



Council Meeting **Agenda**

Wednesday 18 December
2024

Commencing at 7:00 pm

Wycheproof Supper Room
367 Broadway, Wycheproof

Wayne O'Toole
Chief Executive Officer
Buloke shire Council



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1 COUNCIL WELCOME AND STATEMENT OF ACKNOWLEDGEMENT

WELCOME

The Mayor Cr Alan Getley will welcome all in attendance.

STATEMENT OF ACKNOWLEDGEMENT

The Mayor Cr Alan Getley 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 HELD

RECOMMENDATION

That Council adopt the Minutes of the Council Meetings held on 9 October 2024 and 20 November 2024.

4 REQUESTS FOR LEAVE OF ABSENCE

5 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

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

- a) Disclose the conflict of interest in the manner required by the Council's Governance Rules 2022; and
- b) Exclude themselves from the decision making process in relation to that matter, including any discussion or vote on the matter at any Council meeting or delegated committee, and any action in relation to the matter.

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

6 QUESTIONS FROM THE PUBLIC

7 PROCEDURAL ITEMS

7.1 REPORT OF COUNCILLOR ASSEMBLIES

Author's Title: Executive Assistant to CEO

Directorate: Office of the CEO

File: *GO/05/04*

PURPOSE

To report on the Councillor Briefing held 2 October 2024

RECOMMENDATION

That Council note the report of Councillor Assembly Meeting held 2 October 2024.

Attachments: 1. Attachment 7.1.1 - Councillor Briefing Record - 2 October 2024

KEY POINTS/ISSUES

Transparency is a fundamental principle of democratic governance.

The *Local Government Act 2020* (The Act) Section 9 (2) (i) provides that the transparency of Council decisions, actions and information is to be ensured.

In accordance with Section 57 of The Act, Council at its September 2020 Ordinary Meeting, adopted a Public Transparency policy, 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.

As per the Council Meeting Schedules adopted 9 November 2022 and 8 November 2023, Councillor Briefings are held for Councillors to meet to consider matters that are likely to be the subject of a Council decision or for the exercise of delegation.

A record of the Councillor Briefing held on 2 October 2024 is attached for public information.



Councillor Briefing Record

Build a Better Buloke – a healthy, connected, inclusive and prosperous community

Date:	2 October 2024	Time	5:00pm
Location:	Donald Senior Citizens Building		
Attendees:	Councillors and Executive Management Team members		
Apologies:	Cr Pollard		
Guests:	Donald 2000 – Jodie Hollis (chair) and Julia Pearse Peter Harriott – Municipal Monitor		
Acknowledgement of Country:	The Mayor 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 may be here today.		
Conflicts of Interest:			

ITEMS

NO.	MATTER FOR DISCUSSION	
1.	Councillor Only time	5:00pm
2.	Confirmation of Councillor Briefing Notes – 18 September 2024	5:30pm
3.	Presentations	
3.1	Donald 2000 – Jodie Hollis (chair) and Julia Pearse	5:30pm
3.2	Buloke Shire Council Annual report 2023/2024	5:45pm
Dinner Break		6:15pm
4.	Councillor Matters	6:40pm
5.	CEO Updates 1. Draft Council Meeting Agenda – 9 October 2024 2. Building Report – with street addresses 3. Buloke Shire Council Annual report 2023/2024	7:00pm
NEXT BRIEFING 2024, 6 November 2024, Wycheproof Hall Supper Room.		

7.2 STATUS OF ACTION OF PAST COUNCIL MEETING RESOLUTIONS

Author's Title: Executive Assistant to CEO

Directorate: Office of the CEO

File No:
Governance

PURPOSE

To provide Council with a list of the Status of Action (SOA) of Council Resolutions outstanding for completion of action, and the SOA for the 10 October 2024 Council Meeting Resolutions.

RECOMMENDATION

That Council note the Status of Actions Report for Council resolutions documented in the report.

Attachments:

1. Attachment 7.2.1 - Action Taken on Council Resolutions

KEY POINTS/ISSUES

The *Local Government Act 2020* (The Act) Section 9(2)(i) provides that the transparency of Council decisions, actions and information is to be ensured.

In accordance with the Council's Governance Rules adopted August 2022, Council decisions are to be made and actions taken in accordance with the relevant law.

The transparency of Council decisions, actions and information is to be ensured and is a fundamental principle of democratic governance.

Attached to this report for public information is a list of the SOA of Council Resolutions outstanding for completion of action and introducing the SOA for the 11 September 2024 Council Meeting Resolutions.

Summary of Action on Council Resolutions – Outstanding from past Council Meetings & 9 October CM Tabled 18 December 2024 Council Meeting

Date	Directorate	Item	Resolution/Question	Actioning Officer/s	Status of Action	Complete or Commenced
02082023	Infrastructure and Delivery	8.2.1	That Council: 1. Notes following consultation process in accordance with its Community Engagement Policy, one submission was received to the proposed nine-lot subdivision sale of land at 110 Sutcliffe Street, Sea Lake; 2. Sells nine-lot subdivision surplus land at 110 Sutcliff St, Sea Lake by private treaty or auction in accord sec 114 of the Local Gov Act 2020 and Council's Sale of Land Policy; and 3. Authorises the CEO to execute the Transfer of Land documents and any other documents required to affect the sale of the land.	Dir Infra & Del	GWMWater approval obtained, procurement for works has commenced. Civil contractor has recommended works. 290524 - Plumbing works for water, sewer and stormwater commence in June, final civil works to follow. Valuation complete to inform sale of land process to be undertaken. (MS)	Commenced
11092024	DCD	8.2.2	Buloke Planning Scheme Amendment 1. Requests that the Minister for Planning grant Authorisation under Section 8A of the <i>Planning and Environment Act 1987</i> to prepare and exhibit a Planning Scheme Amendment to implement the recommendations in the Planning Scheme review report and correct selected mapping/zoning anomalies.	DCD		Commenced

Tabled 18 December 2024 Council Meeting

8 GENERAL BUSINESS
8.1 POLICY REPORTS
8.1.1 COUNCIL EXPENSES POLICY

Author's Title: Director Corporate and Organisational Performance

Directorate: Corporate and Organisational Performance

File No: Policy
and Procedure

Relevance to Council Plan 2021 - 2025

Strategic Objective: A Well Governed and Healthy Organisation

PURPOSE

Section 41 of the *Local Government Act 2020* (the Act) requires the Council to adopt and maintain a Council expenses policy in relation to the reimbursement of out-of-pocket expenses for Councillors and members of delegated committees.

SUMMARY

The Council expenses policy covers resources and facilities made available to Councillors and the reimbursement of out-of-pocket expenses of Councillors, members of delegated committees and members of the Audit and Risk Committee that have been reasonably incurred in the performance of their role.

RECOMMENDATION

That Council adopt the Council Expenses Policy as attached.

DISCUSSION

A comprehensive review of the Council's Expenses Policy was undertaken, and changes were made to improve and ensure integrity, accountability, diversity, equity of access and transparency.

Approval processes have been included or modified for the reimbursement for professional memberships, conferences, seminars, professional development and interstate travel. The inclusion of the provision of administrative assistance to the Mayor and Councillors is a new addition to the policy to support strengthened governance.

The Councillor professional development budget will be determined throughout the Annual Budget process.

RELEVANT LAW

Section 41 of the Act provides that a council must adopt and maintain a Council Expenses Policy. Other applicable legislation includes the *Carers Recognition Act 2012*, and the *Gender Equality Act 2020*.

RELATED COUNCIL DECISIONS

The Council Expenses Policy was last adopted on 12 August 2020.

OPTIONS

By Council adopting this policy, it will rescind and replace the Council Expenses Policy adopted on 12 August 2020. If Council decide to not adopt this policy, the Council Expenses Policy adopted on 12 August 2020 will continue to apply.

SUSTAINABILITY IMPLICATIONS

There is no sustainability implications related to this report.

COMMUNITY ENGAGEMENT

Community engagement is not required in relation to this report.

INNOVATION AND CONTINUOUS IMPROVEMENT

In reviewing the policy, changes to legislation that have occurred in the past 4 years was considered, as well as incorporating clearer approval processes to ensure integrity, accountability and transparency.

COLLABORATION

Internal consultation was undertaken in reviewing the policy. The policy was endorsed by the Audit and Risk Committee at its meeting held on 4 December 2024.

FINANCIAL VIABILITY

The expenses are considered in preparing the Annual Budget. Councillor professional development expenses must be considered during the annual budget process as per the policy.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable

COUNCIL PLANS AND POLICIES

Not applicable.

TRANSPARENCY OF COUNCIL DECISIONS

The decision will be made in an open Council Meeting to promote openness, accountability and transparency.

CONFLICT OF INTEREST

No officer who contributed to the preparation of this report has a conflict of interest.

Attachments: 1. Attachment 8.1.1.1 - Draft Council Expenses Policy Nov 24



POLICY LOCATION	Corporate and Organisational Performance	POLICY TITLE	Council Expenses
POLICY NUMBER	CA04	DATE ADOPTED	MONTH 2025
REVISION NUMBER	5	REVISION DATE	June 2029

1. Purpose

1. This policy supports Councillors and members of delegated committees to perform their role, as defined under the Local Government Act 2020 (Vic), by ensuring that expenses reasonably incurred in the performance of their role are reimbursed.
2. The objective of this policy is to define the:
 - the type and level of resources that shall be provided to Councillors and members of delegated committees to assist in the performance of their role;
 - the provision of a vehicle to the Mayor;
 - the expenses that Council shall reimburse a Councillor or a member of a delegated committee for;
 - transparency and accountability protocols that shall govern the provision of these resources; and
 - approval process for funding of Councillor attendance at events and training and development.

2. Scope

1. This policy applies to the Mayor, Deputy Mayor and Councillors (Councillors) and Members of delegated committees and Council's Audit and Risk Committee (Members) when performing their role.
2. Councillor duties are those performed by a Councillor as a necessary part of their role, in achieving the objectives of Council. These duties may include but are not limited to:
 - attendance at meetings of Council and its Committees;
 - attendance at briefing sessions, workshops, civic events, or functions convened by Council;
 - attendance at conferences, workshops and training programs related to the role of Councillor, Mayor or Deputy Mayor;
 - attendance at meetings, events or functions representing Council;
 - duties in relation to constituents concerning Council business; and
 - Attendance at meetings with officers or any person, any matter relating to the Buloke Shire.



3. Members of delegated committees exercise powers of Councillors, under delegation. This policy also applies to Members when undertaking their role as delegated committee members and members of Council's Audit & Risk Committee.

3. Definitions

Term	Meaning
Act	<i>Local Government Act 2020</i>
Audit and Risk Committee	The Audit and Risk Committee established by the Council under section 53 of the Act
Carer	Has the same meaning as the definition under section 4 of the Carers Recognition Act 2012
Chief Executive Officer	The person occupying the office of Chief Executive Officer of the Council, and includes a person acting in that office
Council	The Buloke Shire Council comprising elected Councillors and led by the Mayor
Council Administration	Buloke Shire Council, led by the Chief Executive Officer
Councillor	An elected representative (Councillor) of the Buloke Shire Council
Council Meeting	A meeting of the Council convened in accordance with its Governance Rules
Delegated Committee	a delegated committee established by the Council under section 63 of the Act
Childcare recipient	A child up to and including the age of 16 years
Member/s	Term used to cover all members of a delegated committee and Council's Audit and Risk Committee.



4. Policy Statement

1. This policy acknowledges the demands and expectations placed on Councillors and members of Council's Delegated Committees and Risk and Audit Committee and where appropriate provides support and resourcing to them to successfully fulfil their roles.
2. Councillors and Members are entitled, under section 40 of the Act, to reimbursement of expenses reasonably incurred in the performance of their duties.
3. This Policy ensures that the reimbursement of these expenses is in accordance with the Act and meets the Act's principles of public transparency; achieving the best outcomes for the Buloke Shire Community; and ensuring the ongoing financial viability of the Council.
4. Four key principles will guide Council's management of expenses and reimbursements relating for Councillors and Members of Delegated Committees. These are
 - Integrity;
 - Encouraging diversity in participation, equity and access;
 - Accountability and transparency; and
 - Reasonableness and appropriateness.
5. Councillors and Members will be reimbursed for out-of-pocket expenses that are:
 - bona fide expenses; and
 - have been reasonably incurred in the performance of the role of Councillor; and
 - are reasonably necessary for the Councillor and member of a Delegated Committee to perform this role.
6. The following types of expenses may be considered for reimbursement subject to the test set out in *Clause 4 Policy Statement (5)* above:
 - car parking fees;
 - private vehicle use;
 - public transport;
 - private phone and data charges;
 - training and conferences;
 - meals;
 - accommodation;
 - local municipal events and functions;
 - civic functions.
7. The cost of allowances and expense reimbursements paid, and support provided to Councillors and Members are managed as part of Council's annual budget process.
8. Council will not provide reimbursement of costs incurred for family members, personal guests or associates of Councillors or members accompanying Councillor and members when performing their role.



5. Resources for Councillors

1. The Act (section 42) provides that Council must make available to the Mayor, Deputy Mayor and the Councillors the resources and facilities reasonably necessary to enable them to effectively perform their role.
2. Council Resources should not be used for personal use.
3. On request Councillors will be provided with standard stationery, equipment and consumables held or obtained generally for the Council Administration's requirements, including, but not necessarily limited to, paper, writing implements, printer cartridges, envelopes and the like.
4. Council letterhead will only be provided for correspondence that has been approved by the Council or for the Mayor to correspond as the Council's official spokesperson.
5. Councillors will be provided with personalised business cards and name badges.
6. Councillors will be provided with IT equipment, meeting the Council's IT standards, in order to facilitate Council-related communications between Councillors, the community and the Council. This includes equipment and services that support mobile telephones, internet access, multifunction devices and tablet devices.
7. A reasonable arrangement of equipment and services will be approved by the Chief Executive Officer or delegate and be registered within Council's records management system.
8. All Council supplied equipment/facilities remain the property of Buloke Shire Council and must be returned at the end of a Councillor's term of office. Sale of the above equipment to Councillors, will be at the discretion of the Chief Executive Officer and subject to Council's Assets Disposal Policy.

6. Mayoral Vehicle

1. The Mayor will have access to a fully maintained vehicle (including servicing, fuel and insurance). The make and model of the vehicle will be in accordance with Council policy or at the discretion of the Chief Executive Officer and in consultation with the Mayor.
2. The vehicle will be available for use by the Mayor in the discharge of their duties and for reasonable private use during the Mayoral term.
3. A Council supplied e-tag will be included with the Mayors vehicle.
4. The mayoral vehicle will be traded in accordance with the Council's normal vehicle replacement policy.



7. Administrative Support for Councillors

1. The Chief Executive Officer shall provide an appropriate level of administrative support for the Mayor and Councillors.
2. Administrative support may include, but not be limited to, responding to invitations, media releases, maintaining the Mayoral diary and constituent/community contact activities, booking meeting rooms, organising meetings and refreshments (if required).
3. Assistance is always available in respect to access and use of any equipment including IT systems via the Chief Executive Officers' Executive Assistant.
4. The level of administrative support shall be determined by the Chief Executive Officer within organisational constraints.

8. Carer and dependent-related expenses

1. Council will provide reimbursement of costs where the provision of childcare is reasonably required for a Councillor or Member to perform their role. This applies to the care of a dependent, while the Councillor or Member is undertaking their official duties; and may include expenses such as hourly fees and booking fees, if applicable.
2. Council will provide reimbursement of costs where the provision of carer services is reasonably required when a Councillor or Member who is a carer incurs reasonable expenses in the performance of their duties.
3. Payments for carer and childcare services will not be made to a person who resides with the Councillor or Member; has any financial or pecuniary interest with the Councillor or member; or has a relationship with the Councillor, Member or their partner. The exception to this is 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 Member's duties.
4. 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.

9. Conferences, Seminars and Professional Development for Councillors and Members

1. Councillors and Members shall have the opportunity to have paid by Council, or reimbursed, the cost of attending conferences, seminars, training and professional development courses within the scope of this policy including:
 - registration fees;
 - accommodation costs and expenses; and
 - reasonable costs and expenses for meals and refreshments



2. Approval for professional development expenditure will be tested against the following criteria:
 - Must be directly relevant to the individual's role at Council;
 - Takes place and is able to be utilised during the individuals' term of engagement with Council;
 - Is in the interest of the community;
 - Meets the budget determined by Council;
 - Clearly offers and promotes public benefit as distinguished from private benefit.
3. Attendance at a conference, seminar or professional development course is authorised by either:
 - the Chief Executive Officer or delegate; or
 - a Council resolution.
4. The Chief Executive Officer in consultation with the Mayor will determine approved training for Councillors. No resolution from Council will be required if the training is within Victoria or online and within the parameters of the adopted Annual Budget.
5. The Chief Executive Officer will determine approved training for Members. No resolution from Council will be required if the training is within Victoria or online and within the parameters of the adopted Annual Budget.
6. A Council resolution is required to approve interstate training, conferences or professional development.
7. Councillors who attend paid professional training and development must provide a report (verbal or otherwise) to Council at the next Council Meeting following the event or training, in accordance with Council's Governance Rules.
8. Members who attend paid professional training and development must provide a report (verbal or otherwise) to the Committee at the next Meeting following the event or training, in accordance with Council's Governance Rules.

10. Professional Membership and Subscriptions Councillors

1. Council is a member of various peak body groups which provide opportunity for professional development however individual membership by Councillors may be appropriate where no corporate membership exists.
2. Council will reimburse Councillors or directly pay approved membership and subscription fees to bodies and organisations whose activities are relevant to the role of a Councillor.
3. In seeking membership or subscription, a Councillor must identify how the membership or subscription meets one or more of the criteria set out in 7 (2). The Chief Executive Officer in



consultation with the Mayor will determine approval for Councillor memberships and subscriptions within the parameters of the Adopted Annual Budget.

11. Travel and Accommodation Expenses – Councillors and Members

1. In addition to eligible travel reimbursements for undertaking Council duties as set out in this Policy under *Scope 2 (2)*, Councillors and Members may claim a remote area travel allowance at the rate of \$45.90 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.
2. 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.
3. Access will be provided, wherever possible, to Council fleet vehicles for use when attending Council related activities.
4. Reimbursements relating to use of a private vehicle shall be paid 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 Councillor or Member and shall contain details of Council business, date, destination and number of kilometres and any tolls.
6. Councillors and Members may incur tolls including those associated with the use of CityLink and EastLink while conducting Council business. Councillors and Members 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. Interstate travel and overseas travel will be the subject of a prior Council approval except:
 - where the matter is approved by the Chief Executive Officer after consultation with the Mayor; and
 - the matter is urgent and imperative to Council business; and
 - there is no opportunity to refer the matter to a Council meeting for resolution.
8. When travelling on Council business, Councillors and Members may require accommodation. Councillors and Members may stay in reasonable accommodation appropriate to the area travelled to and the nature of the visit.
9. Bookings for accommodation will be made through the Chief Executive Officer's Executive Assistant. Prior to making the booking, the authorisation of the Chief Executive Officer must be obtained.
10. All reasonable sustenance and incidental costs associated with approved travel will be met by the Council.



12. Claiming for Out-of-Pocket Expenses

1. Claims are to be submitted on the prescribed form to the Chief Executive Officers' Executive Assistant each month.
2. For a claim to be eligible for reimbursement;
 - it must be submitted within 60 days of expenses being incurred, or within two weeks after 30 June annually (whichever is the earlier); and
 - Evidence of the expense and payment must be provided in the form of:
 - a receipt for payment; or
 - for expenses of \$82.50 incl GST and over, a tax invoice.
3. Credit card receipts will not be accepted.
4. Claims will not be reimbursed for the purchase / payment of:
 - gratuities/tips;
 - alcohol;
 - entertainment;
 - any costs associated with accommodation that are outside room and breakfast (e.g., mini bar, laundry, tips and gratuities);
 - any other expenses not directly related to a Councillor or member of delegated committees' roles and responsibilities; or
 - expenses associated with interstate travel or interstate accommodation to attend meetings for Members who reside outside of Victoria.
5. Claims by a Councillor for a previous Council term must be finalised within one month of a Buloke Shire Council election or by-election. After this time, the entitlement of the Councillor to claim the expense ceases.
6. Reimbursements will be paid monthly by electronic funds transfer.

13. Insurance and Indemnity

14. Councillors and Members are covered by a range of insurance policies while discharging, in good faith, the duties of civic office including:
 - public liability;
 - Councillors' and Officers' liability;
 - personal accident (accompanying spouses, partners and carers are also covered);
 - corporate travel; and
 - workers' compensation, as section 46 of the LGA 2020 refers to Councillors as "deemed workers" pursuant to the Workplace Injury Rehabilitation and Compensation Act 2013.



15. Council will pay the insurance policy excess in respect of any claim made arising from Council business where any claim is accepted by the Council's insurers, whether defended or not.

16. Monitoring and reporting

1. Each quarter, a report of Councillor and member expenses and reimbursements will be reported:
 - by inclusion of the details on the Council website each quarter;
 - to the Audit and Risk Committee – in accordance with section 40(2) of the Act;
 - Council's Annual Report of Operations in accordance with the Local Government (Planning and Reporting) Regulations 2020; and
 - in a public register of overseas and interstate travel (other than interstate travel by land for less than three days.)
2. Details of the reimbursements paid in the Councillor and Member reimbursements report must be categorised separately as:
 - travel expenses; and
 - car mileage expenses; and
 - childcare and carer expenses; and
 - information and communication technology expenses; and
 - conference and training expenses.

Human Rights

This policy has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Gender Impact Statement

In accordance with the Gender Equality Act 2020, a Gender Impact Assessment was not required in relation to the subject matter of this Policy.

17. References

- Local Government Inspectorate report; Councillor expenses and allowances: equitable treatment and enhanced integrity.
- Councillor and Delegated Committee Support and Expenses Policy
- Victorian Independent Remuneration Tribunal under the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019.
- Local Government (Councillor Remuneration Review) Panel Report Recognition and Support.
- The Victorian Government's Policy Statement on Local Government Mayoral, Councillor Allowances and Resources – April 2008.



