised Officers as per the attached Instruments of Appointment and Authorisation (the Instruments).
2. The Instruments come into force immediately the Common Seal of Council is affixed to the Instruments and that they remain in force until revoked or amended.
3. Affixes Council's Common Seal to the Instruments.
4. Revokes the Instruments of Appointment and Authorisation under the *Planning and Environment Act 1987*, for Anthony Judd dated 2 March 2016 and Wayne Wall dated 2 March 2016.

Attachments:

- 1 [Instrument of Appointment and Authorisation - R. Hotker](#)
- 2 [Instrument of Appointment and Authorisation - W O'Toole](#)
- 3 [Instrument of Appointment and Authorisation - R Olle](#)

DISCUSSION

Officers involved with the planning functions of Council and enforcement of laws under the *Planning and Environment Act 1987* are required to be appointed as Authorised Officers to undertake the duties of their position.

An individual who is appointed as an Authorised Officer is appointed to a position and has the powers of that position. An authorised Officer can take specific actions under the Acts and regulations made under that Act for which they have been appointed.

Acts change from time to time and the Instruments are reviewed and updated as required to reflect changes in legislation. They are also reviewed to ensure they are still relevant for the Officers who have been appointed to undertake their role in Council.

Provisions relating to the appointment and powers of Authorised Officers continue to operate under the *Local Government Act 1989*. The *Local Government Act 2020* also makes provision for Authorised Officers to institute proceedings. The current Instruments need to be updated to reflect this change.

RELEVANT LAW

Section 224 of the *Local Government Act 1989* provides that Council may appoint any person other than a Councillor to be an Authorised Officer for the purposes of administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of Council.

Section 147(4) of the *Planning and Environment Act 1987* provides that an Authorised Officer is to be appointed by Council. Council is unable to delegate the power of appointment under the *Planning and Environment Act 1987*.

Section 313 of the *Local Government Act 2020* provides Council or a person authorised by Council with the ability to institute proceedings in the name of Council to recover certain service charges, fees or any other money due to the Council under any regulation, Act or local law, or, the enforcement of any provision of any Act, regulation or local law for which the Council is responsible.

RELATED COUNCIL DECISIONS

Council previously appointed Roslyn Olle as an Authorised Officer at its Ordinary Meeting on 12 August 2015.

Council appointed Anthony Judd and Wayne Wall as Authorised Officers at its Ordinary Meeting on 2 March 2016.

Council previously appointed Rodney Hotker as an Authorised Officer at its Ordinary Meeting on 10 August 2016.

Council previously appointed Wayne O'Toole as an Authorised Officer at its Ordinary Meeting on 11 October 2017.

OPTIONS

If Council does not appoint the officers as Authorised Officers, they will not be able to make planning decisions or enforce the requirements under the *Planning and Environment Act 1987*.

Instruments of Appointment and Authorisation of Authorised Officers stay in force until they are revoked, giving the individual the powers listed in the instrument, regardless of whether the individual is still performing the role for which they were appointed.

SUSTAINABILITY IMPLICATIONS

Not Applicable.

COMMUNITY ENGAGEMENT

Not Applicable.

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

A number of decisions made by Authorised Officers and documents held, under the *Planning and Environment Act 1987*, where required by law, are made publically available.

CONFLICTS OF INTEREST

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

■ *S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)*

Buloke Shire Council

Instrument of Appointment and Authorisation
(Planning and Environment Act 1987 only)

▪
Instrument of Appointment and Authorisation
(Planning and Environment Act 1987)

In this instrument "**officer**" means -

Rodney Hotker

By this instrument of appointment and authorisation Buloke Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the Buloke Shire Council on 12 August 2020.

THE COMMON SEAL of the **BULOKE SHIRE COUNCIL** was hereunto affixed in the presence of:

Chief Executive Officer

Councillor

Date:

■ *S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)*

Buloke Shire Council

Instrument of Appointment and Authorisation
(Planning and Environment Act 1987 only)

■

Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)

In this instrument "**officer**" means -

Wayne O'Toole

By this instrument of appointment and authorisation Buloke Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the Buloke Shire Council on 12 August 2020.

THE COMMON SEAL of the **BULOKE SHIRE COUNCIL** was hereunto affixed in the presence of:

Chief Executive Officer

Councillor

Date:

■ *S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)*

Buloke Shire Council

Instrument of Appointment and Authorisation
(Planning and Environment Act 1987 only)

■
Instrument of Appointment and Authorisation
(Planning and Environment Act 1987)

In this instrument "**officer**" means -

Roslyn Olle

By this instrument of appointment and authorisation Buloke Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the Buloke Shire Council on 12 August 2020.

THE COMMON SEAL of the **BULOKE SHIRE COUNCIL** was hereunto affixed in the presence of:

Chief Executive Officer

Councillor

Date:

8.2.3 GOVERNANCE RULES 2020

Author's Title: Manager Governance

Department: Corporate Services

File No: GO/10/01

Relevance to Council Plan 2017 - 2021

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

PURPOSE

To ensure the Council remains compliant with the new requirements of the *Local Government Act 2020* (the Act) by adopting the Governance Rules 2020.

SUMMARY

The Act requires Council to adopt and apply Governance Rules (Rules) which describe the way it will conduct Council meetings and make decisions. The Rules shall replace the Meetings Procedure and Common Seal Local Law 2019.