Related Policies:

- Code of Conduct
- Buloke Shire Council Fleet Management policy
- Buloke Shire Council Audit and Risk Committee Charter
- Election Period policy
- Assets Disposal Policy
- Procurement Policy

Related Legislation

- Local Government Act 2020 (LGA 2020)
- Local Government Amendment (Governance and Integrity) Act 2024 (LGAA 2024)
- Local Government (General) Regulations 2015

18. Review

This Policy will be reviewed within six months of every general election or earlier where an operational or legislative issue exists or by resolution of the Council.

19. Policy Amendments

Amendments to the Policy may be made by Chief Executive Officer to reflect legislative or organisational changes who will notify the Councillors of any such amendments.

8.1.2 DRAFT GOVERNANCE RULES AND COUNCIL ELECTION PERIOD POLICY

Author's Title: Director Corporate and Organisational Performance

Directorate: Corporate and Organisational Performance

File No: Policy

Relevance to Council Plan 2021 - 2025

Strategic Objective: A Well Governed and Healthy Organisation

PURPOSE

To provide Council with revised, contemporary Draft Governance Rules (and a Council Election Period Policy) for consideration and community consultation through a public exhibition process.

SUMMARY

Section 60 of the *Local Government Act 2020* (the Act) requires Council to adopt and apply Governance Rules (Rules) which describe the way in which it will conduct Council meetings and make decisions. Revised Draft Rules have been prepared in consultation with the Local Government Inspectorate, Council's Municipal Monitor and with reference to the Local Government Amendment (Governance and Integrity) Bill 2024 and the associated recommendations within.

The Draft Governance Rules have been submitted to Council's legal contractor for a simultaneous formal review process.

RECOMMENDATION

That Council:

1. Having prepared the Revised Draft Governance Rules in accordance with section 60 of the *Local Government Act 2020*, approves and commences a 5-week process of community consultation in relation to the Revised Draft Governance Rules and Draft Election Period Policy, and makes the Revised Draft Governance Rules and Draft Election Period Policy available for Public Exhibition via Council's website;
2. Allows persons to make submissions in writing in relation to any proposal contained within the Revised Draft Governance Rules and/or Draft Election Period Policy; and
3. Allows presentations in support of written submissions to be heard at the Council Meeting on 19 February 2025 prior to the proposed adoption of the Draft Governance Rules and Draft Election Period Policy at this Meeting.

DISCUSSION

Council adopted its Governance Rules and Election Period Policy in accordance with Section 60 of the Local Government Act 2020 in November 2022. The Local Government Amendment (Governance and Integrity) Bill 2024 includes reforms to strengthen council leadership, capability and councillor conduct, improve early intervention and effective dispute resolution and strengthen oversight mechanisms. The Draft Governance Rules have been reviewed in line with the reforms and in the spirit of strengthening Council's governance practices.

Benchmarking and consultation with other Local Government authorities was undertaken as part of the review process, which was facilitated by an experienced external consultant.

Council's Election Period policy is incorporated into the Draft Revised Rules as required under the Act. Ahead of the 2024 Election, Council officers undertook a review of Council's Election Period Policy and have updated the document for review in addition to the Draft Governance Rules. The Local Government Inspectorate and Council's Municipal Monitor have been consulted throughout the review period regarding the Election Period Policy. Feedback was also sought from the previous Councillor group on the Draft Governance Rules during briefing sessions held in August and September 2024.

A summary of some of the key changes considered by the Draft Governance Rules include:

- Layout – simplified into Chapters. Current document has 'Parts' with schedules within.
- Layout – Draft document includes 'explanation notes' to associate Rules to the relevant area of the Local Government Act 2020.
- Notice of Meeting – Current rules state 2 clear business days prior to a meeting, draft document proposes 7 days notice unless urgent or extraordinary circumstances prevent Council from doing so.
- Awards and Congratulations (rule 33) – Not intended to be included as an Order of Business. Specific recognition is proposed to be best suited through Councillor Reports.
- Correspondence from Councillors – proposed to be removed and again best suited to be within Councillor Reports.
- Election of the Mayor – New inclusion for allowance for a statement to be made.
- Order of Business - New Rules are more prescriptive. Sub-Rule 14.2 outlines the order of business for an Ordinary Council Meeting. The order of business now includes a section for delegates reports (Councillors appointed by Council to external committees, Consideration of Reports (Management Reports) and Governance section to include all governance related items such as Assembly of Councillors. Sub-Rule 14.3 outlines the order of business for the first meeting post Council election in line with the reforms and Sub-Rule 14.4 outlines the order of business for a Special Council Meeting.
- Councillor Question Time – formal section proposed to be deleted as the agenda is prescribed. There is no provision for Councillor Question Time or for Councillors to address questions to members of Council staff other than on a report table under Consideration of Reports via Chair to CEO
- Reports from Councillors - Chapter 2 Part C Division 3. Rule 17 and Rule 18 outline the opportunity for Councillor reports to Council on Committees where they have been appointed by Council or a conference attended.
- ONLY written reports will be included in the minutes. Where a verbal report is provided the Minutes will only record the Councillor/s (provided verbal reports on Council Appointed Committees.
- Limits to Public Questions - Only allows written questions submitted 2 days prior to Meeting. Disallows questions from the Gallery. Like questions can be grouped. Chair to read questions (already in Buloke current rules) and answer questions (not currently mentioned in Buloke rules). All questions & answers (whether read at meeting or not because of the time limit) are recorded in the Minutes of the Meeting.

- Public Submission Process - NEW addition. Part C Division 11 Rule 57 Verbal Public Submissions to an Item on the Agenda Introduces the opportunity for a member of the public to request to speak to an item listed on the Agenda under the heading "Consideration of Reports." 3 minutes per speaker and submitted in writing on the prescribed form by 9 am two days preceding the day of the Council Meeting.
- Councillor Behaviour – New additions. Provides for the Chair to call out Councillor behaviour and require an immediate apology. In addition to the powers of the Chair to direct a Councillor to leave a Council Meeting this rule provides for Council, by resolution to suspend a Councillor whose actions have disrupted the business of the Meeting and have impeded its orderly conduct. The suspension cannot exceed the balance of the Council Meeting.

This report recommends Council adopt the draft Rules and apply a community engagement process allowing submissions to be received for a 5-week period. It is proposed that submissions are considered at the Council Meeting scheduled 19 February 2025, and the Governance Rules and Election Period Policy be adopted at this meeting following the consideration of any submissions.

RELEVANT LAW

The Revised Draft Rules contain the requirements under section 60 of the Act.

RELATED COUNCIL DECISIONS

Council adopted its Governance Rules at its February 2021 Council Meeting.

OPTIONS

Council may determine not to proceed with the process of community engagement for the Draft Governance Rules.

SUSTAINABILITY IMPLICATIONS

Not applicable.

COMMUNITY ENGAGEMENT

Council may amend its Rules at a Council meeting following a period of public exhibition and community engagement. It is proposed that a notice be placed on Council's website explaining the proposed amendments to the Governance Rules and inviting submissions to be considered at the February 2025 Council Meeting, with the adoption of the Rules proposed to occur at this meeting.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable.

COLLABORATION

Not applicable.

FINANCIAL VIABILITY

There are no financial viability implications associated with the Revised Draft 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

Council's Election Period policy is incorporated into the Draft Revised Rules as required under the Act.

TRANSPARENCY OF COUNCIL DECISIONS

The Draft Revised 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.

CONFLICT OF INTEREST

In preparing this report, no conflicts of interest have been declared.

Attachments:

1. Attachment 8.1.2.1 - Draft Governance Rules Dec 24
2. Attachment 8.1.2.2 - Draft Election Period Policy Dec 24

Buloke Shire Council

Governance Rules 2025

Document History

Version	Date	Department	Comment
1	12 August 2020	Corporate Services	Adopted
2	10 February 2021	Corporate Services	Adopted
3	10 August 2022	Corporate Services	Adopted
4	December 2024	Corporate and Organisational Development	Draft

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INTRODUCTION

Purpose

These Rules determine the way in which the Council will:

- make decisions:
 - in the best interests of the Buloke community;
 - fairly and on the merits of the matter before the Council; and
 - in a way that ensures any person whose rights will be directly affected by any or all decisions, will be entitled to communicate their views and have their interests considered;
- elect its Mayor and Deputy Mayor;
- conduct meetings of the Council and Delegated Committees;
- give notice and make available records of meetings;
- be informed in its decision making through community engagement and Council officer reports; and
- require the disclosure of all Councillor and management conflicts of interest.

These Governance Rules also include the Election Period Policy.

Principles

The Council must, in the performance of its role, give effect to the overarching governance principles outlined in the Local Government Act 2020.

These principles are:

- (a) Council decisions are to be made and actions taken in accordance with the relevant Act;
- (b) priority is to be given to achieving the best outcomes for the community, including future generations;
- (c) promote the economic, social, and environmental sustainability of the municipality, including mitigation and planning for climate change risks;
- (d) the community is to be engaged in strategic planning and strategic decision making;
- (e) pursue innovation and continuous improvement;
- (f) collaborate with other councils, governments, and statutory bodies;
- (g) ensure the ongoing financial viability of the Council;

- (h) consider regional, state and national plans and policies in strategic planning and decision making; and
- (i) maintain the transparency of Council decisions, actions, and information.

To successfully implement the overarching governance principles, the Council must take into account the following:

- (a) community engagement;
- (b) public transparency;
- (c) strategic planning;
- (d) financial management; and
- (e) service performance.

Nature of Rules

These are the Governance Rules of the Buloke Shire Council, made in accordance with section 60 of the Local Government Act 2020.

Date of Commencement

These Governance Rules commence

Contents

These Governance Rules are divided into the following Chapters for ease of reading:

Words	Meaning
Absolute Majority	The number of Councillors which is greater than half the total number of Councillors of a Council.
Act	The Local Government Act 2020
Advisory Committee	A committee established by Council that provides advice to Council.
Agenda	A document containing the date, time and place of a Meeting and a list of business to be transacted at the Meeting.
Assembly	A document containing the date, time and place of a Meeting and a list of business to be transacted at the Meeting.
Attend	Attending and in attendance include attend, attending or in attendance by electronic means.
Audit and Risk Committee	The Audit and Risk Committee established by Council under section 53 of the 2020 Act.
Authorised Officer	The same meaning as in the Local Government Act
Business Days	A normal working day of the Council, usually Monday to Friday excluding declared Public Holidays
Chair	The Chair of a Meeting and includes an acting, temporary and substitute Chair.
Chamber	Any room or rooms where Council holds a Council Meeting.

Chief Executive Officer	The person occupying the office of Chief Executive Officer of Council and includes their delegate and an acting Chief Executive Officer.
Community Asset Committee Meeting	A Meeting of a Community Asset Committee.
Committee Meeting	A Meeting of a Delegated Committee.
Common Seal	The common seal of Council.
Confidential Information	The same meaning as in the Act
Council	Buloke Shire Council
Councillor	A duly elected Councillor of Buloke Shire Council.
Councillor Code of Conduct	The Councillor Code of Conduct approved under section 139 of the Act
Council Meeting	A Meeting of the Council convened in accordance with these Governance Rules and includes a scheduled (fixed Council) Meeting and unscheduled (Special Council) Meeting
Delegate's Report	A report at a Council Meeting, presented by a Councillor who has been appointed as Council's representative on an external organisation or committee, about the activities of that external organisation or committee.
Delegated Committee	Has the same meaning as in the Act.
Delegated Committee Meeting	A Meeting of a Delegated Committee (including meetings of delegated committees by electronic means of communication)
Deputy Mayor	The Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor.
Director	A Senior Member of Council staff holding the position of Director or another position (however designated) which reports directly to the Chief Executive Officer.
Disorderly Behaviour	Any disorderly conduct of a Councillor of the Gallery or a Councillor and includes: interjecting when another person is speaking, except in the case of a Councillor raising a Point of Order; making comments that are defamatory, malicious, abusive, or offensive; refusing to leave the Meeting when requested, ordered, or directed to do so by the Chair in accordance with the Act, the Governance Rules or any relevant local laws; and engaging in any other conduct which prevents the orderly conduct of the Meeting
Division	A formal count and recording of those for and those against a motion
Foreshadowed Motion	A matter raised in the relevant section of the Council Meeting that a Councillor intends to put forward a Motion.
Joint Council Meeting	A joint meeting held by two or more councils under section 62 of the 2020 Act.
Majority of Votes	A majority of Councillors present at the time of a vote voting in favour of a matter.
Mayor	The Mayor of Council and any person appointed by Council to be acting as Mayor.

Meeting	A Council Meeting, a Delegated Committee Meeting or Community Asset Committee, but does not include an Assembly.
Minutes	The official record of the proceedings and decisions of a Meeting
Motion	A proposal framed in a way that will result in the opinion of Council being expressed, and a Council decision being made, if the proposal is adopted
Municipal District	The area comprising the municipal district of the Council
Notice of Motion	A notice setting out the text of a Motion submitted in accordance with Rule 28
Notice of Rescission	A Notice of Motion to rescind a resolution made by Council
On Notice	Means held or deferred to enable preparation of a response.
Point of Order	A procedural point (about how the Meeting is being conducted), not involving the substance of a matter before a Meeting.
Procedural Motion	A Motion that relates to a procedural matter only and is moved in accordance with Rule 50. ^{AFT} A procedural motion is not designed to produce any substantive decision but used merely as a formal procedural measure.
Quorum	A Quorum is: in the case of a Council Meeting, an Absolute Majority; and in the case of a Delegated Committee Meeting, a majority of Councillors.
Record of Councillor Briefing	The record of the proceedings of an Assembly.
Regulations	Any regulations made under the Act
Rule or sub-Rule	A Rule or sub-Rule included in these Governance Rules.
Special Council Meeting	A meeting of Council not fixed (unscheduled) as part of the annual timetable and convened for a particular purpose that cannot be effectively dealt with in the schedule of meetings set by Council, called in accordance with Rule 13 of these Governance Rules.
Urgent Business	A matter that relates to or arises out of a matter which has arisen since distribution of the Agenda and cannot safely or conveniently be deferred until the next Meeting.
Written	Includes duplicated, lithographed, photocopied, printed, typed, and extends to both hard copy and soft copy form, and writing has a corresponding meaning

CHAPTER 1 – GOVERNANCE FRAMEWORK

1. Interpretation

- 1.1. Headings above each Rule do not form part of these Governance Rules. They are provided for ease of reference only.
- 1.2. Boxed notes and overviews within these Governance Rules are intended to be explanatory and included for guidance and do not form part of these Governance Rules. The boxed notes and overviews may be updated to reflect changes to legislation or to assist interpretation and understanding without a process of community engagement being followed.

2. Context

These Rules should be read in the context of and in conjunction with:

- (a) the overarching governance principles specified in section 9(2) of the Act; and
- (b) the following documents adopted or approved by Council:
 - i. Community Engagement Policy;
 - ii. Public Transparency Policy;
 - iii. Conflict of Interest Guide for Councillors and Staff;
 - iv. Councillor Code of Conduct;
 - v. Staff Code of Conduct; and
 - vi. Other relevant policies.

3. Decision Making

- 3.1. Where Council makes a decision on any matter (including persons acting with the delegated authority of Council), Council must consider the matter and make a decision:
 - 3.1.1. fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
 - 3.1.2. on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations.
- 3.2. Council must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered)
- 3.3. Without limiting anything in paragraph of sub-rule 3.1:
 - 3.3.1. before making a decision that will directly affect the rights of a person, Council (including any person acting with the delegated authority of Council)

must identify the person or persons whose rights will be directly affected, give notice of the decision which Council must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made;

- 3.3.2. if a report to be considered at a Council Meeting concerns subject-matter which will directly affect the rights of a person or persons, the report must record whether the person has, or persons have been provided with an opportunity to communicate their views and have their interests considered;
- 3.3.3. if a report to be considered at a Delegated Committee Meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has, or persons have been provided with an opportunity to communicate their views and have their interests considered; and
- 3.3.4. if a Member of Council staff proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the Member of Council staff must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such person or persons were provided with an opportunity to communicate their views and their interests considered.

CHAPTER 2 – MEETING PROCEDURES FOR COUNCIL MEETINGS

Part A – Introduction

1. Title

- 1.1. This Chapter will be known as the “Meeting Procedures for Council Meetings Chapter”.

2. Purpose

- 2.1. The purpose of this Chapter is to provide for the:
- Election of the Mayor and any Deputy Mayor;
 - Appointment of any Acting Mayor; and
 - Procedures governing the conduct of Council Meetings.

3. Regard to Further Guidance

- 3.1. In exercising its powers and functions under these Rules, Council may have regard to any guidelines, policies, codes, or standards it has adopted for the purpose.

4. Situations and Matters not addressed by these Rules.

- 4.1. Where a situation or matter is not addressed in these Rules, the course of action may be determined by:
- The Chair; or
 - By resolution of Council.

5. Conflicts with other Acts

- 5.1. Where any Rule conflicts or is inconsistent with the Act or any other legislation, the Act or other legislation has precedence, and the Rule is inoperative to the extent of the conflict or inconsistency.

Part B – Election of Mayor and Deputy Mayor

Section 25 of the Act provides that the election of the Mayor.

This Part describes the process Buloke Shire Council will undertake in electing a Mayor.

1. Introduction

This Part is concerned with the annual election of the Mayor. It describes how the Mayor is to be elected.

2. Election of the Mayor

The Chief Executive Officer must facilitate the election of the Mayor in accordance with the provision of the Act.

3. Method of Voting

The election of the Mayor must be carried out by a show of hands, or such other visual or audible means as the Chief Executive Officer determines, provided that voting must not be in secret.

4. Determining the Election of the Mayor

4.1. The Chief Executive Officer must determine the most appropriate time and date for the election of the Mayor, provided the election of the Mayor is held in accordance with the provisions of the Act.

4.2. The Chief Executive Officer must open the Meeting at which the Mayor is to be elected.

4.3. 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.

4.4. 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 the Chief Executive Officer that is as close to the end of the 1-year term as is reasonably practicable.

4.5. 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 the Chief Executive Officer that is as close to the end of the 2-year term as is reasonably practicable.

4.6. The process for the election of the Mayor is as follows:

4.6.1. The Chief Executive Officer must call for nominations for the office of Mayor; and

4.6.2. The nomination must be seconded by another Councillor.

- 4.7. A Councillor may decline their nomination as a candidate and, if they do, the nomination will be rejected by the Chief Executive Officer.
- 4.8. Once nominations for the office of Mayor have been received, the following provisions will govern the election of the Mayor:

Single Nomination

- 4.9. if there is only one nomination, the candidate nominated must be declared to be duly elected.

Three or More Nominations and No Candidate Obtaining Absolute Majority on the First Vote

- 4.10. If no candidate receives an absolute majority of votes, the candidate with the least number of votes must be eliminated and a further poll conducted. If there are several candidates, this procedure must be continued until a candidate receives an absolute majority of votes.
- 4.11. For the purpose of eliminating the candidate with the least number of votes, if two or more candidates have the same least number of votes, the candidate to be eliminated shall be determined by lot.
- 4.12. If a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:
 - 4.12.1. each candidate who has an equal number of votes with another candidate or candidates will draw one lot;
 - 4.12.2. the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
 - 4.12.3. as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates until one of those candidates receives the votes of an absolute majority of Councillors..

5. Statement by the Mayor

- 5.1. Following the election of the Mayor, the Chief Executive Officer shall invite the incoming Mayor to address Council.
- 5.2. Following the election and Mayoral address, the Mayor must take the Chair.

6. Election of Deputy Mayor and Chairs of Delegated Committees

Section 21 of the 2020 Act provides the Deputy Mayor must perform the role of the Mayor and may exercise any of the powers of the Mayor if:

- a. the Mayor is unable for any reason to attend a Council Meeting or part of a Council Meeting; or
- b. the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
- c. the office of Mayor is vacant.

- 6.1. Any election for:
 - 6.1.1. any office of Deputy Mayor; or
 - 6.1.2. Chair of a Delegated Committee will be regulated by Rules Chapter 2 Part B 4 – 6 (inclusive) of this Chapter, as if the reference to the:
 - 6.1.3. Chief Executive Officer is a reference to the Mayor; and
 - 6.1.4. Mayor is a reference to the Deputy Mayor or the Chair of the Delegated Committee (as the case may be). Appointment of Acting Mayor
- 6.2. If, in the absence of the Mayor and Deputy Mayor, Council is required to appoint an Acting Mayor for a specific period of time, the Acting Mayor will be elected, and the election will be regulated, in the same way as the election for the office of Mayor as set out in these Governance Rules and in accordance with the Act.

Part C – Meeting Procedure

1. Introduction

Part C is divided into a number of Divisions. Each Division addresses a distinct aspect of the holding of a Meeting. Collectively, the Divisions describe how and when a Meeting is convened and when and how business may be transacted at a Meeting.

Division 1 – Notices of Meetings and Delivery of Agendas

2. Purpose of Council Meetings

Section 66(1) of the 2020 Act provides that a Meeting must be open to the public unless Council, or a Delegated Committee considers it necessary to close the Meeting to the public because a specific circumstance applies. The relevant circumstances where a Meeting can be closed to the Public are specified in section 66(2) of the 2020 Act as follows:

- a. the Meeting is to consider Confidential Information;
- b. security reasons;
- c. it is necessary to do so to enable the Meeting to proceed in an orderly manner.

Council may also close a Meeting for any purpose or circumstance permitted or required under any law.

- 2.1. Council holds Ordinary Council Meetings and, when required, Special (Unscheduled) Council Meetings to conduct the business of Council.
 - 2.2.1. allowing Members of the community to attend the Meetings;
 - 2.2.2. where practicable, livestreaming the Meetings;
 - 2.2.3. making a recording of the Meeting proceedings available on Council's website where practicable; and/or
 - 2.2.4. making available the Agenda and Minutes of the Meetings, except to the extent to which these documents contain confidential information or information the release of which would be contrary to the public interest.