RECOMMENDATION

That Council adopts the Governance Rules 2020.

Attachments: 1 [Buloke Shire Council Governance Rules 2020](#)

DISCUSSION

In accordance with the Act, Council must adopt and apply Governance Rules (Rules) which describe the way it will conduct Council meetings and make decisions.

The Act requires Council to adopt its first Rules on or before 1 September 2020.

Prior to adopting the Rules Council is required to undertake a community engagement process and give due consideration to any outcomes of the same.

Following the Council's resolution on 10 June 2020, Council Officers distributed a copy of the draft Rules to each Community Forum, and Community Asset Committee.

A copy of the draft Rules was made available on the Council's website. No submissions were received.

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.

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

Council noted the community engagement process undertaken in relation to the Rules at its July 2020 Council Meeting.

OPTIONS

Not applicable.

SUSTAINABILITY IMPLICATIONS

Not applicable.

COMMUNITY ENGAGEMENT

Council Officers undertook an engagement process in relation to the Draft Rules following the Council Meeting held on 10 June 2020. Council invited public submissions in relation to any proposal contained within the draft Rules and invited the public to make presentations in support of any written submissions at its 8 July 2020 Council meeting. A copy of the invitation and the draft Rules were made available on Council's website.

Council Officers also distributed a copy of the draft Rules to each Community Forum, and Community Asset Committee.

No submissions were received.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable.

COLLABORATION

Collaboration with other councils in relation to the Rules occurred through special interest groups facilitated by Engage Victoria. Legal advice was also sought in the development of the Rules.

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

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

GOVERNANCE RULES 2020

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GOVERNANCE RULES 2020

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.



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

4. COUNCIL DECISION MAKING

- 1) Council must consider, and make decisions on, any matter being considered by Council fairly and on the merits.
- 2) Any person whose rights will be directly affected by a decision of the Council is entitled to:
 - a) communicate their views by written submission;
 - b) subsequently speak to their submission or to have a person speak on their behalf; and
 - c) have their interests considered.
- 3) For the purposes of subclauses (1) and (2), a decision of Council 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 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 or a Community Asset 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
Council	The Buloke Shire Council

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Councillor	A person who is an elected member of the Council	Recommendation	The recommendation made in a report to Council as part of the agenda
Delegated Committee	A delegated committee established by Council under section 63 of the Act	Regulations	Any regulations made under the Act
Deputy Mayor	A Councillor who has been elected to that position by a vote of Councillors	Replica	In relation to the Common Seal of the Council means any representation which purports to be, looks like or is capable of being mistaken for the Common Seal whether fixed to or printed on a document or advertisement or sign and includes any use of a symbol resembling the Common Seal which is capable of misleading a person into believing it is used with the authority of the Council
Division	A formal count and recording of those for and those against a motion	Resident	A person who has a place of residence within the Municipal District
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	Statutory Year	The year commencing no earlier than the date of the Mayoral election and concluding no later than 12 months after the date of the Mayoral election of the following year or as the Act may prescribe from time to time.
Mayor	The Mayor of the Council and any person acting as the Mayor.	Suspension of Standing Orders	The suspension of the meetings provisions of the Governance Rules to facilitate full discussion on an issue without formal constraints
Meeting	A meeting of Council, a Delegated Committee or a Community Asset Committee	Visitor	Any person other than a Councillor or member of Council staff who is in attendance at a meeting of the 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	Written	Includes duplicated, lithographed, photocopied, photographed, printed, typed and emailed
Minister	The Minister responsible for administering the Act		
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		
Municipal Offices	The offices 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	A Councillor who was physically present at the Council meeting		

PART 2 – 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 one 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.

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9. ELECTION OF DEPUTY MAYOR

- 1) Clause 7, other than subclause (3), 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 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) 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.

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.

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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 3(1); 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.

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 Ordinary 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

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

- 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;

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- (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 or a Community Asset 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 Community Asset Committee or Delegated Committee and any reference to the Council is to be read as referring to the Community Asset Committee or Delegated 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.

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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
 - (c) in the case of any other member of staff, disclose the type of interest and the nature of the interest to the Chief Executive Officer, in writing, as soon as they become aware of the conflict of interest in the matter.
- 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 Committee.
- 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 any disclosure of conflict of interest by the Chief Executive Officer required by section 126 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 could 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."
- 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.

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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 7 – 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.

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

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 motion or amendment cannot be withdrawn without the consent of the meeting.
- 5) 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”**.

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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.

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.

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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 ordinary 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.

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.

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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.

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.



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

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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.

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.

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- 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:
 - (a) the meeting must be advised accordingly; and
 - (b) the question shall be available to Councillors upon request.
- 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.

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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.
 - 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.

GOVERNANCE RULES 2020

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 from the gallery 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.

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:
 - (i) 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
 - (ii) 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
 - (iii) the Council considers could be reasonably deferred until the next Council is in place; or
 - (iv) 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.

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.

GOVERNANCE RULES 2020

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.

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.



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8.2.4 ESTABLISHMENT OF COUNCIL'S AUDIT AND RISK COMMITTEE

Author's Title: Director Corporate Services

Department: Corporate Services

File No: FM/02/09

Relevance to Council Plan 2017 - 2021

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

PURPOSE

To ensure the Council remains compliant with the *Local Government Act 2020* (the Act) in relation to its Audit and Risk Committee by establishing an Audit and Risk Committee, and approving the Audit and Risk Committee Charter.