3. Dates and Times of Meetings Fixed by Council

- 3.1. Subject to Rule 13, the Council must from time to time fix the date, time and place of all Council meetings.
- 3.2. A schedule of Meetings must be prepared and published in a manner which ensures it is available to a broad section of the community, including on Council's website, at least once each year and with such greater frequency as the Chief Executive Officer determines.
- 3.3. 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.

4. Council May Alter Meeting Dates

- 4.1. Council may change the date, time and place of any Council Meeting which has been fixed by it and must provide reasonable notice of the change to the public.
- 4.2. The Chief Executive Officer shall consult with the Mayor, before changing the date, time and place of any meeting which has been fixed.

5. Meetings Not Fixed by Council (Unscheduled or Special Council Meetings)

- 5.1. These Governance Rules refer to unscheduled meetings as Special meetings.
- 5.2. The Mayor or at least 3 Councillors may by a written notice call a Council meeting.
- 5.3. The notice must specify the date and time of the Council meeting and the business to be transacted.
- 5.4. The Chief Executive Officer must convene the Council meeting as specified in the notice.
- 5.5. Unless all Councillors are in attendance and unanimously agree to deal with any other matter, only the business specified in the written notice can be transacted at the Council meeting.

6. Notice of Meeting

- 6.1. A notice of meeting, incorporating or accompanied by an agenda of the business to be dealt with, must be delivered (whether personally, email or otherwise) or made available electronically to every Councillor for all Council meetings at least 4 clear business days before the meeting.
- 6.2. Notwithstanding sub-Rule 14.1, a notice of meeting need not be made available to 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 during the period of their absence.
- 6.3. Reasonable notice of each Council meeting must be provided to the public. The Council may do this:
 - 6.3.1. for meetings which it has fixed by preparing a schedule of meetings annually or from time to time, and arranging publication of such schedule in a newspaper generally circulating in the municipal district or on the Council website at various times throughout the year, or prior to each such Council meeting; and for any meeting by giving notice on its website and in at its Customer Service Centre.

Division 2 - Quorums

7. *Quorums*

The quorum for Council Meetings is the presence of a majority of the Councillors.

8. *Inability to Obtain a Quorum*

If after 30 Minutes from the scheduled starting time of any Council Meeting, a quorum cannot be obtained:

- 8.1. the Meeting will be deemed to have lapsed;
- 8.2. the Chief Executive Officer must convene another Council Meeting, the Agenda for which will be identical to the Agenda for the lapsed Meeting; and
- 8.3. the Chief Executive Officer must give all Councillors written notice of the Meeting convened by the Mayor.

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9. *Inability to Maintain a Quorum*

- 9.1. If during any Council Meeting, a quorum cannot be maintained then Rule 27 will apply as if the reference to the Meeting is a reference to as much of the Meeting as remains.
- 9.2. Sub-Rule 17.1 does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in the matter to be considered.

10. *Inability to Achieve / Maintain a Quorum due to Conflicts of Interest of Councillors*

- 10.1. If, during a Meeting, it becomes apparent that it will not be possible to maintain a Quorum because one or more of the Councillors present is prohibited from voting on account of having a conflict of interest or otherwise, then the Chair may seek a Motion that the matter be determined in an alternative manner, and Council may resolve:
 - 10.1.1. to defer an item of business in respect of which there is, or is likely to be, a disclosure of a conflict of interest that will cause a Quorum to be lost and direct the Chief Executive Officer to include that item of business on an Agenda for a future Meeting;
 - 10.1.2. to consider the matter in separate parts, if a Quorum can be maintained for each separate part;
 - 10.1.3. to make decisions on component parts of the matter in respect of which a Quorum can be maintained, before making a decision on the whole matter at a later Meeting where Quorum can be maintained;
 - 10.1.4. to delegate to the Chief Executive Officer the power to make the decision, unless the decision cannot be delegated; or
 - 10.1.5. to lay that item of business on the table.

- 10.2. If the matter still cannot be determined under one of the methods in sub-Rule 10.1, Council will resolve to establish a Delegated Committee to determine the matter.
- 10.3. A decision made under delegation under sub-Rule 10.1.4 will be reported by the Chief Executive Officer to the next Council Meeting.
- 10.4. Notice of the date and time to which a Council Meeting is adjourned because of an inability to achieve or maintain a Quorum must be:
 - 10.4.1. provided by the Chief Executive Officer to each Councillor; and
 - 10.4.2. published on Council's website, as soon as practicable after the adjournment.
- 10.5. Where it is not practicable to provide the notice required by sub-Rule 10.4, then it will be sufficient for the Chief Executive Officer to make reasonable attempts to contact each Councillor, either verbally or by other means.
- 10.6. Subject to complying with any requirements under any other Act if a Council is unable to use an alternative manner, the Council may decide to establish a Delegated Committee to make the decision in regard to the matter consisting of:
 - 10.6.1. all the Councillors who have not disclosed a conflict of interest in regard to the matter;
 - 10.6.2. any other person or persons that the Council considers suitable.

11. Adjourned Meetings

- 11.1. The Council may adjourn any meeting to another date or time but cannot in the absence of disorder or a threat to the safety of any Councillor or member of Council staff adjourn a meeting in session to another place.
- 11.2. The Chief Executive Officer must give notice to all Councillors and members of the public, of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.
- 11.3. If it is impracticable for the notice given under sub-Rule 11.2 to be in writing, the Chief Executive Officer must give notice to each Councillor by telephone or in person.

12. Time limits for Meetings

- 12.1. A Meeting must not continue for more than 3 hours duration, except where Council resolves to extend the time of the Meeting by 30 minutes.
- 12.2. If, upon the cessation of the Meeting under sub-Rule 12.1 the business of the Meeting as provided for in the Agenda for that Meeting has not been completed, the Meeting must stand adjourned to a time, date and place announced then and there by the

Chair. The adjourned Meeting can recommence not earlier than 9.00 am the following day and not later than seven (7) calendar days after the adjournment.

13. Cancellation or Postponement of a Meeting

- 13.1. The Chief Executive Officer may, in the case of an emergency necessitating the cancellation or postponement of a Council meeting, cancel or postpone a Council meeting.
- 13.2. The Chief Executive Officer, after consulting the Mayor or Chair of a Delegated Committee, may cancel a meeting if there is no business to be transacted.
- 13.3. The Chief Executive Officer must present to the immediately following Council meeting a written report on any exercise of the power conferred by sub-Rule 13.1.

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Division 3 – Business of Meetings

14. Order of Business

- 14.1. The agenda for and the order of business for a Council meeting is to be determined by the Chief Executive Officer so as to facilitate and maintain open, efficient and effective processes of government. In setting the order of business the Chief Executive Officer should have regard to:

- 14.1.1. the expected duration of the meeting;
- 14.1.2. potential implications for subsequent meetings or events;
- 14.1.3. the sensitivity of any particular item;
- 14.1.4. the anticipated community interest in any particular item;
- 14.1.5. where practicable, feedback from the Mayor;
- 14.1.6. the urgency of any particular item; and

- 14.1.7. any other relevant factor which may impact on the processes and good governance of the Council.

- 14.2. The Order of Business for a Council Meeting must follow:

- (a) Opening of Meeting, Welcome from Mayor;
- (b) Acknowledgement of traditional owners;
- (c) Apologies;
- (d) Disclosures of conflicts of interest;
- (e) Confirmation of Minutes of previous Meeting;
- (f) Mayors Report;
- (g) Reports by delegates appointed by Council to various organisations and Committees;
- (h) Public Question Time;
- (i) Petitions and joint letters;
- (j) Governance Report
- (k) Consideration of Reports;
- (l) Notices of Motion;
- (m) Urgent Business;

- (n) Confidential Business; and
- (o) Close of Meeting.

14.3. The Order of Business for the First Meeting after a general Election must follow:

- (a) Opening of Meeting, Welcome by Chief Executive Officer;
- (b) Acknowledgment of traditional owners;
- (c) Apologies;
- (d) Swearing in new Councillors;
- (e) Oath or affirmation of office – the making of the oath or affirmation of office by each Councillor under section 30 of the Act;
- (f) Declaration by each Councillor to observe the Code of Conduct;
- (g) Decision of the length of the Mayoral term;
- (h) Decision of a Deputy Mayor;
- (i) Election of Mayor;
- (j) Mayoral Address;
- (k) Election of Deputy Mayor;
- (l) Deputy Mayor Address;
- (m) Date and Time of Council Meetings to be fixed; and
- (n) Council appointment of delegates to Committees.

14.4. The Order of Business for a Special Council Meeting must be as follows:

- (a) Opening of Meeting, Welcome from Mayor;
- (b) Acknowledgement of traditional owners;
- (c) Apologies;
- (d) Disclosures of conflicts of interest;
- (e) Representations (only to items as listed);
- (f) Consideration of Reports (as listed);
- (g) Confidential Business; and
- (h) Close of Meeting.

14.5. The Order of Business for a Delegated Committee Meeting must be as follows:

- (a) Opening of Meeting, Welcome from Chair;
- (b) Acknowledgement of traditional owners;
- (c) Apologies;
- (d) Disclosures of conflicts of interest;
- (e) Confirmation of minutes of previous Meeting or Meetings; and
- (f) Consideration of Reports
- (g) Close of Meeting

15. Change to Order of Business

- 15.1. Once an agenda has been published, the order of business for that Meeting may only be altered by Council by resolution.

16. Urgent Business

- 16.1. If the Agenda for a Council meeting makes provision for urgent business, Council may resolve to consider a matter as Urgent Business.
- 16.2. A Councillor proposing an item of Urgent Business, must, without speaking to it, briefly state its nature and intent. Business cannot be admitted as urgent business other than by resolution of Council and only then if it:
 - 16.2.1. relates to or arises out of a matter which has arisen since distribution of the agenda; and
 - 16.2.2. cannot safely or conveniently be deferred until the next Council meeting.
 - 16.2.3. does not commit Council to any direct expenditure.
 - 16.2.4. does not alter the Council Plan or annual budget.
 - 16.2.5. cannot be addressed through a service request.
- 16.3. Following a Council resolution to accept an item of Urgent Business, the Councillor may move a motion relating to the item of Urgent Business.

17. Report from Councillors

- 17.1. A Councillor may submit a written report for noting only by Council to any fixed scheduled (fixed) Council Meeting on:
 - 17.1.1. The business of a Delegated Committee, Community Asset Committee or other body to which the Councillor has been appointed as representative of Council; or
 - 17.1.2. A conference or professional development program attended by the Councillor in their capacity as a Councillor.
- 17.2. A Councillor may make such a report by submitting a written report to the Chief Executive Officer, no less than eight days prior to the scheduled Council meeting.

18. Councillors appointed as Delegates to speak.

- 18.1. Notwithstanding Rule 17.1 a Councillor, who is a Council appointed delegate, may present to Council on the deliberations of the external body, association, group or working party in respect of which they are:
 - 18.1.1. a delegate; or

18.1.2. an attendee at a Council approved conference / seminar.

18.2. In presenting, the Councillor may for up to 3 Minutes:

18.2.1. address Council on the contents of any written report which the Councillor has submitted for inclusion in the Agenda; or

18.2.2. provide a verbal report on any matters otherwise arising out of the deliberations of the external body, association, group or working party.

18.3. The limitation of 3 Minutes applies to the total number of external bodies, associations, group or working party that the Councillor has been appointed to.

18.4. Any verbal report provided will be represented in the Minutes as:

“Verbal reports were provided by Councillors appointed by Council as delegates to Committees.”

Division 4 – Notices of Motion

19. Councillors may Propose Notices of Motion

19.1. Councillors may ensure that an issue is listed on an agenda by lodging a Notice of Motion in accordance with Rule 20.

20. Notice of Motion

20.1. A Notice of Motion must be in writing on the prescribed form signed by a Councillor, (including by electronic means) and be lodged with or sent to the Chief Executive at least fourteen (14) days prior to the next Council meeting at which the notice or motion may be considered.

20.2. The notice of Motion submitted to the Chief Executive Officer must include the words for the proposed Motion and include a written rationale for the proposed Motion to be submitted.

20.3. The Chief Executive Officer must not accept any Notice of Motion which:

20.3.1. is vague or unclear in intention;

20.3.2. relates to a matter that can be addressed through the operational service request process;

20.3.3. relates to a matter that has been previously resolved by Council within the previous 6 months, or is acted upon;

20.3.4. is beyond Council's power to pass; or

20.3.5. if passed would result in Council otherwise acting invalidly.

20.3.6. commits Council to expenditure or contractual arrangements.

20.4. A notice of motion must call for a Council Officer Report if the Notice of Motion proposes any action that:

20.4.1. impacts the levels of Council service;

20.4.2. commits Council to either a loss of income, or expenditure;

20.4.3. commits Council to any contractual arrangements; or

20.4.4. concerns any litigation in respect of which Council is a party.

21. Rejection of Notice of Motion

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- 21.1. Before formally rejecting a Notice of Motion under sub-Rule 20.3, the Chief Executive Officer:
 - 21.1.1. will give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so. The Councillor may submit a revised Notice of Motion within 24 hours;
 - 21.1.2. may suggest a revised wording to the draft Notice of Motion to facilitate compliance with the requirements for Notices of Motion under this Rule and the Act.; and
 - 21.1.3. notify in writing the Councillor who lodged it of the rejection and reasons for the rejection.
- 21.2. The full text of any Notice of Motion accepted by the Chief Executive Officer must be included in the Agenda.
- 21.3. The Chief Executive Officer may arrange for comments of Council staff to be provided to Councillors prior to the Notice of Motion being published in the Agenda for the relevant Council Meeting.
- 21.4. The Chief Executive Officer must cause all Notices of Motion to be numbered, dated and entered in the Notice of Motion register in the order in which they were received.
- 21.5. Except by leave of Council, each Notice of Motion before any Meeting must be considered in the order in which they were entered in the Notice of Motion register.
- 21.6. If a Councillor who has given a Notice of Motion is absent from the Meeting any other Councillor may move the Motion.

- 21.7. If a Councillor who has given a Notice of Motion is present and fails to move the Notice of Motion when called upon by the Chair, it lapses.
- 21.8. A Notice of Motion may be withdrawn by a request in writing received (whether personally, email or otherwise) from the Councillor who signed the motion, prior to the publication of the agenda for which the Notice of Motion was intended. Otherwise, the item must be dealt with at a Council meeting.

Division 5 – Motions and Debate

22. Chair's Powers and Duties

Section 61(3) of the 2020 Act provides that a Council Meeting must be chaired by:

- a. the Mayor; or
- b. if the Mayor is not present at the Council meeting, the Deputy Mayor; or
- c. if the Mayor and the Deputy Mayor are not present at the Meeting, a Councillor who is present at the Council meeting and is appointed by resolution of the Council to chair the Meeting.

- 22.1. The Chair of a Council Meeting must ensure the orderly conduct of a Council meeting and act to prevent any conduct, question or statement which appears to be derogatory, defamatory, or embarrassing to any Councillor, Council Officer, ratepayer or Member of the public.
- 22.2. The Chair must ensure that any Member of the public addressing a Council Meeting shall extend due courtesy and respect to Council and the processes under which it operates and take direction from the Chair whenever called on to do so.
- 22.3. The Chair of the Council Meeting must acknowledge and recognise the first Councillor to raise their hand as the first speaker to address the Chair in order to move a Motion.
- 22.4. Any motion or amendment which is determined by the Chair to be:
- 22.4.1. potentially defamatory;
 - 22.4.2. objectionable in language or nature;
 - 22.4.3. vague or unclear in intention;
 - 22.4.4. outside the powers of the Council; or
 - 22.4.5. if passed would result in the Council otherwise acting invalidly; or
 - 22.4.6. irrelevant to the item of business on the agenda and has not been admitted as General Business or Urgent Business, or purports to be an amendment but is not,

must not be accepted by the Chair

23. Questions and Points of Clarification

23.1. A Councillor may, with the leave of the Chair:

23.1.1. when no other Councillor is speaking, ask any question through the Chair concerning or arising out of an item of business before the Council Meeting for the purpose of a Point of Clarification; and

23.1.2. before a motion is put, ask for a Point of Clarification from the Chair or, in the case of a Notice of Motion, from the Councillor who moved the Notice of Motion of the intent or some other aspect of the motion.

23.2. When a Point of Clarification is raised, all Councillors are to refrain from speaking until the Point of Clarification has been resolved.

24. Addressing the Meeting

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24.1. any person addressing the Chair must refer to the Chair as:

(a) Mayor; or

(b) Mayor (surname);

(c) Chair; or

(d) Chair (Surname);

(e) or as the case may be.

(f) all Councillors, other than the Mayor, must be addressed as Councillor(surname);

(g) all Council staff, must be addressed by their official title;

24.2. except for the Chair, any Councillor who addresses the Meeting at a Council Meeting or Special Council Meeting must direct all remarks through the Chair.

25. Introducing a Motion or an Amendment

25.1. The procedure for moving any Motion or amendment is:

25.1.1. the Mayor asks ‘

if any Councillor wishes to move a motion in relation to the item at hand’

25.1.2. the mover must read out the Motion or amendment in full without speaking to it, or state that they:

“move the recommendation as printed on pageof the Council Meeting Agenda as the motion”;

- 25.1.3. the Motion or amendment must be seconded, and the seconder must be a Councillor other than the mover. The seconder must state that they".
"second the motion";
- 25.1.4. if a Motion or an amendment is not seconded, the Motion lapses for want of a seconder;
- 25.1.5. if the motion or amendment is seconded, the Chair will then call on the mover to address the Council on the motion or amendment;
- 25.1.6. the Chair will then invite the seconder to address Council on the motion. The seconder may, without speaking on the Motion, reserve their address until later in the debate;
- 25.1.7. after the seconder has addressed the Meeting or reserved their address until later in the debate, the Chair must call upon any Councillor who wishes to speak against the Motion; DRAFT
- 25.1.8. if, after the mover and seconder has addressed the Meeting, the Chair will invite debate. The Chair must ask:
" Does any Councillor wish to speak to the Motion or amendment?" ; and
"Is the Motion or amendment opposed?"
- 25.1.9. if no Councillor speaks to the Motion or amendment, then the Chair must put the Motion to the vote.
- 25.2. a Councillor may only speak once on:
- 25.2.1. a Motion (subject to a right of reply in accordance with these Governance Rules); and
- 25.2.2. any amendment to a Motion;
- 25.3. a Councillor who is not the mover or seconder of a Motion may propose a friendly revision to the Motion, in accordance with Rule 27;
- 25.4. a Councillor calling the attention of the Chair to a Point of Order is not regarded as speaking to the Motion or the amendment;
- 25.5. no discussion on the item being considered may take place until such time as a Motion is before the Chair. Questions of clarification may be asked of the Chair or Councillors or Council staff present at the Meeting via the Chief Executive Officer;
- 25.6. the chair is unable to move or second a Motion, and may only, if necessary, debate a Motion when all Councillors who wish to speak to it have done so, and just before closure of debate by the mover of the Motion; and

- 25.7. if the chair wishes to move, or second a Motion then the Mayor or Deputy Mayor must take the Chair or, if there is no Mayor or Deputy Mayor, the Meeting must elect a temporary Chair where upon the Chair must vacate the Chair and not return to it until the Motion has been resolved upon.

26. Right of Reply

- 26.1. The mover of a Motion has a right of reply to matters raised during debate.
- 26.2. After the right of reply has been taken but subject to any Councillor exercising their right to ask any question concerning or arising out of the Motion, the Motion must immediately be put to the vote without any further discussion or debate.
- 26.3. Except for the mover of a Motion who has the right of reply, all other Councillors can only speak once to the Motion before the Chair.

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27. Friendly Revision to Motion

- 27.1. A Councillor, other than the mover and seconder of the Motion, may be permitted by the Chair to propose a friendly revision of a Motion.
- 27.2. A friendly revision of a Motion may propose to alter a Motion by leaving out, inserting, or adding words which complement the Motion.
- 27.3. A second or subsequent friendly revision to a Motion must not be considered until any previous friendly revision is either accepted by both the mover and seconder of the Motion or rejected by one or both of the mover and seconder of the Motion.
- 27.4. If a friendly revision to a Motion is accepted by both the mover and seconder of the Motion, the substantive Motion is revised as proposed by the friendly revision and the debate continues as set out in this Rule.
- 27.5. If a friendly revision is proposed but rejected by either the mover or seconder of the Motion the debate continues unaffected.
- 27.6. If a friendly revision is proposed but rejected by either the mover or seconder, no Councillor can subsequently propose a friendly revision in relation to that substantive Motion that is materially like the friendly revision that was previously rejected.
- 27.7. Nothing in this Rule prevents a Councillor from moving an amendment to a Motion under Rule 36 in the same or substantially similar terms to a friendly revision rejected by the mover and/or seconder of the Motion.

28. Moving an Amendment

- 28.1. A motion which has been moved and seconded, but not put to the vote, may be amended.
- 28.2. A Motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the Motion.
- 28.3. A Motion to confirm a previous resolution of Council cannot be amended.
- 28.4. The Chair cannot accept an amendment if:
 - 28.4.1. the amendment does not comply with sub-Rule 28.2;
 - 28.4.2. the amendment is not relevant to the motion it seeks to amend;
 - 28.4.3. the amendment must not be directly opposite to the Motion.
 - 28.4.4. An amendment changes the intent of the original motion.
- 28.5. The mover of an amendment cannot exercise any right of reply.

Note:

If a proposed amendment is determined by the Chair to be the negative of, or substantially contrary to, the Motion, it should be treated as an alternative Motion and Foreshadowed to be considered only in the event that the Motion before the Chair is lost.

29. Who may Propose an Amendment.

- 29.1. An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.
- 29.2. No Councillor can move more than two amendments in succession.
- 29.3. Any Councillor can debate an amendment irrespective of whether the Councillor has spoken or proposes to speak to the original motion.
- 29.4. Debate on an amendment must be restricted to the terms of the amendment.

30. How Many Amendments may be Proposed.

- 30.1. Any number of amendments may be proposed to a Motion but only one amendment may be accepted by the Chair at any one time.

- 30.2. No second or subsequent amendment, whether to the Motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.

31. An Amendment Once Carried

- 31.1. If the amendment is carried, the Motion as amended then becomes the Motion (substantive motion) before the Meeting, and the amended Motion must then be put.

32. Foreshadowing Motions

- 32.1. At any time during debate, a Councillor may foreshadow a Motion so as to inform 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.
- 32.2. A Motion foreshadowed may be prefaced with a statement that in the event of a particular Motion before the Chair being resolved in a certain way, a Councillor intends to move an alternative Motion.
- 32.3. The Chief Executive Officer or person taking the Minutes of the Meeting is not expected to record foreshadowed Motions in the Minutes until the foreshadowed Motion is formally moved.
- 32.4. A foreshadowed Motion has no procedural standing and is merely a means of assisting the flow of a Meeting.

33. Withdrawal of Motions

- 33.1. Before any Motion is put to the vote, it may be withdrawn by the mover and seconder with the leave of the Council.
- 33.2. If the majority of Councillors object to the withdrawal of the motion or amendment, it may not be withdrawn.

34. Separation of Motions

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

35. Chair May Separate Motions or Allow Motions to be Moved En Bloc.

- 35.1. The Chair may decide to put any Motion to the vote in several parts.
- 35.2. The Chair may allow or request a Councillor to move 'items' "en bloc"

36. Priority of Address

- 36.1. In the case of competition for the right of speak, the Chair must decide the order in which the Councillors concerned will be heard.

37. *Motions in Writing*

- 37.1. All motions, except procedural motions, should be in writing.
- 37.2. The Chair may adjourn the Meeting while the Motion is being written or Council may defer the matter until the Motion has been written, allowing the Meeting to proceed uninterrupted.

38. *Debate Must be Relevant to the Motion*

- 38.1. Debate must always be relevant to the Motion before the Chair, and, if not, the Chair must request the speaker to confine debate to the Motion.
- 38.2. If after being requested to confine debate to the Motion before the Chair, the speaker continues to debate irrelevant matters, the Chair may direct the speaker not to speak further in respect of the Motion then before the Chair.
- 38.3. A speaker to whom a direction has been given under sub-Rule 38.2 must comply with that direction.

39. *Speaking Times*

- 39.1. A Councillor must not speak longer than the time set out below, unless granted an extension by the Chair:

Speaking by	Minutes
The mover of a Motion	2 Minutes
The mover of an amendment	2 Minutes
Any other Councillor	2 Minutes
The mover of a Motion exercising a right of reply	2 Minutes
A Councillor's answer to a question by another Councillor	2 Minute
A Councillor when clarifying a matter or giving a personal explanation	2 Minute
Extended speaking time	1 Minute

- 39.2. Only one extension is permitted for each speaker.
- 39.3. A Motion to extend the speaking time cannot be moved:
 - 39.3.1. until the original speaking time has expired; and
 - 39.3.2. if another speaker has already commenced their contribution to the debate; and must be seconded.
- 39.4. Any extended speaking time must not exceed 1 minute.
- 39.5. The mover of a Motion may, before speaking to the Motion request extended speaking time in accordance with sub rule 39.1 and 39.4

- 39.6. All speakers must be timed, and a warning signal sound when 30 seconds of the allocated time is remaining.

40. Speaking by the Chief Executive Officer and/or Council Officers

- 40.1. The Chief Executive Officer and other Council Officers must not speak on any motion or matter during a Council Meeting unless invited by the Chair.
- 40.2. Any questions from Councillors directed to Council Officers must be asked through the Chair to the Chief Executive Officer, who will then determine who should answer the question.

41. Criticism of Councillors of Council Staff

- 41.1. The Chief Executive Officer may make a brief statement at a Council Meeting in respect of any statement by a Councillor made at the Council Meeting criticising the Chief Executive Officer or any member of Council staff.
- 41.2. A statement under sub-Rule 41.1 must be made by the Chief Executive Officer, through the Chair, as soon as it practicable after the Councillor who made the statement has resumed their seat.

Division 6 – Procedural Motions

42. Procedural Motions

- 42.1. Unless otherwise prohibited, a procedural Motion may be moved at any time and must be dealt with immediately by the Chair.
- 42.2. All Procedural Motions require a mover and a seconder.
- 42.3. The Chair may reject a Procedural Motion if they believe the Motion before the meeting at the time has not been adequately or sufficiently debated.
- 42.4. The mover of a procedural Motion must not have moved, seconded or spoken to the question before the Chair or any amendment of it.
- 42.5. A procedural motion cannot be moved by the Chair.
- 42.6. The mover of a procedural Motion does not have a right of reply.
- 42.7. Regardless of any other provision in these Governance Rules, a Procedural Motion must be dealt with in accordance with the following table entitled 'Procedural Motions Table'.

PROCEDURAL MOTIONS TABLE

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or *date	Any Councillor who has not moved or seconded the original Motion or otherwise spoken to the original Motion	During the election of a Chair When another Councillor is speaking	Motion and any amendment postponed to the stated time and/or date	Debate continues unaffected	Yes
Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the original Motion or otherwise spoken to the original Motion	During the election of a Chair When another Councillor is speaking or When the Motion would have the effect of causing Council to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later Meeting if on the Agenda	Debate continues unaffected	Yes
Closure of Debate	That the Motion be now put	Any Councillor who has not moved or seconded the original Motion or otherwise spoken to the original Motion	During nominations for Chair	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this Motion, subject to any Councillor exercising their right to ask any question concerning or arising out of the Motion	Debate continues unaffected	No

Election of temporary Chair	That Councillor xxxx be appointed as the Chair for the duration of xxx (item or meeting)	Any Councillors	At a Meeting to elect the Mayor or During any debate	A Councillor assumes the Chair for a temporary period not longer than the duration of the meeting at which elected	A further nomination is required	No
Defer of a matter (to a future meeting)	'That the debate on this matter be deferred until (insert Meeting/date) to allow (purpose of deferral)'...	Any Councillor who has not moved or seconded the original Motion or otherwise spoken to the original Motion	During the election of the Mayor/Deputy Mayor; During the election of a Chairperson; or When another Councillor is speaking	Consideration/debate on the Motion and/or amendment is postponed to the stated date and the item is re-listed for consideration at the resolved future Meeting, where a fresh Motion may be put and debated	Debate continues unaffected	YES
A motion to consider an Item of Urgent Business	That xxx is considered as an item of Urgent Business	Any Councillors	At a Meeting to elect the Mayor or During any debate	The new item is considered at the meeting	The item is not considered, and the meeting continues unaffected	YES
Alter the order of business	The item xx list on the Agenda be brought forward and dealt with at this point of the Meeting.	Any Councillors	At a Meeting to elect the Mayor or During any debate	Alters the order of business for the Meeting	Items continue to be considered in the order as listed.	No
Suspension of Standing Orders	That Standing Orders be suspended ..	Any Councillor		The Rules of the meeting are temporarily suspended for the specific reason given in	The Meeting continues unaffected	No

	(reason to be provided)			the Motion. No debate or decision other than a Motion to resume Standing Orders is permitted		
Resumption of Standing orders	That Standing Orders be resumed	Any Councillor	When standing Orders have not been suspended	The temporary suspension of the Rules of the Meeting is removed.	The Meeting cannot continue	No
Consideration of confidential matters(s) (Close the Meeting to members of the public)	That in accordance with Section 66(2)(a) of the LGA 2020 the Meeting be closed to members of the public for the consideration of item xx is confidential as it relates to (insert reason)	Any Councillor	During the election of the Mayor / Deputy Mayor	The Meeting is closed to members of the public	The Meeting continues to be open to the public	Yes
Reopen the Meeting	That the Meeting be reopened to members of the public	Any Councillor		The meeting is reopened to the public	The Meeting remains closed to the public	No
Extension of speaking time	That Councillor xxx be granted 1 minute extension of speaking time	Any Councillor	A Motion for an extension of speaking time must not be accepted by the Chairperson if another councillor has commenced speaking.	Councillor may continue speaking for the amount of time approved via resolution	Councillor must cease speaking	No

Extension of meeting	That the meeting be extended to conclude	Any Councillor	A motion to extend the meeting past 3 hours must not be accepted by the chairperson if motion is put after 3.5 hours	The meeting will continue to consider the remaining items on the agenda for 30 minutes more. If the items on the agenda are unable to be considered before this time, the chairperson will adjourn the meeting before the conclusion of 3 hours 30 minutes in accordance with the governance Rules	The chairperson must adjourn the meeting in accordance with the Governance Rules at 3 hours.	No
Adjournment of a Meeting *Note: this relates to a Motion to adjourn under Sub-Rule 19.1 only. A Meeting can also be adjourned under Sub-Rule 31.1 and Sub-Rule 30.3, but such adjournments do not require a Motion.	That the meeting be adjourned until (time and/or meeting date) to allow (purpose of adjournment)	Any Councillor		Consideration / debate on the motion and/or amendment and/or remaining items on agenda are relisted for consideration at the resolved time and date to resume the meeting	Debate continues subject to sub-Rule 20.1	Yes / No
Laying a motion on the table (pausing debate)	'That the motion be laid on the table'	A Councillor who has not spoken for/against the Motion	During the election of the Mayor/Deputy Mayor	Motion not further discussed or voted on until Council resolves to take the question from	Debate continues unaffected	No

				the table at the same meeting		
Take a motion from the table (resume debate on a matter)	'That the motion in relation to xx be taken from the table'	Any Councillor	When no motion is on the table	Debate of the item resumes	Debate of the item remains paused	No

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Division 7 – Rescission Motions

43. Notice of Rescission

43.1. A Councillor may propose a motion to rescind or to vary a previous resolution of the Council by a notice of rescission provided:

43.1.1. the resolution proposed to be rescinded has not been acted on; and

43.1.2. it has been signed and dated by at least two (2) Councillors;

43.1.3. the notice of rescission is delivered to the Chief Executive Officer within 24 hours of the resolution having been made setting out:

43.1.3.1. the resolution to be rescinded; and

43.1.3.2. the meeting and date when the resolution was carried.

Explanatory note:

It should be read that a Notice of Rescission is a form of notice of Motion. Accordingly, all provisions in this Chapter regulating Notices of Motion equally apply to Notices of Rescission.

43.2. A resolution will be deemed to have been acted on if:

43.2.1. its contents have or substance has been communicated in writing to a person whose interests are materially affected by it; or

43.2.2. a statutory process has been commenced so as to vest enforceable rights in or obligations on Council or any other person.

Explanatory note:

For example: If Council resolves to give Notice of a Decision to Grant a Planning Permit and the Notice is physically issued to the planning permit applicant (or the applicant's agent) or a letter or email is sent to the planning permit applicant (or the applicant's agent) advising of Council's decision, the resolution will have been 'acted on'. Its contents will have been formally communicated to a person whose interests are materially affected so as to vest enforceable rights in the applicant and any objectors wishing to appeal, as well as obligations on Council to comply with its duties under the Planning and Environment Act 1987.

43.3. The Chief Executive Officer or an appropriate Member of Council staff must defer implementing a resolution which:

43.3.1. has not been acted on; and

43.3.2. is the subject of a Notice of Rescission which has been delivered to the Chief Executive Officer in accordance with sub-Rule 43.1.3,

- 43.4. unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

44. If Lost

- 44.1. If a notice of rescission is lost, a similar Motion may not be put before Council for at least three months from the date it was last lost, unless Council resolves that the Notice of Motion be re-listed at a future Meeting.

45. If Not Moved

- 45.1. If a Motion for rescission is not moved at the Meeting at which it is listed, it lapses, and a similar Motion may not be put before Council for at least 3 months from the date on which it lapsed.

46. May be Moved by Any Councillor

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- 46.1. A Motion for rescission listed on an Agenda may be moved by any Councillor in attendance but may not be amended.

Division 8 – Points of Order

47. Chair to Decide

- 47.1. The Chair is the final arbiter of all points of order.

48. Chair May Adjourn to Consider

- 48.1. The Chair may adjourn the Meeting to consider a point of order but otherwise must rule on it as soon as it is raised.
- 48.2. All other questions before the Meeting are suspended until the point of order is decided.

49. Valid Points of Order

- 49.1. A point of order may be raised in relation to anything which:
- 49.1.1. a Motion, which, under Rule 22.4, or a question which, under Rule 53 should not be accepted by the Chair;
 - 49.1.2. a question of procedure;
 - 49.1.3. a Councillor who is not conducting themselves in accordance with the Councillor Code of Conduct;

- 49.1.4. debate that is irrelevant to the matter under consideration;
 - 49.1.5. constitutes a tedious repetition of something already said;
 - 49.1.6. a matter that is outside the powers of Council;
 - 49.1.7. is offensive; or
 - 49.1.8. any act of Disorder.
- 49.2. A point of order may not be raised to express a mere difference of opinion or to contradict a speaker

50. Procedure for Point of Order

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- 50.1. A Councillor raising a point of order must:
- 50.1.1. state the point of order; and
 - 50.1.2. state any section, Rule, paragraph, or provision relevant to the point of order.

51. Effect of Ruling

If the Chair:

- 51.1. rules in favour of the point of order, the speaker may continue, and no Councillor must do or say anything which would cause another like point of order to be raised; or
- 51.2. rules against the point of order the speaker may continue.

52. Dissent From Chair's Ruling

- 52.1. A Councillor may move that the Meeting disagree with the Chair's ruling on a point of order, by moving:
- "That the Chair's ruling [setting out that ruling or part of that ruling] be dissented from".
- 52.2. When a Motion in accordance with Rule 52.1 is moved and seconded, the Chair must leave the Chair and the Deputy Mayor (or, if there is no Deputy Mayor or the Deputy Mayor is not in attendance, temporary Chair elected by the Meeting) must take the Chair's place.

- 52.3. The Deputy Mayor or temporary Chair must invite the mover to state the reasons for their dissent and the Chair may then reply.
- 52.4. The Deputy Mayor or temporary Chair must put the Motion in the following form:
"That the Chair's ruling be dissented from."
- 52.5. If the vote is in the negative, the Chair resumes the Chair and the Meeting proceeds.
- 52.6. If the vote is in the affirmative, the Chair must then resume the Chair, reverse, or vary (as the case may be) their previous ruling and proceed.
- 52.7. The defeat of the Chair's ruling is in no way a Motion of censure or non-confidence in the Chair, and should not be so regarded by the Meeting.

Division 9 – Questions from the public

Note

Council Meetings are held for Council to make its decisions. Members of the public do not have a right to address Council, however provisions are made for Council to respond to questions from the community and may provide an opportunity for Members of the public to address Council at the discretion, and under direction, of the Chair in accordance with these Rules.

53. Public Question Time

- 53.1. There must be a public question time at every Council Meeting fixed under Rule 3 to enable members of the public to submit questions to Council.
- 53.2. No public question time will be held at:
- 53.2.1. a Special Council Meeting; or
 - 53.2.2. a Council Meeting held during the Election Period.
- 53.3. Public question time will not exceed 15 Minutes in duration.
- 53.4. Only public questions received in accordance with Rule 54 will be addressed at the Meeting.

54. Submissions of Public Questions

54.1. Questions submitted to Council must be:

- 54.1.1. in writing on the prescribed form, containing the name, contact telephone number and address or email of the person submitting the question;
- 54.1.2. addressed to the Chief Executive Officer;
- 54.1.3. sent electronically to buloke@buloke.vic.gov.au or delivered to Council's Customer Centre Wycheproof by 9 am two days preceding the day of the Council Meeting.

55. Limitation to Public Questions

- 55.1. No more than two questions will be accepted from any one person at any one Ordinary Meeting.
- 55.2. The Chair must read to those present at the Meeting a question which has been submitted in accordance with this clause.
- 55.3. The Chair must read to those present the answer to the question submitted in accordance with this clause.
- 55.4. There is no requirement for a questioner to be present at the meeting in order to have their question and the response read out.
- 55.5. A question may be disallowed by the Chief Executive Officer if the Chief Executive Officer determines that it:
 - 55.5.1. relates to a matter outside the duties, functions and powers of the Council;
 - 55.5.2. is potentially defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - 55.5.3. deals with a subject matter already publicly answered, or is a repetitious or vexatious question from the same questioner;
 - 55.5.4. is aimed at embarrassing a Councillor or a Council staff;
 - 55.5.5. relates to personnel matters;
 - 55.5.6. relates to the personal hardship of any resident or ratepayer;

- 55.5.7. relates to industrial matters;
- 55.5.8. relates to contractual matters;
- 55.5.9. relates to proposed developments;
- 55.5.10. relates to legal advice;
- 55.5.11. relates to matters affecting the security of Council property;
- 55.5.12. relates to a private commercial information;
- 55.5.13. relates to any other matter which the Council considers would prejudice the Council or any person; or
- 55.5.14. relates to an internal arbitration information, being information specified in section 145 of the Local Government Act 2020;
- 55.5.15. relates to a Councillor Conduct Panel confidential information, being information specified in section 169 of the Local Government Act 2020;
- 55.5.16. relates to information prescribed by the regulations to be confidential information;
- 55.5.17. relates to information that is confidential information for the purposes of section 125 of the Local Government Act 2020;
- 55.5.18. relates to information that was confidential information for the purposes of section 77 of the Local Government Act 1989; or
- 55.5.19. relates to electoral matter during an election period.
- 55.6. Any question which has been disallowed by the Chief Executive Officer must be made available to any other Councillor upon request.
- 55.7. All questions and answers must be as brief as possible, and no further questions arising out of anything said will be allowed, and no discussion may be allowed.
- 55.8. Like questions may be grouped together and a single answer provided.

- 55.9. The Chief Executive Officer may require a question to be put on notice. If a question is put on notice, a written copy of the answer will be sent to the person who asked the question.
- 55.10. The name of the questioner, the question and the response must be recorded in the Minutes, as an official record of the questions dealt with at the Meeting.
- 55.11. Where the 15 minutes allotted to Public Question Time has expired, the remaining questions and responses will not be read at the Meeting but recorded in the Minutes of the Meeting.

Division 10 – Petitions and Joint Letters

56. *Petitions and Joint Letters*

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- 56.1. A valid petition or joint letters must be tabled at the next Ordinary Meeting following receipt, unless the matter which is the subject of the petition or joint letter has been acted upon.
- 56.2. The only Motions that may be moved in relation to a petition or joint letter set out in the Agenda are:
- 56.2.1. that the petition or joint letter be received;
 - 56.2.2. that the petition or joint letter be received, and a report be submitted to a specific Meeting cycle for consideration;
 - 56.2.3. that the petition or joint letter be dealt with in conjunction with another item on this Agenda or any other Council or Special Committee Agenda; and
 - 56.2.4. that the petition or joint letter be referred to the Chief Executive Officer for consideration and response.
- 56.3. If a petition or joint letter relates to an operational matter, Council must refer it to the Chief Executive Officer for consideration and response.
- 56.4. To be valid a petition must:
- 56.4.1. be signed by ten (10) or more people;
 - 56.4.2. must on every page of a petition be headed with the following words:

“We the undersigned hereby petition Buloke Shire Council....”;

- 56.4.3. contain a maximum of 400 words;
- 56.4.4. contain the names, addresses and signatures of all signatories;
- 56.4.5. be closed before they are submitted to Council;
- 56.5. Any signature appearing on a page of the petition which does not bear the whole of the petition or request, may not be considered by Council.
- 56.6. A joint letter is a letter containing a request signed by two (2) or more people. The signatures may be on one page or on multiple pages.
- 56.7. To be valid, a joint letter must contain the name and address of at least one (1) person (in addition to the requirement that a joint letter is signed by two (2) or more people.
- 56.8. A petition or joint letter presented to Council must be in legible and permanent writing;
- 56.9. To be valid a petition or joint letter must not contain any defamatory, indecent, offensive, or abusive language or be objectionable in language or substance and not relate to matters beyond the powers of Council.
- 56.10. It is incumbent on any Councillor presenting a petition or joint letter to acquaint themselves with the contents of that petition or joint letter, and to ascertain that it does not contain language which is disrespectful towards Council.
- 56.11. Every Councillor presenting a petition or joint letter to Council must confine themselves to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the request.
- 56.12. No Member of the public is permitted to speak to the petition when presented at a Council Meeting. Individuals may request to speak or submit a written statement in relation to the petition if a report on the item is considered by Council at a later Meeting.
- 56.13. On receipt of a petition or joint letter, the Chief Executive Officer must note on the first page the total number of signatures.
- 56.14. A petition or joint letter may nominate a person to whom a reply may be sent, but if no person is nominated Council will reply to the first person whose signature appears on the petition.

Division 11 – Public Submissions

There are several powers conferred on Council which require a public submissions process such as proposals to sell Council land, the closure of roads and the making of Local Laws or Rules. This public submission process will be defined in Council's Community Engagement Policy and requires Council to give public notice of the proposal and to consider (and hear if requested) submissions received before making a final decision on the particular matter.

The hearing of these submissions is generally dealt with by a Committee established by Council (Delegated Committee of Council) pursuant to the Act.

In addition to these statutory public submissions processes, and the process established in relation to planning matters (i.e., where Applicants and Objectors to Planning Matters are afforded the opportunity to make submission before Council, Council has also established a submission process at Council Meetings that enables community members to provide input on certain matters listed on the Agenda, prior to their consideration by Council.

The section below outlines Council's Public Submission process at a Council Meeting.