SUMMARY

The relevant provisions in relation to the Audit and Risk Committee under the Act commenced on 1 May 2020. The Council has until 1 September 2020 to ensure it is lawfully compliant with the new provisions.

RECOMMENDATION

That Council:

1. Establish the Audit and Risk Committee; and
2. Approve the Audit and Risk Committee Charter as attached.

Attachments: 1 [Buloke Audit and Risk Committee Charter - August 2020](#)

DISCUSSION

In accordance with the Act, the Council must establish an Audit and Risk Committee (the Committee), and prepare and approve an Audit and Risk Committee Charter (Charter).

The Council's Committee is comprised three independent members and the Mayor. The Chair of the Committee is an independent member, in accord with the requirements under the Act.

The Charter has been reviewed in line with the provisions under the Act. The Charter outlines the compliance oversight function of the Committee, as well as monitoring the Council's financial and performance reporting, risk management and internal and external audit functions.

The Charter was circulated for out of session consideration by the Committee. Feedback provided in relation to the functions and responsibilities of the Committee has been incorporated into the Charter.

RELEVANT LAW

Section 53 of the Act outlines the requirement to establish the Committee. Section 54 of the Act provides that the Council must prepare and approve the Charter.

RELATED COUNCIL DECISIONS

The Council's Audit Committee Charter was last reviewed and adopted in November 2019.

OPTIONS

Not applicable.

SUSTAINABILITY IMPLICATIONS

Not applicable.

COMMUNITY ENGAGEMENT

Not applicable.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable.

COLLABORATION

Collaboration with other councils in the development of the Charter occurred through special interest groups facilitated by Engage Victoria.

FINANCIAL VIABILITY

The Committee is required to monitor financial and performance reporting.

Fees paid to independent members of the Committee are included as operational expenses within the adopted Budget. A regular review of fees paid to independent members is undertaken in accord with the Charter.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable.

COUNCIL PLANS AND POLICIES

The Committee is required to monitor the compliance of Council policies and procedures with the overarching governance principles, the Act, Regulations and any Ministerial directions.

TRANSPARENCY OF COUNCIL DECISIONS

The Committee must undertake an annual assessment of its performance against the Charter. The assessment must be tabled at a Council Meeting. The Committee must also prepare a reporting setting out its activities which must be tabled at a Council Meeting.

CONFLICTS OF INTEREST

In providing this advice to the Council as the Director Corporate Services I, Hannah Yu, have no interests to disclose in this report.

AUDIT AND RISK COMMITTEE CHARTER

AUGUST 2020

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AUDIT AND RISK COMMITTEE CHARTER AUGUST 2020

AUDIT AND RISK COMMITTEE CHARTER

PURPOSE AND OBJECTIVES

The Buloke Shire Council Audit and Risk Committee is established in accordance with s53 of the *Local Government Act 2020 (the Act)*. The Buloke Shire Council considers the establishment of an Audit and Risk Committee to be more than a function which ensures compliance with the Act. It is also an essential element of good governance and provides guidance on how the Buloke Shire Council will work with the Audit and Risk Committee for the benefit of the organisation and the community.

In recognition of the above principles the role of the Audit and Risk Committee, as an advisory committee, includes:

- (a) monitoring the compliance of Council policies and procedures with—
 - (i) the overarching governance principles under s9 of the Act; and
 - (ii) the Act and the regulations and any Ministerial directions;
- (b) monitoring the Council's financial and performance reporting
- (c) monitoring and providing advice on risk management and fraud prevention systems and controls; and
- (d) overseeing internal and external audit functions.

SCOPE OF AUTHORITY

The framework for the functions, activities and accountabilities of the Audit and Risk Committee are set out under Section 54 of the Act. The Act provides that the Audit and Risk Committee is independent from the Buloke Shire Council, and that the Buloke Shire Council cannot abrogate or delegate its responsibilities to the Audit and Risk Committee. As such, the Audit and Risk Committee does not have any management functions, executive authority or delegated financial responsibility.

The Buloke Shire Council provides the Audit and Risk Committee with authority to:

- Endorse key documents relevant to its scope which must be approved by Council including annual financial reports, annual performance statements, new or revised policies and other documents that assist in maintaining a strong internal control environment;
- Seek resolution on any disagreements between management and external auditors on financial reporting
- Review the results of any Audits, review Council planning documents or query Council outcomes
- Seek any information it requires from Buloke Shire Council staff via the Chief Executive Officer and external parties
- Formally meet with relevant Buloke Shire Council staff, internal and external auditors as necessary
- Ensure compliance with the provisions of the Act dealing with misuse of position and disclosure of conflicts of interest,
- Effectively discharge its responsibilities under the Audit and Risk Committee Charter and the Act; and
- Provide advice and recommendations to the Council on how best to fulfill its responsibilities and facilitate effective decision making.



COMPOSITION

MEMBERSHIP

The Audit and Risk Committee will comprise of three independent members and the Mayor. In the absence of the Mayor from a meeting the Mayor shall appoint another Councillor to attend.

QUORUM

A quorum of any meeting shall be at least two independent members and at least one Councillor, present either physically or via teleconference.