57. Verbal Public Submissions to an Item on the Agenda

- 57.1. Members of the public will be given the opportunity to make a submission in relation to matters listed on the Agenda under *Consideration of Reports* at a Council meeting except for Notices of Motion, Petitions and Urgent Business.
- 57.2. Submissions from members of the public relating to an item on the agenda listed under *Consideration of Reports* will be heard immediately prior to the item being considered and prior to any motions relating to the item being accepted.
- 57.3. The person making the submission will be requested to come forward, state their name and make a brief presentation on the item. Councillors may ask questions of the speaker at the end of their presentation.
- 57.4. Speaking times for each submission shall be three minutes unless an extension is approved by the Chair.
- 57.5. Submission requests submitted to Council must be:
 - 57.5.1. on the prescribed Council form
 - 57.5.2. in writing, state the name, address, email address and phone of the person requesting to speak, and identify which item on the agenda they will be addressing; and
 - 57.5.3. sent electronically to publicparticipation@buloke.vic.gov.au or delivered to Council's Customer Centre Wycheproof by 9 am two days preceding the day of the Council Meeting.

57.6. A person may only make a submission to

57.6.1. Council Meeting in relation to an item listed in the Agenda under *Consideration of Reports*, and even then, not if the item is in the nature of a report summarising a decision already made by another body; or if the report relates to a Tender Report relating to the awarding of a contract;

57.6.2. Special Council Meeting in relation to an item in the Agenda under *Consideration of Reports* and even then, not if the item is in the nature of a report summarising a decision already made by another body; or if the report relates to a Tender Report relating to the awarding of a contract; or

57.6.3. Delegated Committee in relation to an item listed on the Agenda for the Meeting of the Delegated Committee, and even then, not if the item is in the nature of a report summarising a decision already made by another body.

57.7. Submissions to items listed under *Consideration of Reports* on the Agenda are not able to be made during:

57.7.1. any period when a Meeting is closed to the public in accordance with section 66(1) of the Act; or

57.7.2. a local government election period as defined in Council's Election Period Policy.

57.8. Submissions made must be in accordance with sub rule 57.5.

58. Questions But No Discussion Permitted with Submitters.

58.1. Following a speaker's submission, Councillors at a Council Meeting or Special Council Meeting at either Meeting may only ask the speaker questions or seek clarification of issues raised by the speaker in their presentation which may assist in the deliberations prior to Council making a decision, but no discussion will be allowed.

59. Individual Presentations (Delegated Committee – Hearing of Submissions)

59.1. Council from time-to-time may establish a Delegated Committee pursuant to Section 223 of the Local Government Act 1989 to provide an opportunity to hear from community members in a formal setting on key issues.

60. Record of Submissions Insert Rule Number Here

- 60.1. Only the name and address of Submitter and the Item of the submission will be recorded in the Minutes of the Meeting.

Division 12 – Voting

61. How a Motion is Determined

- 61.1. To determine a Motion or Amendment at a Meeting, the Chair must first call for those voting in favour of the Motion to do so and then call for those voting against the Motion to do so and must then declare the result to the Meeting.

62. How votes are Cast

- 62.1. Voting on any matter is by show of hands or such other visible or audible means as the Chair determines.

Note:

Voting by show of hands enables those in attendance and those watching a livestream broadcast to clearly see which way a Council has voted at the time a vote is taken. Any alternative voting method should be determined with this objective in mind.

63. Silence

- 63.1. Subject to Rule 62 voting must take place in silence.

64. Recount

- 64.1. The Chair may direct that a vote be recounted to satisfy themselves of the result.

65. Casting Vote

- 65.1. In the event of a tied vote, the Chair must exercise a casting vote.
- 65.2. The Chair may adjourn a meeting to consider how their casting vote will be cast.

Explanatory note:

In accordance with Section 61(6) of the Local Government Act 2020, the Chair does not have a casting vote in the election of Mayor or Deputy Mayor as these positions must be elected by an absolute Majority of Councillors. In the event of a tied vote on these circumstances, the matter is to be determined by lot.

66. When a Division is Permitted

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

67. Procedure for a Division

- 67.1. Once a division has been requested the Chair will call for a show of hands by those Councillors voting for the motion and then those Councillors opposed to the motion.
- 67.2. The Chair 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.
- 67.3. Any Councillor abstaining from voting must state that they are abstaining from voting.

68. Between the Original Vote and a Division

- 68.1. A Councillor is permitted to change their original vote at the voting on the division, and the voting by division will determine the Council's resolution on the issue.

69. No Discussion Once Declared

- 69.1. Once a vote on a Motion has been declared carried, carried unanimously, lapsed, lost or deferred by the Chair, no further discussion relating to the Motion is allowed.

Division 13 – Minutes

70. Confirmation of Minutes

- 70.1. At every Ordinary Council Meeting, the Minutes of the preceding meeting (s) must be dealt with.
- 70.2. No discussion is permitted on the minutes except as to their accuracy as a record of the proceedings of the meeting to which they relate. Once the minutes are confirmed they must be signed by the Chairperson.
- 70.3. The Chief Executive Officer must ensure that the minutes (excluding any confidential items) are available to any person free of charge, including by:
 - 70.3.1. making hard copies available for inspection;
 - 70.3.2. publishing soft copies on Council's website; and
 - 70.3.3. making arrangements for copies to be provided to any person who makes a request.
- 70.4. unless otherwise resolved or required by law, Minutes of a Delegated Committee requiring confirmation by Council must not be available to the public until confirmed by Council.

71. No Debate on Confirmation of Minutes

- 71.1. No discussion or debate on the confirmation of Minutes is permitted except where their accuracy as a record of the proceedings of the Meeting to which they relate is questioned.

72. Deferral of Confirmation of Minutes

- 72.1. Council may defer the confirmation of Minutes until later in the Council Meeting or until the next Meeting if considered appropriate.

73. Form and Availability of Minutes

- 73.1. The Chief Executive Officer (or other person authorised by the Chief Executive Officer to attend the Meeting and to take the Minutes of such Meeting) must keep Minutes of each Council Meeting.
- 73.2. The Chief Executive Officer must ensure that the Minutes of any Council Meeting are:
- 73.2.1. published on Council's website; and
- 73.2.2. available for inspection at Council's office during normal business hours.
- 73.3. Nothing in sub-Rule 73.2 requires Council or the Chief Executive Officer to make public any Minutes relating to a Council Meeting or part of a Council Meeting closed to Members of the public in accordance with section 66 of the Act.

Division 14 – Recording of Proceedings

74. Recording of Meetings

- 74.1. Subject to any resolution of the Council, the Chief Executive Officer (or other person authorised by the Chief Executive Officer) may record the proceedings of a Council meeting electronically.
- 74.2. Subject sub-Rule 74.1, a person must not operate photographic, audio or video recording equipment or any other recording device at any Council meeting without first obtaining the consent of the Chair. Such consent may at any time during the course of such meeting be revoked by the Chair or resolution of the Council.

Division 15 – Behaviour

75. Display of Placards and Posters

- 75.1. A person must not display any placards or posters in the Council Chamber or in any building where a Council Meeting or a Delegated Committee Meeting is being or about to be held, other than outside the entrance to the building and even then, only if it does not obstruct the entrance of the building.
- 75.2. A person must not:
- 75.2.1. display any offensive, indecent, insulting or objectionable item or words in the Council Chamber; or
 - 75.2.2. obstruct the entrance to the Council Chamber or a building where a Council Meeting or a Delegated Committee Meeting is being or about to be held.

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76. Public Addressing the Meeting

- 76.1. Members of the public do not have a right to address Council and may only do so in accordance with Rule 57 Public Submissions.
- 76.2. Any Member of the public addressing Council must extend due courtesy and respect to Council and the processes under which it operates and must take direction from the Chair whenever called on to do so.
- 76.3. A Member of the public in attendance at any Meeting of Council must not disrupt the Meeting.

77. Chair May Remove

- 77.1. The Chair may order and cause the removal of any person, other than a Councillor, who disrupts any Meeting or fails to comply with a direction given under Rule 76.

Explanatory note:

It is intended that this power be exercisable by the Chair, without the need for any Council resolution. The Chair may choose to order the removal of a person whose actions immediately threaten the stability of the Meeting or wrongly threatens their authority in chairing the Meeting.

78. Chair May Adjourn Disorderly Meeting

- 78.1. If the Chair is of the opinion that Disorder at the Council Meeting or in the gallery makes it desirable to adjourn the Council Meeting, they may adjourn the Meeting to a later time on the same day or to some later day as they think proper. In that event, the provisions of sub-Rules 11.2 and 11.3 apply.

79. Objectionable Remarks by Councillors

- 79.1. The Chair may require a Councillor to withdraw any remark made at a Council Meeting which is considered by the Chair to be defamatory, indecent, abusive, offensive, disorderly, or objectionable in language, substance, or nature and to apologise, to the satisfaction of the Chair, when called upon by the Chair to do so.
- 79.2. A Councillor required to withdraw a remark and apologise shall do so immediately without qualification or explanation.

80. Removal from Chamber

- 80.1. The Chair may issue a warning to any person before exercising the powers in sub-Rules 77.1.
- 80.2. The Chair may ask an authorised officer, security guard or member of the Victoria Police to cause the removal of any person who is the subject of an order under sub-Rule 77.1 or Council, in the case of a suspension under sub-Rule 81.1.

81. Councillor Suspensions

- 81.1. The Council may via a resolution of the Council suspend from a meeting any Councillor whose actions have disrupted the business of the Council, and have impeded its orderly conduct.
- 81.2. The duration of any suspension under this Rule shall be at the Council's discretion but shall not exceed the balance of the meeting.
- 81.3. An appropriate motion to suspend a Councillor whose actions have disrupted the business of the Meeting and have impeded its orderly conduct would be:
"I move that Councillor (name) be suspended for the balance of this Meeting".

82. Councillors and Delegated Committees

- 82.1. Councillors and Members of Delegated Committees will contribute to good governance and decision-making by:
- 82.1.1. reading the Agenda prior to the Meeting;

- 82.1.2. where they consider it appropriate, seeking the views of community in relation to matters to be determined at the Meeting;
- 82.1.3. demonstrating due respect and consideration to community views and the professional / expert advice provided in the Agenda papers;
- 82.1.4. attending Meetings and participating in debate and discussion;
- 82.1.5. demonstrating respect for the role of the Chair and the rights of other Councillors and Members to contribute to the decision-making; and
- 82.1.6. being courteous and orderly.

Division 16 – Suspension of Standing Orders

83. Suspension of Standing Orders

Explanatory note:

The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal Meeting procedure. Its purpose is to enable the formalities of Meeting procedure to be temporarily disposed of while an issue is discussed.

- 83.1. the Chair or any Councillor can move a motion which must be seconded (and the seconder must be a Councillor other than the mover) indicating a desire to suspend standing orders to expedite the business of a meeting.

In which case:

- 83.1.1. the Chair may suspend standing orders with the support of the meeting;
- 83.1.2. standing orders may be suspended by a procedural motion;

- 83.2. the suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of the Council.

An appropriate motion would be:

“That standing orders be suspended to enable discussion on.....”

- 83.3. No motion can be accepted by the Chair or lawfully be dealt with during any suspension of standing orders.
- 83.4. Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate procedural motion would be:
- “That standing orders be resumed”.

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Division 17 – Physical and Remote Attendance

84. Mode of Attendance

- 84.1. Each notice of meeting must indicate whether the relevant Council meeting is to be conducted:
- 84.1.1. wholly in person;
 - 84.1.2. wholly by electronic means; or
 - 84.1.3. partially in person and partially by electronic means.
- 84.2. The indication in the notice of meeting must be consistent with any resolution of Council that has expressed a preference for, or otherwise specified, when Council meetings are to be conducted:
- 84.2.1. wholly in person;
 - 84.2.2. wholly by electronic means; or
 - 84.2.3. partially in person and partially by electronic means.
- 84.3. If a Council meeting is to be conducted wholly in person a Councillor may nonetheless request to attend by electronic means.
- 84.4. Any request made under sub-Rule 84.3 must:
- 84.4.1. be in writing;
 - 84.4.2. be given to the Chief Executive Officer no later than 24 hours prior to the scheduled commencement time of the relevant Council meeting; and
 - 84.4.3. specify the reasons why the Councillor is unable or does not wish to attend the Council meeting in person.
- 84.5. The Chief Executive Officer must ensure that any request received in accordance with sub-Rule 84.3 and any other request received from a Councillor to attend by electronic means is made known at the commencement of the relevant Council meeting.
- 84.6. Council may approve and must not unreasonably refuse any request.
- 84.7. In considering whether to approve or refuse any request the Council must consider:
- 84.7.1. whether conducting the meeting partially by electronic means is physically and technically feasible;
 - 84.7.2. the reason specified by the Councillor who has requested to attend by electronic means;

- 84.7.3. whether personal or other circumstances beyond the Councillor's control mean that it would be unjust to deny the Councillor attendance by electronic means; and
- 84.7.4. the effect which the Councillor's attendance by electronic means would have or be likely to have on the effective and efficient conduct of the meeting.
- 84.8. A Councillor who is attending a Council meeting by electronic means is responsible for ensuring that they are able to access such equipment and are present in such an environment that facilitates participation in the Council meeting.
- 84.9. Without detracting from anything said in sub-Rule 84.8, a Councillor who is attending a meeting by electronic means must be able to:
- 84.9.1. hear the proceedings;
- 84.9.2. be heard when they speak; and should be able to:
- 84.9.3. see all Councillors and members of Council staff who are also attending the Council meeting, at least while a Councillor or member of Council staff is speaking;
- 84.9.4. be seen by all Councillors, members of Council staff and members of the public who are physically present at the Council meeting.
- 84.10. If the conditions of sub-Rule 84.9.1 and sub-Rule 84.9.2 cannot be met by one or more Councillors attending a Council meeting, whether because of technical difficulties or otherwise:
- 84.10.1. Council meeting will nonetheless proceed as long as a quorum is present; and
- 84.10.2. the relevant Councillor (or Councillors) will be treated as being absent from the Council meeting or that part of the Council meeting;

unless the Council meeting has been adjourned in accordance with these Rules.

- 84.11. Nothing in Rule 84 prevents a Councillor from joining (or re-joining) a Council meeting at the time that they achieve compliance with sub-Rule 84.9 even if the Council meeting has already commenced or has continued in their absence.

85. Meetings Conducted Remotely

- 85.1. If a Council meeting is to be conducted the Chair may, with the consent of the meeting, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the meeting.

Division 18 – Miscellaneous

86. Chief Executive Officer

- 86.1. The Chief Executive Officer may participate in the Meeting to provide support to the Chair.
- 86.2. The Chief Executive Officer should:
- 86.2.1. immediately advise, to the best of their knowledge, if a proposed resolution or action is contrary to the law;
 - 86.2.2. advise, to the best of their knowledge, if there are operational, financial or risk implications arising from a proposed resolution;
 - 86.2.3. help clarify the intent of any unclear resolution to facilitate implementation; and
 - 86.2.4. on request, assist with procedural issues that may arise.

87. Criticism of Members of Council Staff

- 87.1. The Chief Executive Officer may make a brief statement at a Council meeting in respect of any statement by a Councillor made at the Council meeting criticising them or any member of Council staff.
- 87.2. A statement under sub-Rule 87.1 must be made by the Chief Executive Officer, through the Chair, as soon as it is practicable after the Councillor who made the statement has finished speaking.

88. Procedure not Provided in this Chapter.

- 88.1. In all cases not specifically provided for by this Chapter, resort must be had to the Standing Orders and Rules of Practice of the Upper House of the

Victorian Parliament (so far as the same are capable of being applied to Council proceedings).

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CHAPTER 3 – DELEGATED COMMITTEES

1. Meeting Procedure Generally

If Council establishes a Delegated Committee:

- 1.1 all of the provisions of Chapter 2 apply to Meetings of the Delegated Committee; and
- 1.2 any reference in Chapter 2 to:
 - 1.2.1 a Council Meeting is to be read as a reference to a Delegated Committee Meeting;
 - 1.2.2 a Councillor is to be read as a reference to a member of the Delegated Committee; and
 - 1.2.3 the Mayor is to be read as a reference to the Chair of the Delegated Committee.

2. Meeting Procedure can be Varied.

Notwithstanding Rule 1, if Council establishes a Delegated Committee that is not composed solely of Councillors:

- 2.1 Council may; or
- 2.2 the Delegated Committee may, with the approval of Council

may resolve that any or all of the provisions of Chapter 2 are not to apply to a Meeting of the Delegated Committee, in which case the provision or those provisions will not apply until Council resolves, or the Delegated Committee with the approval of Council resolves, otherwise.

3. Adoption of Recommendation

- 3.1 If a recommendation of a Delegated Committee is adopted by Council, what has been recommended becomes a resolution of Council.

CHAPTER 4 – COMMUNITY ASSET COMMITTEES

Explanatory note:

The Act provides for Council to establish a community asset committee for the management of a community asset such as a hall. Council may appoint members of the community to the committee and delegate to it powers, duties and functions. The powers delegated to a community asset committee must be limited in the amount and purpose of any financial delegation.

Section 65 of the Local Government Act states:

Community Asset Committee

A Council may establish a Community Asset Committee and appoint as many members to the Community Asset Committee as the Council considers necessary to enable the Community Asset Committee to achieve the purpose specified in subsection (2).

A Council may only establish a Community Asset Committee for the purpose of managing a community asset in the municipal district.

Delegation of Powers, Duties or Functions to a Community Asset committee is provided for in Section 47 of the Act which provides:

The Chief Executive Officer may by instrument of delegation delegate any power, duty or function of the Council that has been delegated to the Chief Executive Officer by the Council to:

a member of Council staff; or

the members of a Community Asset Committee.

This means Council may not delegate directly to a Community Asset committee

1. Introduction

- 1.1 In this Chapter, 'Instrument of Delegation' means an instrument of delegation made by the Chief Executive Officer under section 47(1)(b) of the Act.

2. Community Asset Committees

- 2.1 A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation, and Terms of Reference adopted by Council and in accordance with the Act (in particular s65 and s47).
- 2.2 A Community Asset Committee must report the minutes of all Committee Meetings to the next practicable Council meeting.

3. Meeting Procedure

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

CHAPTER 5 – JOINT COUNCIL MEETINGS

Explanatory note:

Local and regional collaboration provides benefits to the Buloke community through collection procurement opportunities, increased advocacy and alignment for major projects. While on some matters that are worked on in partnership it is possible for the participating councils to hold their own decisions and determination, in some circumstances, it may be beneficial to hold Joint Council Meetings as are provided for the Act.

Section 62 Local Government Act 2020 – Joint Meetings of Council

1. Two or more councils may determine to hold a joint Meeting.
2. A joint Meeting is a Council Meeting of each council for the purposes of this Act and the provisions of this Act, except section 61(3),(4) and (5)(d), apply accordingly.
3. A joint Meeting is to be constituted by the Councillors of the councils holding the joint Meeting consisting of-
4. The total number of Councillors determined by the councils holding the joint Meeting; and
5. At least 3 Councillors from each of the Councils holding the joint Meeting.
6. A quorum of a joint Meeting is constituted by the number of Councillors that is equal to at least a majority of the Councillors from each of the councils holding the joint Meeting.

The procedures for conducting a joint meeting are to be determined by the [councils](#) holding the joint meeting.

1. Meeting Procedure for Joint Council Meetings

- 1.1 Council may resolve to participate in a Joint Council Meeting.
- 1.2 If Council has resolved to participate in a Joint Council Meeting, the Chief Executive Officer (or delegate) will agree on Governance Rules with the participating councils.
- 1.3 Where the participating councils agree that Council will chair a Joint Council Meeting, the Mayor will be nominated to chair the Joint Council Meeting.

CHAPTER 6 – DISCLOSURE OF CONFLICTS OF INTEREST

Section 130 of the 2020 Act sets out requirements in relation to the disclosure of conflicts of interest. These requirements apply to any conflict of interest in respect of a matter:

- to be considered at a Council Meeting;
- to be considered at a Delegated Committee Meeting;
- to be considered at a meeting of a community asset committee;

that arises in the course of the exercise of a power of delegation by a member of Council staff; or

that arises in the course of the exercise of a statutory function under this Act or any other Act.

Chapter 6 Rules 3-8 in these Governance Rules set out the process for the disclosure of a conflict of interest in respect of a matter, in line with section 130(2) of the Act.

Under section 130(2) of the Act, in addition to disclosing a conflict of interest, Councillors and Council staff must also exclude themselves from the decision-making process in relation to that matter, including any discussion or vote on the matter at any Council Meeting or Delegated Committee Meeting.

1. Definition:

In this Chapter

- 1.1 “Meetings conducted under the auspices of Council” means a Meeting of the kind described in section 131(1) of the Act, and includes a Meeting referred to in Chapter 9 (whether known as a ‘Councillor Briefing’ or by some other name); and
- 1.2 a member of a Delegated Committee includes a Councillor.

2. Disclosure of a Conflict of Interest at a Council Meeting

A Councillor who has a conflict of interest in a matter being considered at a Council Meeting at which they:

- 2.1 are in attendance must disclose that conflict of interest by explaining the nature of the conflict of interest to those in attendance at the Council Meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or

2.2 intend to attend must disclose that conflict of interest by providing to the Chief Executive Officer before the Council Meeting commences a written notice on the prescribed form:

- 2.2.1 advising of the conflict of interest;
- 2.2.2 explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest; and
- 2.2.3 detailing, if the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person, the:
 - (a) name of the other person;
 - (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
 - (c) nature of that other person's interest in the matter.

And then immediately before the matter is considered at the Meeting announcing to those present that they have a conflict of interest and that a written notice has been given to the Chief Executive Officer under this sub-Rule.

The Councillor must, in either event, leave the Council Meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the Meeting until after the matter has been dealt with.