SELECTION

Audit and Risk Committee members and the Audit and Risk Committee Chair will be appointed by the Council, which will consider:

- Expertise in financial management and risk
- Experience in public sector management
- Strong communication skills
- High level personal integrity and ethics
- Availability to perform the functions of the Audit and Risk Committee
- Level of financial literacy.

At least one member of the Audit and Risk Committee shall have financial qualifications and experience.

In considering the appointment of an independent member, the Council will contemplate current or previous relationships between the proposed independent member and the Council.

TENURE, CONTINUITY AND ROTATION

The period of tenure for independent members will be up to three years which, after expiry, may be extended up to a limit of two further terms. Independent members have a right to seek reappointment after the first term. Reappointment after the second term will be by application.

To ensure continuity, no more than one member should leave the Audit and Risk Committee pursuant to rotation in any one year unless otherwise determined by Council resolution.

The Chair of the Audit and Risk Committee must be an independent member and will be appointed on a two-year term. The term of the Chair may be extended for a further two-year term where the period of tenure for an independent member is also extended.

The Audit and Risk Committee may appoint an Acting Chair when the Chair appointed by Council is unavailable to attend a meeting of the Audit and Risk Committee, however the Acting Chair must not be a Councillor or a member of Council staff and must be suitably qualified.

REMUNERATION

Remuneration for independent members is at the discretion of the Buloke Shire Council. The Council will consider, among other matters, the time, commitment, responsibility required in undertaking duties, and parity with other local government entities equivalent to the Buloke Shire Council's size and complexity.

Fees will be paid to independent members on a per meeting basis in arrears.

Bona fide expenses incurred by independent members will be paid or reimbursed in accordance with the Council Expenses policy.

AUDIT AND RISK COMMITTEE CHARTER AUGUST 2020

MEETINGS

The Audit and Risk Committee will meet at least four times a year in closed session, with authority to convene additional meetings, as circumstances require. Meeting schedules will be set following the annual statutory meeting of the Buloke Shire Council, and will ensure sufficient time between meetings of the Audit and Risk Committee and meeting of the Buloke Shire Council.

All Audit and Risk Committee members are expected to attend each meeting in person, or through teleconference or video conference subject to the meeting attendance requirements below.

Where independent members are unable to attend at least 75% of meetings per annum in person, they will be required to resign from their position, except in the following circumstances:

- unless exempted by Council on recommendation of the Audit and Risk Committee on reasonable grounds or
- except in circumstances where there is a declared state of emergency by the Victorian State Government. The Director Corporate Services is the designated secretariat and will facilitate the meetings of the Audit and Risk Committee, including inviting members of management, auditors or others to attend meetings to provide pertinent information, as necessary.

Meeting agendas will be prepared and provided at least one week in advance to members, along with appropriate briefing materials.

Meeting minutes will be collated and provided to independent members as soon as practicable following the Audit and Risk Committee for review and presented at the following Audit and Risk Committee meeting for confirmation.

The Chair of the Audit and Risk Committee has the discretion to present, in person, any reports tabled for the consideration by the Councillors at a Councillor briefing.

ATTENDANCE

The Chief Executive Officer and Council's Internal Auditors must attend all meetings (except where the Audit and Risk Committee wants to meet without management in attendance).

Council's External Auditor must attend meetings considering the draft annual financial report and results of the external audit and will be invited to attend all other meetings.

Council's Director Corporate Services, Director Works and Technical Services, Director Community Development, Manager Finance, Manager Governance and Governance Officer are invited to attend all meetings to provide appropriate information. Other Council staff will be invited to attend meetings where appropriate.

All Councillors are invited to attend Audit and Risk Committee meetings if they wish to do so.

RESPONSIBILITIES

The Audit and Risk Committee will carry out the following activities:

FINANCIAL REPORT

- Review significant accounting and reporting issues, including complex or unusual transactions and highly judgmental areas, and recent accounting, professional and regulatory pronouncements and legislative changes, and understand their effect on the financial report.
- Review with management and external auditors the results of the audit, including any difficulties encountered.
- Review the annual financial report, and consider whether it is complete, consistent with information known to the Audit and Risk Committee members, and reflects appropriate accounting principles.
- Review with management and the external auditors all matters required to be communicated to the Audit and Risk Committee under the Australian Auditing Standards.

INTERNAL CONTROL

- Understand the scope of internal and external auditors' review of internal controls over financial reporting, and obtain reports on significant findings and recommendations, together with management's responses.
- Review the adequacy and effectiveness of key policies, systems and controls for providing a sound internal control environment, including but not limited to fraud prevention systems and controls.
- Assess whether the control environment is consistent with Council's governance principles.

RISK MANAGEMENT

- Monitor the systems and process via the Buloke Shire Council's risk profile to ensure that material operational risks to the Buloke Shire Council are dealt with appropriately.
- Monitor the process of review of the Buloke Shire Council's risk profile.
- Consider the adequacy of actions taken to ensure that the material business risks have been dealt with in a timely manner to mitigate exposures to the Buloke Shire Council.

BUSINESS CONTINUITY

- Monitor processes and practices of the Buloke Shire Council to ensure for effective business continuity.

INTERNAL AUDIT

- Review with management and the internal auditor the Charter, activities, staffing and organisational structure of the internal audit function.
- Review and recommend the annual audit plan for approval by the Buloke Shire Council and all major changes to the plan.
- Monitor processes and practices to ensure that the independence of the audit function is maintained.
- As part of the Audit and Risk Committee's annual assessment of performance, determine level of satisfaction with internal audit function having consideration to the Institute of Internal Auditors' International Standards for the Professional Practice of Internal Auditing.
- Monitor that the internal auditor's plan is linked with and covers the material business risks.
- Provide an opportunity for the Audit and Risk Committee to meet with the internal auditor to discuss any matters that the Audit and Risk Committee or internal auditor believes should be discussed privately.

EXTERNAL AUDIT

- Note the external auditor's proposed audit scope and approach, including any reliance on internal auditor activity.
- Provide an opportunity for the Audit and Risk Committee to meet with the external auditors, to discuss any matters that the Audit and Risk Committee or external auditors believe should be discussed privately.

AUDIT AND RISK COMMITTEE CHARTER AUGUST 2020

COMPLIANCE

- Review the systems and processes to monitor effectiveness of compliance with legislation and regulations and the results of management's investigation and follow up (including disciplinary action) of any instances of non-compliance.
- Keep informed of the findings of any examinations by regulatory agencies, and any auditor (internal or external) observations and monitor management's response to these findings.
- Obtain regular updates from management about compliance matters.

REPORTING RESPONSIBILITIES

- Report regularly to the Buloke Shire Council about Audit and Risk Committee activities, and related recommendations through circulation of minutes and annual report. Additional updates may be appropriate should issues of concern arise.
- Monitor that open communication between the internal auditor, the external auditors, and the Buloke Shire Council occurs.
- Report annually to stakeholders, describing the Audit and Risk Committee's composition, responsibilities and how they were discharged, and any other information required by regulation, including approval of non-audit services.
- Consider the findings and recommendations of relevant Performance Audits undertaken by the Victorian Auditor-General and to ensure the Buloke Shire Council implements relevant recommendations.
- Undertake an annual formal assessment of its performance against the Audit and Risk Committee Charter, and provide a copy of the annual assessment to the Chief Executive Officer for tabling at the next Council meeting.
- The Chair will prepare a biannual audit and risk report that describes the activities of the Audit and Risk Committee and includes its findings and recommendations. This report will be tabled at the next Council meeting by the Chief Executive Officer. The Chair may present the report to Councillors at that meeting if desired.

OTHER RESPONSIBILITIES

- Adopt an annual work plan outlining how each area of responsibility will be addressed each meeting, or on an annual basis as required, which may include but will not be limited to policy reviews considered under the scope of the Audit and Risk Committee.
- Perform other activities related to this Charter as requested by the Buloke Shire Council.
- Review and assess the adequacy of the Audit and Risk Committee Charter every two years, requesting Council approval for proposed changes, and ensure appropriate disclosure as might be required by legislation or regulation.
- Confirm annually that all responsibilities outlined in this Charter have been carried out.

All Audit and Risk Committee members are expected to be aware of their responsibilities under Sections 123, 125 and Division 2 of Part 6 of the Act including but not limited to the requirement to conflicts of interest that may apply to a matter being considered at an Audit and Risk Committee meeting.



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8.2.5 ESTABLISHMENT OF COMMUNITY ASSET COMMITTEES - BIRCHIP HOUSING COMMUNITY ASSET COMMITTEE

Author's Title: Manager Governance

Department: Corporate Services

File No: CM/17/04

Relevance to Council Plan 2017 - 2021

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

PURPOSE

To establish the Birchip Housing Group Community Asset Committee to manage George Gould Flats located at 3 Morrison Street, Birchip, and Dorothy Jolly Units located at 4 Morrison Street, Birchip.

SUMMARY

The Birchip Community Housing Committee was established by Council pursuant to section 86 of the *Local Government Act 1989* (the 1989 Act). The Birchip Community Housing Committee will not have the power to exercise the delegations provided by Council under the 1989 Act after 1 September 2020. It is therefore appropriate for Council to establish the Birchip Housing Group Community Asset Committee in accordance with the *Local Government Act 2020* (the Act).

RECOMMENDATION

In exercise of the power conferred by s 65 of the *Local Government Act 2020* (the Act), Council resolves that:

1. From 1 September 2020, there be established as a Community Asset Committee the Birchip Housing Community Asset Committee (Committee).
2. The purpose of the Committee is to manage the community assets known as George Gould Flats located at 3 Morrison Street, Birchip, and Dorothy Jolly Units located at 4 Morrison Street, Birchip.
3. The members of the Committee are:
 - (a) Bryan Hogan
 - (b) John Richmond
 - (c) Connely Ryan
 - (d) Sarah Barber
 - (e) Jenny Hogan
 - (f) Jim Fletcher
 - (g) Noel Fletcher
 - (h) Such other members as invited or co-opted from time to time.
4. The Chairperson of the Committee is Bryan Hogan.
5. A quorum of the Committee shall be four (4) members.
6. All members of the Committee have voting rights on the Committee.

Attachments: Nil

DISCUSSION

The 1989 Act made provision for Council to delegate functions, duties and powers to special committees via an Instrument of Delegation to manage specific Council assets. These committees were commonly known as Section 86 committees or committees of management.

In 2014 Council established the Birchip Community Housing Committee pursuant to section 86 of the 1989 Act to manage the operation of community housing which included the George Gould Flats located at 3 Morrison Street, Birchip. The Dorothy Jolly Units were later constructed in 2016 at 4 Morrison Street, Birchip.