3. Disclosure of a Conflict of Interest at a Delegated Committee Meeting

A member of a Delegated Committee who has a conflict of interest in a matter being considered at a Delegated Committee Meeting at which they:

- 3.1 are in attendance must disclose that conflict of interest by explaining the nature of the conflict of interest to those in attendance at the Delegated Committee Meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or
- 3.2 intend to attend, must disclose that conflict of interest by providing to the Chief Executive Officer before the Delegated Committee Meeting commences a written notice:
 - 3.2.1 advising of the conflict of interest;

- 3.2.2 explaining the nature of the conflict of interest and indicating whether the conflict of interest is a general conflict of interest or a material conflict of interest; and
- 3.2.3 detailing, if the nature of the conflict of interest involves a Councillor of a Delegated Committee's relationship with or a gift from another person the:
 - (a) name of the other person;
 - (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
 - (c) nature of that other person's interest in the matter;

and then immediately before the matter is considered at the Meeting announcing to those present that they have a conflict of interest and that a written notice has been given to the Chief Executive Officer under this sub-Rule.

The Councillor of a Delegated Committee must, in either event, leave the Delegated Committee Meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the Meeting until after the matter has been dealt with.

4. Disclosure of a Conflict of Interest at a Community Asset Committee Meeting

A Member who has a conflict of interest in a matter being considered at a Community Asset Committee Meeting at which they:

- 4.1 are present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Community Asset Committee Meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or
- 4.2 intends to be present must disclose that conflict of interest by providing to the Chief Executive Officer before the Community Asset Committee Meeting commences a written notice:
 - 4.2.1 advising of the conflict of interest; explaining the nature of the conflict of interest; and
 - 4.2.2 detailing, if the nature of the conflict of interest involves a Councillor of a Councillor's relationship with or a gift from another person the:
 - (a) name of the other person;
 - (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

- (c) nature of that other person's interest in the matter;

and then immediately before the matter is considered at the Meeting announcing to those present that they have a conflict of interest and that a written notice has been given to the Chief Executive Officer under this sub-Rule.

The Member must, in either event, leave the Committee Asset Committee Meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the Meeting until after the matter has been dealt with.

5. Disclosure by Members of Council Staff Preparing Reports for Meetings

- 5.1 Member of Council staff who, in their capacity as a member or Council staff, has a conflict of interest in a matter in respect of which they are preparing or contributing to the preparation of a Report for the consideration of a:

- 5.1.1 Council Meeting;
- 5.1.2 Delegated Committee Meeting;
- 5.1.3 Community Asset Committee Meeting; or
- 5.1.4 A Meeting under Section 9 of these Rules

must, immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer disclosing the conflict of interest and explaining the nature of the conflict of interest and indicating whether the conflict of interest is a general conflict of interest or a material conflict of interest.

- 5.2 The Chief Executive Officer must ensure that the Report referred to in sub-Rule 5.1 records the fact that a Member of Council staff disclosed a conflict of interest in the subject-matter of the Report.
- 5.3 If the Member of Council staff referred to in sub-Rule 5.1 is the Chief Executive Officer:
- 5.3.1 the written notice referred to in sub-Rule 5.1 must be given to the Mayor; and
 - 5.3.2 the obligation imposed by sub-Rule 5.2 may be discharged by any other Member of Council staff responsible for the preparation of the Report.

6. Disclosure of a Conflict of Interest by Councillors of Council Staff in the Exercise of Delegated Power

- 6.1 A Member of Council staff who has a conflict of interest in a matter requiring a decision to be made by the Member of Council staff as delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer explaining the nature of the conflict of interest and indicating whether the conflict of interest is a general conflict of interest or a material conflict of interest.
- 6.2 If the Member of Council staff referred to in sub-Rule 6.1 is the Chief Executive Officer, the written notice must be given to the Mayor.

7. Disclosure by a Member of Council Staff in the Exercise of a Statutory Function

- 7.1 A Member of Council staff who has a conflict of interest in a matter requiring a statutory function to be performed under an Act by the Member of Council staff must, upon becoming aware of the conflict of interest, immediately provide a written notice to the Chief Executive Officer explaining the nature of the conflict of interest and indicating whether the conflict of interest is a general conflict of interest or a material conflict of interest.
- 7.2 If the Member of Council staff referred to in sub-Rule 7.1 is the Chief Executive Officer, the written notice must be given to the Mayor.

8. Retention of Written Notices

- 8.1 The Chief Executive Officer must retain all written notices received under this Chapter for a period of three years.

CHAPTER 7 – USE OF COUNCIL’S COMMON SEAL

Explanatory note:

The purpose of this Section is to provide for the security and proper use of the Common Seal. The Common Seal is the corporate signature of Council, and exists in the form of a stamp. It evidences Council’s corporate will and authenticates decisions taken and acts performed by Council.

As many of the powers, duties and functions of Council are delegated to the Chief Executive Officer and other Councillors of Council staff, the Common Seal of Council is only use on legal documents such as local laws, contracts, agreements, transfer of land, significant letters, and other documents where required by legislation.

1. Use of Council’s Common Seal

- 1.1 The Chief Executive Officer must ensure the security of the Common Seal at all times.
- 1.2 The affixing of the Common Seal to any document must be attested to by not less than two persons, comprising both:
 - 1.2.1 the Mayor and Chief Executive Officer; or
 - 1.2.2 in the absence of the Mayor, by one Councillor and the Chief Executive Officer or a Member of Council staff delegated this function by Council.
- 1.3 Where Council authorises the Common Seal to be affixed to any document, the Chief Executive Officer must record the description of the document sealed is entered into the seal register.
- 1.4 Where the Common Seal is affixed to a document on the authority of Council, the sealing clause must contain the following words:

The Common Seal of BULOKE SHIRE COUNCIL

was affixed this/. (no. of day).....(month)(year)

in the presence of:Mayor/Councillor

.....Chief Executive Officer

CHAPTER 8 – COUNCIL RECORDS

1. Records of Meetings Held Under the Auspices of Council.

- 1.1 A record of the matters discussed at Meetings organised or hosted by Council that involve Councillors and Council staff will be kept.
- 1.2 Records kept in accordance with sub-Rule 1.1 will include:
 - 1.2.1 the attendees at the Meeting;
 - 1.2.2 the title of matters discussed; and
 - 1.2.3 any conflicts of interest disclosed and whether the person with the conflict of interest left the Meeting.
- 1.3 Where Minutes are kept of a Meeting and made available to the community an additional record is not required to be kept.

2. Councillor Attendance Records

- 2.1 Council will maintain a register of Councillor attendance at Council Meetings, Delegated Committee Meetings and Informal Meetings arranged to brief Councillors.
- 2.2 The register of attendance and the title of matters discussed kept in accordance with sub-Rule 1.2.1 and 1.2.2 will be published within the record of Meetings or in accordance with Rule 1.3

CHAPTER 9 – MISCELLANEOUS

1. Informal Meetings of Councillors

- 1.1 This Chapter describes the nature and procedure for some informal meetings of Councillors.
- 1.2 Councillors meet on a number of occasions throughout the month at 'Councillor Briefings and 'Strategic Planning Sessions' meetings. This Chapter provides for these informal Meetings and explains why and how they are held.

2. Discussion Arrangements

- 2.1 As part of Council's governance arrangements, Councillors may meet regularly at an informal gathering of Councillors known as a 'Councillor Briefing or Strategic Planning Sessions' or such other names as Council from time to time adopts.
- 2.2 The purpose of such gatherings is for the organisation to provide advice to Councillors on items of a complex nature or of significant community impact. The briefing enables open discussion between the organisation and Councillors and assists both Council staff and Councillors develop better understanding of the matter for consideration. A Strategic Planning Session is similar to a briefing but also provides greater opportunity to develop ideas and discuss options on a range of matters, such as developing Council's four-year Council Plan.
- 2.3 The gatherings are not a decision-making forum.
- 2.4 The gatherings are not open to the public and will generally be held in one of Council's buildings or in such other locations as Council nominates from time to time.
- 2.5 The operating Meeting protocols and arrangements in relation to these gatherings will be established by the Chief Executive Officer and be reviewed from time-to-time.

3. Record of Matters Discussed.

- 3.1 If there is a gathering or meeting of Councillors that:
 - 3.1.1 is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;

- 3.1.2 is attended by at least one Councillor or Council staff; and
- 3.1.3 is not a Council Meeting, Delegated Committee Meeting or Community Asset Committee Meeting;

The Chief Executive Officer must ensure that record of attendees and a list of the title of matters discussed at the gathering or meeting are:

- 3.1.4 tabled at the next convenient Council Meeting as an Assembly of Council; and
- 3.1.5 recorded in the Minutes of that Council Meeting.

4. Confidential Information

- 4.1 If the Chief Executive Officer is of the opinion that information relating to a Meeting is confidential information within the meaning of the Act, the Chief Executive Officer may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.
- 4.2 Information which has been designated by the Chief Executive Officer as confidential information within the meaning of the Act, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.
- 4.3 In designating information as confidential information under sub-Rule 4.2, the Chief Executive Officer must stipulate the relevant clause/s pursuant to the definition of 'confidential information' contained in section 3(1) of the Act.

5. Review of these Rules

These Rules will be reviewed by Council:

- 5.1 Within 12 months of a general election; and
- 5.2 At such other times as Council, in its absolute discretion, determines.
- 5.3 A delay in reviewing, or failure to review, these Rules in accordance with this Rule will not affect the validity of these Rules.

CHAPTER 10 – ELECTION PERIOD

Explanatory note:

Section 69 of the Local Government Act 2020 sets out the requirement of Council to have an election period policy in place.

The Election Period Policy governs the conduct of Council, Councillors and Councillors of Council staff during an election period to ensure appropriate decision-making in the lead up to a Council election. The Election Period prohibits the use of Council resources for any election campaign and puts in place a procedure to ensure Council doesn't print, publish, or distribute any material that may influence the outcome of the election.

Additionally, the Election Period Policy addresses Councillors and staff standing as candidates in Council, State or Federal elections.

1. Election Period General

1.1 Council will have in place an election period policy that:

- 1.1.1 governs decision making during a local government election period, including what may be considered at a Council Meeting;
- 1.1.2 prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections;
- 1.1.3 sets out the conditions for any community engagement required to be undertaken during an election period, including consultations, Civic events, and activities of Advisory Committee established by Council;
- 1.1.4 sets out the requirements for any Council publications during a local government election period – including website, social media, newsletter, and advertising – to ensure Council does not publish materials that relate to issues that are the subject of election campaigns;
- 1.1.5 defines roles and responsibilities in relation to who is the spokesperson for Council during an election period; and
- 1.1.6 sets out the requirements for a Councillor or member of Council staff who is a candidate in an election including a Federal, State or Council election.

- 1.2 At least once in each Council term, and not later than 12 months prior to the commencement of an election period, Council will review its Election Period Policy.
- 1.3 The Election Period Policy forms part of these Governance Rules.
- 1.4 The operation of Council Advisory Committees shall be suspended upon the commencement of an election period ahead of a general Council election.
- 1.5 Any outstanding Delegate's Reports may still be reported to an Ordinary Meeting of Council during this period.
- 1.6 Council Committees shall resume Meeting following the election and the appointment by the incoming Council of Councillors to each committee.

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2. Election Period Policy

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Buloke Shire Council

Election Period Policy

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1. Purpose

- (a) The Election Period Policy (Policy) has been developed in accordance with the Local Government Act 2020 (Act), in order to ensure Buloke Shire Council general elections and by-elections are conducted in a manner that is ethical, fair and equitable and are publicly perceived as such.
- (b) During an election period, local government goes into 'caretaker' mode, avoiding actions and decisions which could be seen to be influencing voters or which will have a significant impact on the incoming Council.
- (c) The Act requires councils to have a Policy to explain to their community how they will conduct their business immediately prior to an election. This is to ensure council elections are not compromised by inappropriate electioneering by existing councillors and to safeguard the authority of the new council.
- (d) The policy also provides guidance at an operational level to ensure compliance with legislative requirements, demonstrates the Council's commitment to probity in its elections and ensures transparency and accountability of the Council, Councillors and staff during the election period.

2. What is this policy designed to achieve?

This Policy applies during an 'election period' (refer below for definition) to cover:

- decisions that are made by Council, a delegated committee or a person acting under delegation by the Council
- any material that is published by the Council or on Council's behalf
- protocols for Council and Committee meetings
- limits on public consultation and scheduling of Council events
- attendance and participation in functions and events
- the use of Council resources
- access to Council information
- media and media services.

3. Election Period (Operation of Policy)

This Policy applies during the election period, which:

- commences at the time that nominations close on Nomination Day for that election; and
- concludes at 6pm on Election Day

4. Scope

- (a) This policy applies to all Councillors and Council staff and includes contractors and volunteers carrying out work for or on behalf of the Buloke Shire Council.

- (b) External candidates for election are expected to comply with the obligations of this policy where applicable.

5. Definitions

Key terms and definitions used in this Policy include:

TERM	DEFINITION
Act	Local Government Act 2020
Candidate	A person who has nominated as a candidate for an election under section 256 of the Local Government Act 2020
Chief Executive Officer	The person appointed by a Council under section 44 to be its Chief Executive Officer or any person acting in that position.
Council	Means Buloke Shire Council, being a body corporate constituted as a municipal Council under the Local Government Act 2020
Delegated Committee	(a) a delegated committee established by a Council under section 63; or (b) a joint delegated committee established by 2 or more Councils under section 64; or (c) a committee, other than a Community Asset Committee, exercising any power of a Council under this Act or any other Act delegated to the committee under this Act or any other Act
Election Manager	(a) the Victorian Electoral Commission (VEC); (b) or a person appointed in writing by the VEC
Staff, Council staff or staff member	Means any employee of Council whether permanent or temporary or casual, and includes contractors, and volunteers carrying out work for or on behalf of Buloke Shire Council.

6. Accountability

6.1. Role of Councillors

During the Election Period, Councillors:

- (a) will continue to fulfil their Councillor Duties (unless they are granted leave of absence);
- (b) will continue to engage, and communicate with, the community in their Councillor role;
- (c) must comply with the Act and the Councillor Code of Conduct and this Policy; and
- (d) must not use their position to influence Council officers, or access Council resources or information, in support of any election campaign or candidacy.

6.2. Role of Staff

An important part of Buloke Shire Council integrity is that all staff need to remain impartial at all times.

During the lead up to (not just the election period) staff need to maintain impartiality by avoiding making any comment or expressing an opinion, in any context which is public or may become public, in relation to candidates, potential candidates or policy debates in the lead up to an election.

This is particularly the case where employees are identified as a Buloke Shire Council staff or representing Buloke Shire Council in the public arena. Social media use of this kind also requires extreme caution and judgement, and employees are discouraged from engaging with candidate hosted online media platforms.

Staff also need to avoid working on any task that could be seen to relate to the candidates for the election or to any role that current Councillors may play in the election, particularly when representing Buloke Shire Council.

7. Decisions during the election period

7.1. What is a Council Decision?

For the purposes of clause 7 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.

7.2. Prohibited decisions

- 7.2.1. Council, a delegated committee of Council or a person acting under delegation given by the Council must not make prohibited decisions during the election period for a general election.

- 7.2.2. Provisions under section 69 of the Act prohibit Council from making certain decisions during the election period for a general election. A prohibited decision is one that:
- (a) Relates to the appointment or remuneration of a CEO but not to the appointment or remuneration of an Acting CEO; or
 - (b) 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
 - (c) The Council considers could be reasonably deferred until the next Council is in place; or
 - (d) The Council considers should not be made during an election period; or
 - (e) 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 (this also applies to by-elections).
- 7.2.3. Any Council decision made in contravention of 7.2.2. (a) and (b) above, is invalid.
- 7.2.4. Any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is invalid by virtue of section 69(4) of the Act, is entitled to compensation from the Council for that loss or damage.

7.3. Other types of decisions that will be avoided (inappropriate decisions)

- 7.3.1. Inappropriate decisions are defined in this policy as meaning decisions that:
- would affect voting in an election
 - may unreasonably bind an incoming council and could reasonably be made after the election.
- 7.3.2. The following inappropriate decisions will also be avoided during the election period:
- allocation of community grants or other direct funding to community organisations
 - major planning scheme amendments
 - sale or discontinuance of roads etc
 - changes to strategic objectives and strategies in the Council Plan.

7.4. Considerations for officers with delegated authority

- 7.4.1. Most Council decisions are not made at meetings of the Council. Significant decision-making power is formally delegated to staff and the decision of a delegate is 'deemed' to be a decision by Council.
- 7.4.2. Because a delegate's decision is the same as a Council decision, the same constraints that apply to decisions made in Council and Delegated Committee

meetings apply when delegates make decisions. Delegates should therefore give careful consideration to the exercise of their powers during the election period.

- 7.4.3. Should a delegate be required to make a decision(s) under delegation in the ordinary course of Council business during the election period, the delegate must satisfy themselves beforehand that the decision is not a prohibited decision and should consider the following:
- (a) whether the decision is prohibited, or falls within the 'other types of decisions to be avoided' category
 - (b) the urgency of the issue (that is, can it wait until after the election?)
 - (c) the possibility of financial repercussions if it is deferred
 - (d) whether the decision is likely to be controversial or influence voters
 - (e) within the best interests of Council.
- 7.4.4. Officers requiring assistance in determining whether a decision is likely to be inappropriate should seek advice from the Manager Governance in the first instance.

8. Meetings

Council and Delegated Committee meetings will continue to take place during the election period, however the following modifications to standard protocols will be made:

8.1. Audio and video recordings of Council and Committee meetings

Notice of meetings, Council and Committee agenda papers, minutes and livestreaming (attendance by electronic means) are considered to be part of normal Council business, audio and visual recordings of these meetings will continue to take place during the election period and be made available on Council's website.

8.2. Election period statement in reports

All reports to Council and Delegated Committees will be assessed by the Chief Executive Officer, in accordance with the Act and this policy, and if approved, will include an election period policy statement in the form as follows:

'The recommended decision is not a prohibited decision as defined in section 69 of the Local Government Act 2020 or an inappropriate decision within the meaning of the Election Period Policy.'

8.3. Notices of motion by Councillors

All Notices of Motion by Councillors will be suspended during the election period.

8.4. Public question time

Public Question time will be suspended at all Council and Delegated Committee meetings during the election period.

8.5. Reports by Councillor Delegates

Reports by Councillor Delegates will be suspended during the election period.

8.6. Tabling petitions and joint letters

Tabling of petitions or joint letters will be suspended during the election period

9. Council publications during the election period

During the election period (and where appropriate or necessary immediately preceding it) the Chief Executive Officer (or their delegate) will cause all Council communications, including social media, all Council managed websites and printed and/or published material, to be subject to review to ensure consistency and compliance with this Policy and the Act.

9.1. Prohibition on publishing materials during the election period

Council must not publish material containing electoral matter that may influence, or be seen to influence, people's voting decisions.

Electoral matter is defined in the Act as 'matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the Election Manager for the purposes of conducting an election.'

Council will not:

- print, publish or distribute, or
- cause, permit or authorise others to print, publish or distribute on behalf of the Council,
- any advertisement, handbill, pamphlet or notice that contains 'electoral matter' during the election period.

Publication should be read broadly to include electronic information and web-based productions.

A publication is taken to contain electoral matter if it contains an express or implicit reference to, or comment on:

- the election; or
- a candidate in the election; or
- an issue submitted to, or otherwise before, the voters in connection with the election.

Some examples include publishing material which:

- sets out the strengths or weaknesses of a candidate
- advocates the policies of the Council or a candidate
- responds to claims made by a candidate
- sets out the achievements of the elected Council or Councillor.

The controls do not cover electoral material produced by, or on behalf of, the Election Manager for the purposes of conducting an election or advertisements/posts which simply announce the holding of a meeting or the election process itself.

9.2. Process for review and approval of Council publications

Relevant Council publications will be approved by the Chief Executive Officer (or their delegate), before they may be printed, published or distributed during the election period, whether by Council or anyone acting for Council.

- 9.2.1. The approval process is to apply to any documents produced for the purpose of communicating with people in the community. This may mean some material requires approval before the commencement of the election period in order for it to be issued/disseminated during the election period.
- 9.2.2. All material will be submitted to the Governance Department (within a time frame to be determined) for vetting. Staff will be notified by return email once approval has been provided (all effort will be made to ensure approval is provided in line with specified deadlines).
- 9.2.3. All approved material will bear the following affixation and be signed and dated: *'Approved by the Chief Executive Officer (or their delegate) on [insert date].'*
- 9.2.4. All documentation in relation to the approval process will be retained on Council records.
- 9.2.5. Material that may be affected includes, but is not limited to:
 - new material on Council websites
 - social media posts
 - Council newsletters, brochures, flyers and magazines
 - material available in libraries and Council offices
 - media releases
 - public speeches
 - brochures on service/facilities
 - advertisements (including job advertisements)
 - Council newspapers
 - mail outs to multiple addresses

9.3. Prohibited decisions

Council may provide information, education and publicity designed only to promote public participation in the electoral process.

9.4. Publication of Council and Committee agenda papers and minutes

- 9.4.1. Council is required by the Governance Rules to:
 - Give public notice of Council meetings and Delegated Committee meetings; and
 - Produce and make available agendas and minutes of Council meetings and Delegated Committee meetings.

- 9.4.2. To enable Council compliance with our statutory obligations and the Governance Rules, both of the above categories of documents will continue to be published during the election period and will be reviewed in accordance with section 9.2.

9.5. Council Annual Report

- 9.5.1. Due to the publication date of the Annual Report generally occurring during the election period, it is affected by the legislative restrictions on publications and therefore information about Councillors will be restricted to what is required by the Local Government (Planning and Reporting) Regulations 2020, a photograph of the Councillor, and membership of Council appointed committees to which they have been appointed by the Council.
- 9.5.2. The Annual Report will not contain a Foreword from the Mayor.

9.6. Council websites During the election period

- 9.6.1. Council's websites will not contain material which contravenes this policy. All Councillor biographical information and profile photographs will be removed from Council's website.
- 9.6.2. Any references to the election will only relate to the election process. Councillor profiles will be restricted to:
- names
 - contact details
 - titles

9.7. General Council publications

Information about Councillors will be restricted in any Buloke Shire Council publications, consistent with 9.6 above.

- 9.7.1. Any publication of the Mayor's message will be suspended during the Election Period.