The Act now provides Council with the option of establishing a Community Asset Committee with powers of the council, established and with members appointed by council, with powers delegated by the Chief Executive Officer (CEO), subject to the terms and conditions specified by the CEO, for the purpose of managing a community asset in the municipal district.

It is proposed that Council establish the Committee to manage George Gould Flats located at 3 Morrison Street, Birchip and the Dorothy Jolly Units located at 4 Morrison Street, Birchip to ensure the continued management of those assets.

RELEVANT LAW

Section 65 of the Act provides that Council may establish a Community Asset Committee and appoint as many members to the Community Asset Committee as the Council considers necessary to enable to Community Asset Committee for the purpose of managing a community asset in the municipal district.

Section 47 of the Act provides the Chief Executive Officer with the power to delegate to those persons appointed as members of the Community Asset Committee.

RELATED COUNCIL DECISIONS

Council appointed the Committee at its 2014 May Ordinary Meeting pursuant to section 86 of the *Local Government Act 1989*.

At its July 2015 Ordinary Meeting Council provided approval to the Birchip Community Housing Committee to seek a bank loan to construct additional community housing at 4 Morrison Street, Birchip and for Council to act as guarantor for a ten year loan up to a maximum of \$150,000.

At its November 2017 Ordinary Meeting the Committees most recent delegated powers, duties and functions were provided via an Instrument of Delegation.

OPTIONS

Council may establish a Community Asset Committee to manage the George Gould Flats and Dorothy Jolly Units.

Alternatively, Council may seek to enter into a management agreement for the George Gould Flats and Dorothy Jolly Units. Council Officers recommend that this option be explored over the next 12 months.

SUSTAINABILITY IMPLICATIONS

Not applicable.

COMMUNITY ENGAGEMENT

The Birchip Community Housing Committee has been consulted.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable.

COLLABORATION

Not applicable.

FINANCIAL VIABILITY

Community Asset Committees have certain obligations and limitations imposed for financial management responsibilities, to ensure transparency in the use of financial resources for community benefit.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable.

COUNCIL PLANS AND POLICIES

Not applicable.

TRANSPARENCY OF COUNCIL DECISIONS

Any Community Asset Committee shall be bound to observe the meeting procedure requirements of the Governance Rules 2020.

CONFLICTS OF INTEREST

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

8.2.6 ESTABLISHMENT OF COMMUNITY ASSET COMMITTEES - WYCHEPROOF RECREATION RESERVE COMMUNITY ASSET COMMITTEE

Author's Title: Manager Governance

Department: Corporate Services

File No: CM/17/04

Relevance to Council Plan 2017 - 2021

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

PURPOSE

To establish the Wycheproof Recreation Reserve Community Asset Committee to manage the Wycheproof Recreation Reserve.

SUMMARY

The Wycheproof Recreation Reserve Committee of Management was established by Council pursuant to section 86 of the *Local Government Act 1989* (the 1989 Act). The Wycheproof Recreation Reserve Committee of Management will not have the power to exercise the delegations provided by Council under the 1989 Act after 1 September 2020. It is therefore appropriate for Council to establish the Wycheproof Recreation Reserve Community Asset Committee in accordance with the *Local Government Act 2020* (the Act).

RECOMMENDATION

In exercise of the power conferred by s 65 of the *Local Government Act 2020* (the Act), Council resolves that:

1. From 1 September 2020, there be established as a Community Asset Committee the Wycheproof Recreation Reserve Community Asset Committee (Committee);
2. The purpose of the Committee is to manage the community assets known as the Wycheproof Recreation Reserve precinct;
3. The members of the Committee are:
 - (a) Alan Wallace
 - (b) Mel Waters
 - (c) Eleanor Pollard
 - (d) Wendy Turnbull
 - (e) Mark McLennan
 - (f) Richard McLennan
 - (g) Patrick Eccles
 - (h) Tamara Harrison
 - (i) Cathy Grant
 - (j) Peter Hogan
 - (k) Jacqui Noonan
 - (l) Georgina Morrison
 - (m) Cr David Pollard
4. The Chairperson of the Committee is Cr Pollard;
5. A quorum of the Committee shall be seven (7) members; and
6. All members of the Committee have voting rights on the Committee.

Attachments: Nil

DISCUSSION

The 1989 Act made provision for Council to delegate functions, duties and powers to special committees via an Instrument of Delegation to manage specific Council assets. These committees were commonly known as Section 86 committees or committees of management.

The Wycheproof Recreation Reserve Committee of Management was established pursuant to section 86 of the 1989 Act for the purpose of managing the Wycheproof Recreation Reserve precinct. It is noted that the underlying land manager for the precinct is the Department of Environment, Land, Water and Planning.

Council endorsed the most recent Instrument of Delegation for the Wycheproof Recreation Reserve Committee of Management at its November 2017 Ordinary Meeting.

The Act now provides Council with the option of establishing a Community Asset Committee with powers of the council, established and with members appointed by council, with powers delegated by the Chief Executive Officer (CEO), subject to the terms and conditions specified by the CEO, for the purpose of managing a community asset in the municipal district.

It is proposed that Council establish the Committee to manage the Wycheproof Recreation Reserve precinct on an ongoing basis.