9.8. Social Media

Social media includes, but is not limited to:

- Facebook
- X (formerly known as Twitter)
- YouTube
- LinkedIn
- Pinterest.

- 9.8.1. In accordance with section 9.2, any publications on social media sites under the auspices of Council during the election period require approval, prior to publication.
- 9.8.2. Protocols have been developed for managing Council's corporate social media and online channels. While Council's Communications Staff will monitor the mainstream platforms, any staff member who manages a social media or online channel as part of their role with the Buloke Shire Council is required to apply the same protocols.

10. Public consultation and engagement

- 10.1. No public consultation will be undertaken during the Election Period unless prior approval is obtained from the Chief Executive Officer.
- 10.2. The results of any public consultation undertaken outside the election period will not be reported to Council until after the election period.
- 10.3. The requirements of this section do not apply to public consultation required under the Planning and Environment Act 1987.

11. Media

Council's media is intended to promote Council activity or initiatives and must not be used in any way that might favour a candidate.

11.1. Media advice

Any requests for media advice or assistance from Councillors during the election period must go through the CEO. No media advice or assistance will be provided in relation to election issues or in regard to publicity that involves specific Councillors.

11.2. Media releases/spokespersons

Media releases will not refer to specific Councillors. Where it is necessary to identify a spokesperson in relation to an issue, the CEO will determine the appropriate person.

11.3. Publicity campaigns

During the election period, publicity campaigns, other than for the purpose of conducting the election will be avoided wherever possible.

Where a publicity campaign is deemed necessary for a Council activity, it must be approved by the CEO. In any event, Council publicity during the election period will be restricted to communicating normal Council activities and initiatives and will not involve specific Councillors.

11.4. Councillors

Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign.

11.5. Council employees

During the election period no Council employee may make any public statement that relates to an election issue unless statements have been approved by the CEO.

12. Attendance at functions and events during the election period

In this part, reference to events and functions means gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the Council and its community and may take the form of workshops, forums, launches, promotional activities or social occasions such as dinners and receptions.

12.1. Council organised events

Council organised events and functions held during the election period will be reduced to only those recurring held annually at this time which are National or Statewide events, such as Seniors Week.

Any event held during the election period will:

- be required to demonstrate how it will be managed to avoid any perceived voter influence;
- not include any Council generated or sponsored publicity other to advertise the event using the following words
(Event Name) is occurring on (Date) at (Venue)
- not include official speeches or formal opening from the Mayor or Councillor;
- not be attended by Councillors; and
- have all publicity and event plans approved by the Chief Executive Officer.

12.2. Speeches and keynote addresses

Councillors must not give speeches or keynote addresses at Council organised or sponsored events and functions during the election period.

12.3. Publication of promotional material

In preparing any material concerning a Council organised or sponsored function or event which will be published or distributed during the election period, such preparation must be consistent with the controls under section 9 of this Policy.

13. Council resources

The Council will ensure that due propriety is observed in the use of all Council resources, and Council staff are required to exercise appropriate discretion in that regard. Council staff must avoid assisting Councillors in ways that could create a perception that they are being used for electoral purposes. In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, advice will be sought from the CEO.

13.1. Councillor Requests

Councillors may only make operational requests to the Chief Executive Officer, during the Election Period.

13.2. Councillor Correspondence

General correspondence (including email) addressed to Councillors will be answered as usual.

However, Councillors will only respond to the necessary minimum correspondence during the election period and correspondence in respect to significant, sensitive or controversial matters should be responded to by the CEO, or their delegate.

13.3. Title of Councillor

Councillors may continue to use the title 'Councillor' in their election material, as they hold that position during the election period. However, Councillors should ensure that any election material using the title clearly indicates that it is their own material and does not represent Council.

13.4. Use of Council facilities

Council facilities that are normally available for public hire will be able to be hired by candidates (including councillor candidates) at the normal hire rate, terms and conditions of hire set for the facility.

No promotional material related to an election event, apart from simple directional signage, is to be displayed in the common public areas of a Council facility being hired.

13.5. Use of Council equipment and services by Councillors

Councillors may continue to use any Council equipment and services provided to them to facilitate their performance of normal Council duties in line with the Councillor Expenses Policy.

Council-issued resources, including vehicles, hospitality services, mobile phones and numbers, laptops and council email addresses, computers or printers, are not to be used in connection with any election campaign.

Councillors should also be mindful to manage any perceived conflicts even where a direct expense isn't incurred, this may include for example:

- Where campaign-related emails are received in a Council email account, send any responses from a private email and encourage the correspondent to use that account in future.
- Where campaign-related calls are received on a Council device, provide and encourage the caller to use a non-council number for future calls.

13.6. Reimbursement of expenses incurred by Councillors

Reimbursement of expenses and costs incurred by Councillors during the election period must only relate to the conduct of normal Council duties and not electoral purposes.

13.7. Council branding and stationery

No Council logos, letterheads, or other Buloke Shire Council branding will be used for, or linked in any way, to a candidate's election campaign.

13.8. Support to the Mayor, Deputy Mayor and Councillors

No staff, including support staff for Councillors must be asked to undertake any tasks connected directly or indirectly with an election campaign.

13.9. Councillor photographs

Councillors are not permitted to use photos or images taken by, or provided by Council, for the purposes of their election campaign (including photographs appearing on Council websites).

13.10. Council data

Databases and mailing lists held by the organisation remain the property of the Council and are subject to the requirements of the Privacy and Data Protection Act 2014 and are not available to members of the public, candidates or to Councillors.

14. Electoral signage on council-controlled land and property

Candidates and their supporters are not permitted to affix, attach or place advertising signs/electoral material on Council-controlled land, assets or a Council road, in the lead up to, or during the election period.

15. Equal access to information for Candidates

The Council affirms that all candidates for the Council election will be treated equally and recognises candidates have certain rights to information relevant to their election campaigns from the Council administration subject to legislative constraints such as:

- Sections 123 of the Act which prohibit Councillor-candidates from misusing or inappropriately making use of their position; and
- the Privacy and Data Protection Act 2014.
- Councillors will continue to be provided with information to enable them to perform their current role and function as a Councillor.

- Beyond that, only information that is readily available to any member of the community will be provided to any candidate.

15.1. Information Request Register

An Information Register will be maintained by Council's Manager Governance during the Election Period to register and response to Candidate questions.

The Chief Executive Officer will sign off on all responses to Candidates.

This Register will be a public document located on Buloke Shire Council website in the section dedicated to Council elections. Candidates will receive email notification of responses to submitted questions.

15.2. Information for candidates

Council will make the following information available on its website for prospective candidates:

- Information about this Policy.
- Information about nominating as a candidate (with links to relevant sites).
- Key dates and activities, including dates of induction activity and briefing meetings post- election.
- Information about election campaign donation returns
- Any other relevant information.

15.3. Staff as candidates

A staff member is not prevented from nominating as a candidate at an election. Upon becoming a candidate in a Buloke Shire Council election, the staff member must:

- Inform the Chief Executive Officer
- Take leave from their duties at least for the duration of the election period in accordance with sections 34 and 256 the Act
- Return any Council equipment (including, but not limited to, motor vehicles, telephones and computers), documents or information that is not available to the public at least for the duration of the election period
- If elected, immediately resign from their employed position at Council prior to taking the oath or affirmation of office, in accordance with sections 34 and 256 of the Act.

15.4. Member of Council Delegated or Advisory Committees

Upon becoming a candidate, any person who is a member of one of Council's Delegated Committees or other committees is expected to:

- Comply with this Policy

- Inform the Chief Executive Officer
- Take leave from the Delegated Committee or Advisory Committee
- Return any Council equipment, documents or information which is not available to the public for the duration of their candidacy and/or the election period, and
- If elected, immediately resign from the Delegated Committee or other committee.

15.5. Election process enquiries

All election process related enquiries from candidates, whether sitting Councillors or not, will be directed to the Election Manager or, where the matter is outside the responsibilities of the Election Manager, to the Chief Executive Officer.

16. Suspension of matters during election period

In accordance with the Act, any applications made, or internal arbitration processes or proceedings before a Councillor Conduct Panel or the Victorian Civil and Administrative Tribunal regarding the misconduct, serious misconduct or gross misconduct of a person who is a Councillor, must be suspended during the election period.

17. Breaches

17.1. Misuse of position

Section 123 of the Act prohibits current or former Councillors or members of delegated committees from using their position to gain access to information or resources that would otherwise not be available. The Act specifies the following circumstances as a misuse of position:

- making improper use of information acquired as a result of the position he or she held or holds
- disclosing information that is confidential information within the meaning of section 3(1) of the Act
- directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff
- exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform
- using public funds or resources in a manner that is improper or unauthorised or
- participating in a decision on a matter in which the person has a conflict of interest.

A breach of section 123 of the Act attracts serious penalties, including possible imprisonment. Allegations of breaches of the Act are independently received and investigated by the Local Government Inspectorate.

17.2. Prohibition on Councillor or member of Council staff

Section 304 of the Act prohibits Councillors or a member of Council staff from using resources in a way that is intended to or likely to affect the result of an election under the Act.

In addition, section 304 of the Act also prohibits Councillors or a member of Council staff from using 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.

17.3. Breach of this Policy

Any breach of this Policy relating to staff conduct is to be referred to the CEO.

Allegations of breaches of this Policy by Councillors will be dealt with under the Dispute Resolution Procedures of the Councillor Code of Conduct. The Chief Executive Officer will take the place of the Mayor in managing complaints received under the Election Period Policy.

Complaints must be directed to the Chief Executive Officer in writing, providing details of the alleged contravention, when it occurred and who it involved. The Chief Executive Officer will assess the information and follow the provisions of the Dispute Resolution Procedures of the Councillor Code of Conduct.

Alleged breaches relating to all other matters are to be referred to the Local Government Investigations and Compliance Inspectorate at email address inspectorate@lgi.vic.gov.au or phone 1800 469 359.

18. By-elections

This policy shall be observed during any by-election, except sections 7.1(a) to (d).

Other provisions of relevance to the municipality as a whole shall be limited in application to the ward in which the by-election applies to.

19. Administrative updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively.

Examples include a change to the name of a Buloke Shire Council department, position titles, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made with the approval of Chief Executive Officer or where required, resolution of Council.

20. Distribution of this Policy

A copy of this policy must:

- (a) Be provided to each Councillor as soon as practicable after its adoption
- (b) be available for inspection by the public at Council's Wycheproof District Office; and
- (c) be published on the Council's internet website.

21. Monitoring, Evaluation and Review

This Policy will be reviewed not later than 12 months before the commencement of each subsequent general election.

22. Human Rights Charter Compatibility

This Policy has been assessed as being compatible with the Charter of Human Rights and Responsibilities Act 2006.

23. References

Local Government Act 2020
Local Government Act 1989
Local Government (Electoral) Regulations 2020
Local Government (Governance and Integrity) Regulations 2020
Local Government Amendment (Governance and Integrity) Act 2024
Privacy and Data Protection Act 2014
Victorian Electoral Act 2002
Councillor Code of Conduct Councillor and Staff Interaction Policy
Community Engagement Policy
Councillor Expenses Policy

8.1.3 CHILD SAFE STANDARDS POLICY

Author's Title: Director Corporate and Organisational Performance

Directorate: Corporate and Organisational Performance

File No:
Governance

Relevance to Council Plan 2021 - 2025

Strategic

Objective: Increased Community Wellbeing
Active Leaders and Volunteers
A Well Governed and Healthy Organisation

PURPOSE

All people working under the auspice of Buloke Shire Council (Council) are responsible for the care and protection of children and young people (being anybody under the age of 18), which includes the reporting of any concerns of child abuse. The Child Safe Standards Policy has been created to ensure all those working for The Council have a shared understanding of child safety and of their responsibilities in keeping children and young people safe from abuse.

SUMMARY

This policy applies to all councillors, employees, volunteers, service providers, contractors, representatives, agents, and others who act on behalf of Council.

Council as a provider of services and facilities for children and young people, is required to comply with the Child Wellbeing and Safety Act (2005).

RECOMMENDATION

That Council:

1. Adopt the Child Safe Standards Policy.

DISCUSSION

As of the 1 July 2022, eleven compulsory Victorian Child Safe Standards (The Standards) came into effect for all organisations or groups who provide services or facilities for children or engages a child as a contractor, employee or volunteer.

The Standards provide a framework for organisations to develop policies, procedures and strategies that embed a culture of child safety in everyday thinking and practice and reduce the risk of child abuse being perpetrated by a person within Council's scope.

Council is committed to being a child safe organisation and has zero tolerance for child abuse. We recognise our legal and moral responsibilities in keeping all children and young people safe from harm and promoting their best interests. We have specific policies, procedures and training in place to support Council workers to achieve these commitments.

RELEVANT LAW

Council as a provider of services and facilities for children and young people, is required to comply with the Child Wellbeing and Safety Act (2005).

RELATED COUNCIL DECISIONS

Not applicable.

OPTIONS

Council may decide not to adopt the Child Safe Standards Policy.

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

Not applicable.

CONFLICT OF INTEREST

No conflict of interest has been declared in the preparation of this report.

Attachments: 1. Attachment 8.1.3.1 - Child Safe Standards Policy



POLICY LOCATION	Corporate and Organisational Development	POLICY TITLE	Child Safe Standards Policy
POLICY NUMBER	CA21	DATE ADOPTED	Proposed December 2024
REVISION NUMBER	[INSERT REVISION NUMBER]	REVISION DATE	August 2028

Purpose

All people working under the auspice of Buloke Shire Council (Council) are responsible for the care and protection of children and young people (being anybody under the age of 18), which includes the reporting of any concerns of child abuse. The Child Safe Standards Policy has been created to ensure all those working for The Council have a shared understanding of child safety and of their responsibilities in keeping children and young people safe from abuse.

Scope

This policy applies to all councillors, employees, volunteers, service providers, contractors, representatives, agents, and others who act on behalf of Council.

Council as a provider of services and facilities for children and young people, Council is required to comply with the *Child Wellbeing and Safety Act (2005)*.

As of the 1 July 2022, eleven compulsory Victorian Child Safe Standards (**The Standards**) came into effect for all organisations or groups who provide services or facilities for children or engages a child as a contractor, employee or volunteer.

The Standards provide a framework for organisations to develop policies, procedures and strategies that embed a culture of child safety in everyday thinking and practice and reduce the risk of child abuse being perpetrated by a person within Council's scope.

Definitions



Term	Definition
Act	The Child Wellbeing and Safety Act 2005 (as amended from time to time).
Child or Children	A person (or persons) under 18 years of age.
Child Abuse	Has the same meaning given to that term in the Act. Child abuse is defined in the Child Safety and Wellbeing Act 2005 (Vic) as including: <ul style="list-style-type: none">• a sexual offence committed against a child• grooming for sexual conduct with a child under the age of 16 (under section 49M(1) of the Crimes Act 1958 (Vic))• physical violence against a child• causing serious emotional or psychological harm to a child• serious neglect of a child



Child Safe Incident	<p>A child safe incident is any of the following:</p> <ul style="list-style-type: none"> • sexual offences against, with or in the presence of a child; • sexual misconduct against, with or in the presence of a child; • physical violence against, with or in the presence of a child; • any behaviour that causes significant emotional or psychological harm to a child; • significant neglect; • a disclosure of abuse or harm; • an allegation of suspicion or observation; • breach of code of conduct relating to child safety and wellbeing; and • environmental safety issues
Child Safe Standards Code of Conduct	<p>The Council's Child Safe Standards Code of Conduct which outlines the standards of behaviour required of all Council Staff in relation with the safety and wellbeing of all Children.</p>
Child Safe Standards Council Staff	<p>The eleven compulsory standards made under section 17 of the Act to prevent child abuse and harm from happening in an organisation. Includes employees, volunteers and contractors.</p>
Disability	<p>Has the same meaning given to that term in the Disability Act 2006. Disability includes the following:</p> <ul style="list-style-type: none"> • the total or partial loss of a body part or a bodily function (such as mobility, sight or hearing); • the presence in the body of organisms that may cause disease; • malformation or disfigurement; • a mental or psychological disease or disorder; and/or • learning difficulties. Disability may be permanent, non-permanent or an increased chance of developing a disability in future. <p>Disability also includes behaviour that may be a symptom or expression of disability even if that disability is not formally diagnosed.</p>
Incident	<p>An occurrence of Child Abuse or harm to a Child or a breach of the Child Safe Standards Code of Conduct.</p>
Mandatory Reporting	<p>Mandatory reporting is the legal requirement of certain professional groups to report a reasonable belief of child physical or sexual abuse to child protection authorities.</p>
Reportable Conduct	<p>Has the same meaning given to that term in the Act;</p> <p>(a) a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded; or</p> <p>(b) sexual misconduct, committed against, with or in the presence of, a child; or</p> <p>(c) physical violence committed against, with or in the presence of, a child; or</p> <p>(d) any behaviour that causes significant emotional or psychological harm to a child; or</p> <p>(e) significant neglect of a child; reportable conduct scheme means the scheme.</p>
Report Conduct Scheme	<p>The scheme set out in Part 5A of the Act;</p>



Policy Statement

Council is committed to being a child safe organisation and has zero tolerance for child abuse. We recognise our legal and moral responsibilities in keeping all children and young people safe from harm and promoting their best interests. We have specific policies, procedures and training in place to support Council workers to achieve these commitments.

Guidelines

The Child Safe Standards, and how Council will achieve compliance with each of them, is as follows:

Child Safe Standard	Compliance Statement
Child Safe Standard 1 Establishing a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued	Council will take steps to create a culturally safe environment for Aboriginal Children. The Council will meet this requirement regardless of whether or not we know that there are Aboriginal Children currently using our services or facilities.
Child Safe Standard 2 Child safety and wellbeing is embedded in the Council's leadership, governance and culture	Council places great emphasis on information sharing, record keeping and governance arrangements to ensure the creation of a Child-safe culture at all levels at Council. The management of risks to Children will be embedded in our leadership, governance, practice and culture.
Child Safe Standard 3 Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously	Council will have strategies in place to empower and encourage Children and Young People to promote their participation and engagement. Children and Young people are invited to present to Councillors on a regular basis.
Child Safe Standard 4 Families and communities are informed, and involved in promoting child safety and wellbeing	Council will inform and involve families and communities in complying with the Child Safe Standards. Council will ensure that it: <ul style="list-style-type: none">• seeks input from families and communities in decisions impacting Children,• involves families and communities in the development and review of our Child safe policies, procedures and practices,• communicates effectively with families and communities about how to raise Child safety concerns and how it operates, and• take into account the diversity of families and act to reduce barriers to inclusion.
Child Safe Standard 5 Equity is upheld and diverse needs respected in policy and practice	Council will recognise and respond to diversity and understands that some Children are more vulnerable to abuse than others. This can include but not limited to, the cultural safety of Aboriginal children, culturally and/or linguistically diverse children and the safety of children with disability.



	Council will focus on understanding Children's diverse circumstances and give attention to the needs of non-binary and gender diverse Children. This commitment links to the Council's obligations to establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued.
Child Safe Standard 6 People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice	Council will have Child safety policies and procedures for recruitment and selection processes, screening, supervision, training, development, and performance monitoring of Council's Staff. Council Staff will be made aware of their reporting procedures for Child safety issues. Council will inform staff about the organisations record keeping processes in relation to Child safety and wellbeing and information sharing and reporting obligations.
Child Safe Standard 7 Processes for complaints and concerns are Child-focused	Council will have complaints processes that are Child-focused and can be understood by Children and their families, and Council Staff. Council recognises its obligations to take complaints seriously and respond to them promptly and thoroughly, to co-operate with law enforcement, and to meet reporting, privacy, and employment law obligations.
Child Safe Standard 8 Staff and volunteers are equipped with the knowledge, skills and awareness to keep Children safe through ongoing education and training	Council recognises its obligations under the Child Safe Standards. The Council will provide training and information for Staff and volunteers on building safe environments for Children. Council will train and support Staff and volunteers through ongoing education and training to recognise indicators of harm, and to respond effectively to child safety issues and concerns.
Child Safe Standard 9 Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed	Council will be mindful of the risks associated with both physical and online environments and to adopt measures to remove risks of Child Abuse. The Council understands its obligations to: <ul style="list-style-type: none"> • consider online environments in addition to physical environments, • identify and mitigate risks in these environments without compromising a Child's right to privacy, access to information, social connections and learning opportunities, • promote Child safety and wellbeing as well as minimising the opportunity for Children to be harmed, and • have systems in place that ensure the safety of Children if the Council contracts facilities and services from third parties.
Child Safe Standard 10 Implementation of the Child Safe Standards is regularly reviewed and improved	Review and continuous improvement are part of Council's response to compliance with the Child Safe Standards. Council will continue to



meet its obligations to consistently review and improve the embedding of the Child Safe Standards through:

- analysing complaints, concerns and safety incidents to identify causes and systemic failures to inform continuous improvement; and
- report on findings of relevant reviews of Child safe practices to Council staff, the community, Children and their families.

Child Safe Standard 11

Policies and procedures document how the organisation is safe for children and young people

Council acknowledges that the preparation of comprehensive policies and procedures to support implementation of Child safe practices is mandated by the Child Safe Standards. Council understands its obligations to:

- ensure policies and procedures are easy to understand;
 - use stakeholder consultation and best practice models to inform the development of policies and procedures; and
 - ensure The Council's leaders champion and model compliance with policies and procedures.
-

Mandatory Reporting

In Victoria, under the Children, Youth and Families Act 2005 any personnel who are mandatory reporters must report to Child Protection if they believe on reasonable grounds that a child is in need of protection from physical injury or sexual abuse.

In Council this is relevant for some staff including, nurses and early childhood workers. A complete list of mandatory reporters is available on the Department of Families, Fairness and Housing website.