RELEVANT LAW

Section 65 of the Act provides that Council may establish a Community Asset Committee and appoint as many members to the Community Asset Committee as the Council considers necessary to enable to Community Asset Committee for the purpose of managing a community asset in the municipal district.

Section 47 of the Act provides the Chief Executive Officer with the power to delegate to those persons appointed as members of the Community Asset Committee.

RELATED COUNCIL DECISIONS

At its November 2017 Ordinary Meeting the Committees most recent delegated powers, duties and functions were provided via an Instrument of Delegation.

A previous review of the Instrument of Delegation for the Wycheproof Recreation Reserve Committee of Management was undertaken by Council in May 2016.

OPTIONS

Council may establish a Community Asset Committee to manage the Wycheproof Recreation Reserve precinct.

Alternatively, Council may assist the Wycheproof Recreation Reserve Committee of Management to become an incorporated association and enter into a management agreement with Council. Council Officers recommend that this option be explored over the next 12 months.

SUSTAINABILITY IMPLICATIONS

Not applicable.

COMMUNITY ENGAGEMENT

The Wycheproof Recreation Reserve Committee has been consulted.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable.

COLLABORATION

Not applicable.

FINANCIAL VIABILITY

Community Asset Committees have certain obligations and limitations imposed for financial management responsibilities, to ensure transparency in the use of financial resources for community benefit.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable.

COUNCIL PLANS AND POLICIES

The Governance Rules 2020 shall apply.

TRANSPARENCY OF COUNCIL DECISIONS

Any Community Asset Committee shall be bound to observe the meeting procedure requirements of the Governance Rules 2020.

CONFLICTS OF INTEREST

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

8.2.7 ESTABLISHMENT OF COMMUNITY ASSET COMMITTEES - CHARLTON PARK COMMUNITY ASSET COMMITTEE

Author's Title: Manager Governance

Department: Corporate Services

File No: CM/17/04

Relevance to Council Plan 2017 - 2021

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

PURPOSE

To establish the Charlton Park Community Asset Committee to manage the Charlton Park Recreation Reserve precinct.

SUMMARY

The Charlton Park Recreation Reserve Special Committee was established by Council pursuant to section 86 of the *Local Government Act 1989* (the 1989 Act). The Charlton Park Recreation Reserve Special Committee will not have the power to exercise the delegations provided to the Committee by Council under the 1989 Act after 1 September 2020. It is therefore appropriate for Council to establish the Charlton Park Community Asset Committee in accordance with the *Local Government Act 2020* (the Act).

RECOMMENDATION

In exercise of the power conferred by s 65 of the *Local Government Act 2020* (the Act), Council resolves that:

1. From 1 September 2020, there be established as a Community Asset Committee the Charlton Park Community Asset Committee (Committee)
2. The purpose of the Committee is to manage the community assets known as the Charlton Park Recreation Reserve precinct
3. The members of the Committee are:
 - (a) Joe Thompson
 - (b) Adam Soulsby
 - (c) Patricia Clifford
 - (d) Alena Olive
 - (e) Shane Fitzpatrick
 - (f) Kelvin Baird
 - (g) Wendy Laffin
 - (h) Glenda Litton
 - (i) Anne Kenny
 - (j) Kevin Willey
 - (k) Kim Fitzpatrick
 - (l) Tessa Fitzpatrick
 - (m) Cr Carolyn Stewart
4. The Chairperson of the Committee is Cr Carolyn Stewart;
5. A quorum of the Committee shall seven (7) members; and
6. All members of the Committee have voting rights on the Committee

Attachments: Nil

DISCUSSION

The 1989 Act made provision for Council to delegate functions, duties and powers to special committees via an Instrument of Delegation to manage specific Council assets. These committees were commonly known as Section 86 committees or committees of management.

The Charlton Park Recreation Reserve Special Committee was established pursuant to section 86 of the 1989 Act for the purpose of managing the Charlton Park Recreation Reserve precinct. It is noted that the underlying land manager for the precinct is the Department of Environment, Land, Water and Planning.

Council endorsed the most recent Instrument of Delegation for the Charlton Park Recreation Reserve Special Committee at its November 2017 Ordinary Meeting.

The Act now provides Council with the option of establishing a Community Asset Committee with powers of the council, established and with members appointed by Council, with powers delegated by the Chief Executive Officer (CEO), subject to the terms and conditions specified by the CEO, for the purpose of managing a community asset in the municipal district.

It is proposed that Council establish the Committee to manage the Charlton Park Recreation Reserve precinct on an ongoing basis.

RELEVANT LAW

Section 65 of the Act provides that Council may establish a Community Asset Committee and appoint as many members to the Community Asset Committee as the Council considers necessary to enable to Community Asset Committee for the purpose of managing a community asset in the municipal district.

Section 47 of the Act provides the Chief Executive Officer with the power to delegate to those persons appointed as members of the Community Asset Committee.

RELATED COUNCIL DECISIONS

At its November 2017 Ordinary Meeting the Committees most recent delegated powers, duties and functions were provided via an Instrument of Delegation.

A previous review of the Instrument of Delegation for the Charlton Park Special Committee was undertaken by Council in May 2016.

OPTIONS

Council may establish a Community Asset Committee to manage the Charlton Park Recreation Reserve precinct.

Alternatively, Council may assist the Charlton Park Recreation Reserve Special Committee to become an incorporated association and enter into a management agreement with Council. Council Officers recommend that this option be explored over the next 12 months.

SUSTAINABILITY IMPLICATIONS

Not applicable.

COMMUNITY ENGAGEMENT

The Charlton Park Recreation Reserve Special Committee has been consulted.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable.

COLLABORATION

Not Applicable.

FINANCIAL VIABILITY

Community Asset Committees have certain obligations and limitations imposed for financial management responsibilities, to ensure transparency in the use of financial resources for community benefit.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable.

COUNCIL PLANS AND POLICIES

The Governance Rules 2020 shall apply.

TRANSPARENCY OF COUNCIL DECISIONS

Any Community Asset Committee shall be bound to observe the meeting procedure requirements of the Governance Rules 2020.

CONFLICTS OF INTEREST

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

8.2.8 COMMUNITY GRANTS AND SPONSORSHIP

Author's Title: Community Development Officer

Department: Community Development

File No: GS09/42

Relevance to Council Plan 2017 - 2021

Strategic Objective: Build a healthy and active community

PURPOSE

This report is presented to Council to consider the allocation of funds from the Community Grants and Sponsorship Program

SUMMARY

Two community project support applications are presented for Council consideration.

RECOMMENDATION

That Council allocates the following funding under the Community Grants and Sponsorship program:

Charlton Croquet Club	\$731.00
Charlton Golf Club	\$2,000.00

Attachments: 1 [2020-21 Community Grants](#)

DISCUSSION

The Charlton Croquet Club and Charlton Golf Club have both applied for funding through Councils Community Grants Program.

The following table outlines the scope and costings of the projects:

Project:	Replace Block Out curtains for Croquet Clubrooms
Organisation:	Charlton Croquet Club
Amount Applied:	\$731 Project Support grant
Funding Amount Recommended:	\$731
Full project cost:	\$1331.00
Project Description:	To replace Block Out curtains for the Clubrooms due to the deterioration of the existing curtains. Alignment with Charlton 2030 plan: Strategic Direction 1 for Safe, accessible and well maintained infrastructure'. 2017 – 2021 Council Plan: Theme 5.6 - Recognise our volunteers and support their significant contributions.
Project Benefit:	Croquet is providing a physical activity contributing to the wellbeing of older Charlton residents. The club celebrates 140 years in October. The club has a small membership base and has a number of visiting players for Pennant competition.

Project:	Construct a shed to house golf carts
Organisation:	Charlton Golf Club
Amount Applied:	\$2,000 project Support grant
Funding Amount Recommended:	\$2,000
Total Project Cost:	\$16,000
Project Description:	<p>The council contribution will be used to leverage funding from other sources to construct a shed to house golf carts for aging members who are experiencing difficulty loading and unloading carts on to trailers. The shed will house 8 carts initially with a capacity to extend.</p> <p>The Charlton Community Bank are also contributing \$10,000 towards this project.</p>
Project Benefit:	Golf is providing a significant alternative as a winter sporting activity this year. And is an important physical activity for older residents. A facility for keeping golf carts on the premises is proposed as a way to make it easier for older women particularly to participate more fully.

RELEVANT LAW

There are no relevant laws applicable to this report.

RELATED COUNCIL DECISIONS

The recommendation to support these organisations financially, is in accordance with Council's Plan 2017 – 2021 to "Build a Healthy and Active Community".

OPTIONS

Council can decide not to allocate funds to these projects.

SUSTAINABILITY IMPLICATIONSEconomic and Social

Participants and social visitors of the community sporting facilities in Buloke Shire, contribute both socially and economically to the Buloke communities.

Excellent sporting facilities in the Buloke communities is one the key factors which promote these districts as great places to live, and are an important element of social connectedness for all local junior and senior residents, particularly in this current COVID-19 crisis.

COMMUNITY ENGAGEMENT

Not applicable to this report.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable to this report.

COLLABORATION

Not applicable to this report.

FINANCIAL VIABILITY

The "Community Grants and Sponsorship Program" has an allocation of funds for Council consideration and distribution within the adopted Budget for 2020 – 2021 financial year.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable to this report.

COUNCIL PLANS AND POLICIES

Buloke Shire Council Plan 2017-21

Buloke Shire Council Inclusiveness Plan

Relevant Community Plans

TRANSPARENCY OF COUNCIL DECISIONS

Not applicable to this report.

CONFLICTS OF INTEREST

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

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8.3 FINANCIAL REPORTS

Nil

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 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 CONTRACT C76 2019-20
SUPPLY AND/OR DELIVERY OF
ROAD MAKING MATERIALS AND
PRODUCTS | (g) private commercial information, being information provided by a business, commercial or financial undertaking that— (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; |
| 8.6.2 CONTRACT C79 2019/20
CHARLTON & DONALD
RIVERFRONT DEVELOPMENTS
CONSTRUCTION - TENDER
EVALUATION REPORT | ((g) private commercial information, being information provided by a business, commercial or financial undertaking that— (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; |
| 8.6.3 CEO PERFORMANCE REVIEW AND
KEY PERFORMANCE INDICATORS | (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs; |
| 8.6.4 BIRCHIP HOUSING GROUP
COMMITTEE OF MANAGEMENT | (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs; |

RECOMMENDATION:

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

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