Reportable Conduct Scheme

The Reportable Conduct Scheme (the Scheme) aligns closely with the Child Safe Standards and requires Council to:

- prevent child abuse and, if abuse is alleged, ensure allegations are brought to the attention of the appropriate person for investigation and response;
- respond to and investigate allegations of certain types of abuse or misconduct made against Council personnel; and
- report any allegations to the Commission for Children and Young People (the Commission).

The Commission is responsible for administering the Scheme with a focus on:

- supporting and guiding organisations that receive allegations in order to promote fair, effective, timely and appropriate responses;
- independently overseeing, monitoring and, where appropriate, making recommendations to improve the responses of those organisations; and
- facilitating information sharing between organisations, their regulators, Victoria Police and the Working with Children Check Unit to better prevent and protect children from abuse.

The five types of reportable conduct are:

- Sexual offences against, with or in the presence of a child;
- Sexual misconduct against, with or in the presence of a child;
- Physical violence against, with or in the presence of a child;



- Behaviour that causes significant emotional or psychological harm; and
- Significant neglect.

WHAT PERSONS COVERED BY THIS POLICY MUST DO IF THEY HAVE A REASONABLE BELIEF THAT CHILD ABUSE HAS TAKEN PLACE:

Council Staff or volunteers must promptly report all suspected or disclosed Child Abuse or harm to their manager, people leader by completing a Council incident report.

Managers and people leaders who receive a report of suspected or disclosed Child Abuse must refer the report to their director immediately. The Director and Manager in collaboration with other child safety experts, will determine if the incident is a reportable conduct.

If the suspected or disclosed Child Abuse report is Reportable Conduct, Council will report the Reportable Conduct to The Commission for Children and Young People (CCYP).

Roles and responsibilities

Safeguarding children and young people is a responsibility across Council.

Specific responsibilities are outlined below.

Councillors

Role Responsibility

- Model a culture of child safety and wellbeing.
- Understand and comply with their obligations in relation to child safety and wellbeing.

Executive Team

Role Responsibility

- Model a culture of child safety and wellbeing, and provide leadership and good governance, ensuring:
 - the appropriate policies and procedures are in place and implemented across the organisation;
 - all staff are aware of their roles and responsibilities in relation to child safety and wellbeing; and
 - allegations of child abuse and harm are reported and fully investigated.
- In addition, the CEO is responsible for meeting specific requirements under the Reportable Conduct Scheme and ensuring these are implemented within legislated timeframes.

Managers/Coordinators/Team Leaders

Role Responsibility

- Ensure a culture of child safety and wellbeing is embedded among their team/s.
- Ensure Child Safety and Wellbeing policies and procedures are implemented within the work areas they are responsible for, including that all staff:
 - have access to Child Safety and Wellbeing Policies and Procedures; and
 - complete relevant training and are aware of their roles and responsibilities in relation to child safety, including child safety incident reporting.
- Conduct risk assessments, taking reasonable steps to identify any potential risks to the safety and wellbeing of children and young people within their team/s and remove or minimise the risks.



- Ensure engagement and consultation with children and young people on matters that affect them in relation to the work their team/s undertake.
- Where relevant, and in conjunction with Human Resources, ensure that relevant personnel maintain a current Working with Children Clearance.

Staff

Role Responsibility

- Understand and comply with their roles and responsibilities in keeping children and young people safe.
- Report any concerns about the safety and wellbeing of a child or young person.
- Participate in training and education in relation to child safety and wellbeing as required.
- Relevant personnel will obtain a Working with Children Check and maintain a current Working with Children Clearance or provide evidence of current Victorian Institute of Teaching (VIT) Registration.
- Provide environments for children and young people where they feel safe, empowered and can participate.
- Behave safely and appropriately with children and young people.

Human Resources

Role Responsibility

- Ensure all recruitment and selection is undertaken to meet the requirements of the Child Safe Standards.
- Where relevant, and in conjunction with Managers/Coordinators/Team Leaders, ensure staff have and maintain a current Working with Children Clearance or VIT Registration, prior to engagement and on an ongoing basis.
- Ensure induction of new employees includes the provision of the Child Safe Standards Policy and training to support them to understand their roles and responsibilities relating to child safety.
- Oversee the implementation of child safety refresher training for all employees on an ongoing basis and keep records of training completed.
- Manage disciplinary procedures as they relate to child safety and wellbeing.

References

This Policy was developed in accord with the following legislation:

Legislation

- Child Wellbeing and Safety Act 2005 (Vic)
- Child Wellbeing and Safety Regulations 2017
- Working with Children Act 2005
- Crimes Act 1958 (Vic)
- Disability Act 2006
- Health Records Act 2001
- Privacy and Data Protection Act 2016

This Policy is implemented in conjunction with the following documents:



- Councillors Code of Conduct
- Council Staff Code of Conduct
- Child Safe Procedure



Child Safety Reporting Process Appendix One

Who can report?

Parent/ Carer

Child/ Young
Person

Community
Member

Councillor
Staff
Contractor
Volunteer

What to report?

All signs of abuse, harm, or the reasonable belief the child is in danger are to be reported. This can include:

- disclosure of abuse or harm
- allegation, suspicion, or observation
- Sexual, abuse, sexual misconduct, or physical violence
- Grooming
- Significant emotional or psychological harm
- Significant neglect
- Reasonable belief that there is a breach of Code of Conduct

IMPORTANT

Please call Police on 000 (triple zero) if a child is in immediate danger.

How to make a report

Reports can be made verbally, either Face-to-face or over the phone, in writing, email, or in a meeting.

By telephone:

- 1300 520 520

By email:

- Do we get a Childsafety Email or do we just go with Buloke@buloke?

Directly to the Commission for Children and Young People:

- www.ccp.vic.gov.au/report-an-allegation
- OR

Child Protection

- 1300 884 706

Victoria Police, non emergency assistance

- 131 444

Who to make a report to

Reports are to be made to the appointed Buloke Shire Child Safety Officers.

- Director Corporate and Organisational Performance
- Manager Human Resources
- Manager Children & Youth



BULOKE
SHIRE COUNCIL

**What happens
next?**

Child Safety Officers will gather further information and the matter may be referred to Victoria Police and/or the Commission for Children and Young People through the Reportable Conduct Scheme.

- initiate internal processes to ensure the safety of the child, clarify the nature of the complaint and commence disciplinary process (if required)
- decide, in accordance with legal requirements and duty of care, whether the matter should/must be reported to the police or Child Protection and make report as soon as possible if required.

Child Safety Officers will also offer provide support to the child, the parents, the person who reports and the accused staff member or volunteer.

- Review policies, procedures and practices and where necessary update to improve responses to child safety.

Outcome

- Complete investigation
- Notify relevant parties of the outcome of the investigation (if appropriate)
- Review policies, procedures and practices and where necessary update to improve responses to child safety.

8.2 MANAGEMENT REPORTS

8.2.1 EXCESS ANIMALS PERMIT APPLICATION

Author's Title: Team Leader Compliance

Directorate: Community Development

File No: Animals

Relevance to Council Plan 2021 - 2025

Strategic

Objective: Increased Community Wellbeing

PURPOSE

The purpose of this report is for Council to consider the officer recommendation to refuse an Application for Permit - Keeping of Animals.

SUMMARY

Council's Community Local Law 2019 requires a permit to be obtained to keep more than two dogs and/or two cats in a township area and five dogs and/or cats outside a township area in Buloke Shire.

An Application for Permit - Keeping of Animals is required if residents wish to exceed these limits.

An application has been received by Council for the keeping of three dogs in a township area. The address of the application is 22 King Street, Birchip.

RECOMMENDATION

That Council:

1. Considers the officer's recommendation to refuse the Application for Permit - Keeping of Animals Community Local Law 2019 Clause 42(1) to keep three dogs at 22 King Street, Birchip
2. Notes and declares the attachments to this report as confidential on the grounds that it relates to (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs as described in s 3(1) of the *Local Government Act 2020*.

DISCUSSION

The applicant has applied to keep more than the maximum number of animals allowed in a township area.

As required under the Community Local Law 2019, neighbouring landowners/residents of 22 King Street, Birchip were notified of the permit application and advised to submit any objections to Council by the 30 August 2024.

One signed objection from a neighbouring landowner/resident was received by Council (Attached).

RELEVANT LAW

Buloke Shire Council Community Local Law 2019 Clause 42(1)

RELATED COUNCIL DECISIONS

Council has previously considered Application for Permit - Keeping of Animals applications when an objection to the application was received. The last application considered by Council was in December 2021.

OPTIONS

Council may approve the permit and impose conditions, for example;

This permit is issued subject to the following conditions: -

- All provisions of the “Domestic Animals Act 1994” are complied with.
- All provisions of the Buloke Shire Council “Community Local Law 2019” as applying to animals are complied with.
- No valid complaints are received relating to the keeping of the animals.
- Any animal that is the subject of this permit that is no longer kept for any reason may not be replaced.
- This permit may be revoked at any time at the discretion of the “Buloke Shire Council” or their authorised representative.

SUSTAINABILITY IMPLICATIONS

Not applicable to this report.

COMMUNITY ENGAGEMENT

Following procedures under the Community Local Laws 2019, Council has undertaken a notification process and advertising of the application that involved five neighbouring landowners/residents that may be affected by the keeping of more than the maximum number of animals allowed in a township area.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable to this report.

COLLABORATION

Not applicable to this report.

FINANCIAL VIABILITY

Not applicable to this report.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Domestic Animals Act 1994

COUNCIL PLANS AND POLICIES

Buloke Shire Council Plan 2021-2025 and Long-Term Community Vision

Community Local Law 2019

Domestic Animals Management Plan 2022-2025

TRANSPARENCY OF COUNCIL DECISIONS

The attachments to this report contain confidential information under s3 of the *Local Government Act 2020*, as it relates to personal affairs information of individuals. The decision for this report can be made in the open Council Meeting to promote openness and transparency of Council decisions.

CONFLICT OF INTEREST

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

Attachments:

1. CONFIDENTIAL REDACTED - Attachment 8.2.1.1 - Objection
2. CONFIDENTIAL REDACTED - Attachment 8.2.1.2 - Application for Permit
3. CONFIDENTIAL REDACTED - Attachment 8.2.1.3 - Letter to council from applicant

8.2.2 EXCESS ANIMALS PERMIT APPLICATION

Author's Title: Team Leader Compliance

Directorate: Community Development

File No: Animals

Relevance to Council Plan 2021 - 2025

Strategic

Objective: Increased Community Wellbeing

PURPOSE

The purpose of this report is for Council to consider the officer recommendation to refuse an Application for Permit - Keeping of Animals.

SUMMARY

Council's Community Local Law 2019 requires a permit to be obtained to keep more than two dogs and/or two cats in a township area and five dogs and/or cats outside a township area in Buloke Shire.

An Application for Permit - Keeping of Animals is required if residents wish to exceed these limits.

An application has been received by Council for the keeping of five dogs in a township area. The address of the application is 202 Best Street, Sea Lake.

RECOMMENDATION

That Council:

1. Considers the officer's recommendation to refuse the Application for Permit - Keeping of Animals Community Local Law 2019 Clause 42(1) to keep five dogs at 202 Best Street, Sea Lake.
2. Notes and declares the attachments to this report as confidential on the grounds that it relates to (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs as described in s 3(1) of the *Local Government Act 2020*.

DISCUSSION

The applicant has applied to keep more than the maximum number of animals allowed in a township area.

As required under the Community Local Law 2019, neighbouring landowners/residents of 202 Best Street, Sea Lake were notified of the permit application and advised to submit any objections to Council by the 1 October 2024.

One signed objection letter and two letters of support from neighbouring landowners/residents were received by Council (Attached).

RELEVANT LAW

Buloke Shire Council Community Local Law 2019 Clause 42(1)

RELATED COUNCIL DECISIONS

Council has previously considered Application for Permit - Keeping of Animals applications when an objection to the application was received. The last application considered by Council was in December 2021.

OPTIONS

Council may approve the permit and impose conditions, for example;

This permit is issued subject to the following conditions: -

- All provisions of the “Domestic Animals Act 1994” are complied with.
- All provisions of the Buloke Shire Council “Community Local Law 2019” as applying to animals are complied with.
- No valid complaints are received relating to the keeping of the animals.
- Any animal that is the subject of this permit that is no longer kept for any reason may not be replaced.
- This permit may be revoked at any time at the discretion of the “Buloke Shire Council” or their authorised representative.

SUSTAINABILITY IMPLICATIONS

Not applicable to this report.

COMMUNITY ENGAGEMENT

Following procedures under the Community Local Laws 2019, Council has undertaken a notification process and advertising of the application that involved six neighbouring landowners/residents that may be affected by the keeping of more than the maximum number of animals allowed in a township area.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable to this report.

COLLABORATION

Not applicable to this report.

FINANCIAL VIABILITY

Not applicable to this report.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Domestic Animals Act 1994

COUNCIL PLANS AND POLICIES

Buloke Shire Council Plan 2021-2025 and Long-Term Community Vision

Community Local Law 2019

Domestic Animals Management Plan 2022-2025

TRANSPARENCY OF COUNCIL DECISIONS

The attachments to this report contain confidential information under s3 of the Local Government Act 2020, as it relates to personal affairs information of individuals. The decision for this report can be made in the open Council Meeting to promote openness and transparency of Council decisions.

CONFLICT OF INTEREST

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

Attachments:

1. CONFIDENTIAL REDACTED - Attachment 8.2.2.1 - Permit Application-Registration-Letter
2. CONFIDENTIAL REDACTED - Attachment 8.2.2.2 - Objection
3. CONFIDENTIAL REDACTED - Attachment 8.2.2.3 - Letter of Support - 1
4. CONFIDENTIAL REDACTED - Attachment 8.2.2.4 - Letter of Support - 2

8.2.3 EXCESS ANIMALS PERMIT APPLICATION

Author's Title: Team Leader Compliance

Directorate: Community Development

File No: Animals

Relevance to Council Plan 2021 - 2025

Strategic

Objective: Increased Community Wellbeing

PURPOSE

The purpose of this report is for Council to consider the officer recommendation to refuse an Application for Permit - Keeping of Animals.

SUMMARY

Council's Community Local Law 2019 requires a permit to be obtained to keep more than two dogs and/or two cats in a township area and five dogs and/or cats outside a township area in Buloke Shire.

An Application for Permit - Keeping of Animals is required if residents wish to exceed these limits.

An application has been received by Council for the keeping of three dogs in a township area. The address of the application is 10 Morrison Street, Birchip.

RECOMMENDATION

That Council:

1. Considers the officer's recommendation to refuse the Application for Permit - Keeping of Animals Community Local Law 2019 Clause 42(1) to keep three dogs at 10 Morrison Street, Birchip
2. Notes and declares the attachments to this report as confidential on the grounds that it relates to (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs as described in s 3(1) of the *Local Government Act 2020*.

DISCUSSION

The applicant has applied to keep more than the maximum number of animals allowed in a township area.

As required under the Community Local Law 2019, neighbouring landowners/residents of 10 Morrison Street, Birchip were notified of the permit application and advised to submit any objections to Council by the 20 November 2024.

Three signed objections from neighbouring landowners/residents were received by Council (Attached).

RELEVANT LAW

Buloke Shire Council Community Local Law 2019 Clause 42(1)

RELATED COUNCIL DECISIONS

Council has previously considered Application for Permit - Keeping of Animals applications when an objection to the application was received. The last application considered by Council was in December 2021.

OPTIONS

Council may approve the permit and impose conditions, for example;

This permit is issued subject to the following conditions: -

- All provisions of the “Domestic Animals Act 1994” are complied with.
- All provisions of the Buloke Shire Council “Community Local Law 2019” as applying to animals are complied with.
- No valid complaints are received relating to the keeping of the animals.
- Any animal that is the subject of this permit that is no longer kept for any reason may not be replaced.
- This permit may be revoked at any time at the discretion of the “Buloke Shire Council” or their authorised representative.

SUSTAINABILITY IMPLICATIONS

Not applicable to this report.

COMMUNITY ENGAGEMENT

Following procedures under the Community Local Laws 2019, Council has undertaken a notification process and advertising of the application that involved seven neighbouring landowners/residents that may be affected by the keeping of more than the maximum number of animals allowed in a township area.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable to this report.

COLLABORATION

Not applicable to this report.

FINANCIAL VIABILITY

Not applicable to this report.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Domestic Animals Act 1994

COUNCIL PLANS AND POLICIES

Buloke Shire Council Plan 2021-2025 and Long-Term Community Vision

Community Local Law 2019

Domestic Animals Management Plan 2022-2025

TRANSPARENCY OF COUNCIL DECISIONS

The attachments to this report contain confidential information under s3 of the Local Government Act 2020, as it relates to personal affairs information of individuals. The decision for this report can be made in the open Council Meeting to promote openness and transparency of Council decisions.

CONFLICT OF INTEREST

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

Attachments:

1. CONFIDENTIAL REDACTED - Attachment 8.2.3.1 - Permit Application
2. CONFIDENTIAL REDACTED - Attachment 8.2.3.2 - Objection 1
3. CONFIDENTIAL REDACTED - Attachment 8.2.3.3 - Objection 2
4. CONFIDENTIAL REDACTED - Attachment 8.2.3.4 - Objection 3

8.2.4 COMMUNITY GRANTS AND SPONSORSHIPS

Author's Title: Director Community Development

Directorate: Community Development

File No:
Community

Relevance to Council Plan 2021 - 2025

Strategic Objective: Well Supported Community
Increased Community Wellbeing
Active Leaders and Volunteers

PURPOSE

To present to Council the applications received under the Community Grants and Community Sustainability Grants Programs for consideration and final decision on the budget allocations.

SUMMARY

Each year, Council allocates funds in the Annual Budget to support community initiatives that align with Council's priorities and vision as outlined within the Council Plan.

In the 2024/25 Annual Budget, Council allocated \$20,000 to the **Community Grants Program** and \$50,000 to the **Community Sustainability Grants Program**. The purpose of these programs is:

- **Community Grants** support the strengthening of the capacity and capability of local organisations, assist with the organisation and management of events, or help with the purchase of small capital items. The **Sponsorship Program** is also included under this grant.
- **Community Sustainability Grants** assist projects that contribute to reducing the community's carbon footprint, improve the environment or effectively conserve resource usage.

RECOMMENDATION

That Council:

1. Approves the following allocation of funds under the Community Grants Program:
 - \$500 - Birchip P-12 Art Show (Birchip P-12 School)
 - \$1,762 - Painting J524 (The Lions Club of Donald Inc)
 - \$2,000 - Buloke Health Expo 2025 (Buloke Health Expo Project Working Group - Auspiced by Wycheproof Resource Centre Incorporated)
 - \$1,000 - Procurement of Electronic Office Equipment to Improve Club Operations (Charlton Campdraft Club Inc)
2. Approves the following allocation of funds under the Community Sustainability Grants Program:
 - \$2,000 - Reducing VRI Hall's Carbon Footprint (Donald Youth Group - Auspiced by Granite Community Church Incorporated)

DISCUSSION

The current Community Grant Guidelines require applications received under the Community Grants and Community Sustainability Grants Programs to be approved by Council. This includes Sponsorship Program requests for financial support over \$250.

Due to the recent Local Government Election Period and the new Council Meeting schedule, this requirement has resulted in grants not being awarded to the five applications received since August 2024.

As per the current Community Grant Guidelines, each application was assessed by an Assessment Panel. The Panel consisted of three Council officers from across the Community Development Directorate.

Based on their assessment against the adopted selection criteria, the Panel recommends the following grants for Council consideration and approval.

Project: Birchip P-12 Art Show	
Organisation:	Birchip P-12 School
Grant type:	Sponsorship
Amount applied:	\$500
Funding amount Recommended:	\$500
Full project cost:	\$500
Project description:	Supporting the Birchip P-12 School to hold their biennial art show to promote local artists.
Project benefit:	Promoting local artists and offering an opportunity for them to sell their work will provide another unique tourism opportunity within the Shire.
Assessment panel scoring:	Average Score = 19.67 out of 20.

Project: Painting J524	
Organisation:	The Lions Club of Donald Inc.
Grant type:	Project Support Grant
Amount applied:	\$1,762
Funding amount Recommended:	\$1,762
Full project cost:	\$3,430
Project description:	Repainting the engine J524 in Donald Train Park.
Project benefit:	Revitalising the J524 engine in Donald Train Park will enhance the visual entry into Donald and increase the enjoyment of its visitors.
Assessment panel scoring:	Average Score = 16 out of 20.

Project: Buloke Health Expo	
Organisation:	Buloke Health Expo Project Working Group (Auspiced by Wycheproof Resource Centre Incorporated)
Grant type:	Project Support Grant
Amount applied:	\$2,000
Funding amount Recommended:	\$2,000
Full project cost:	\$15,000
Project description:	To deliver an event for senior high school students to promote the best ways to live healthy lives.
Project benefit:	This event will help teach and encourage young people to create and lead healthier lives
Assessment Panel scoring:	Average Score = 17 out of 20.

Project: Procurement of Electronic Office Equipment	
Organisation:	Charlton Campdraft Club Inc
Grant type:	Small Capital Equipment Grant
Amount applied:	\$1,000
Funding amount Recommended:	\$1,000
Full project cost:	\$2,239
Project description:	Acquisition of laptop computer, printer, mouse and keyboard.
Project benefit:	The acquisition of the computer equipment will allow the Charlton Campdraft Club Inc to do their administration more efficiently and effectively. A new computer will allow the club to more effectively run their club, and plan events better.
Assessment panel scoring:	Average Score = 15 out of 20.

Project: Reducing VRI Hall's Carbon Footprint	
Organisation:	Donald Youth Group (Auspiced by Granite Community Church Incorporated)
Grant type:	Quick Action Sustainability Grant
Amount applied:	\$2,000
Funding amount Recommended:	\$2,000
Full project cost:	\$2,580
Project description:	Installing a rangehood and fly screens.

Project benefit:	The installation of a rangehood and fly screens at the VRI Hall will allow the youth group to open the windows on warm days, instead of using their air conditioning. The installation of the rangehood means that food can be cooked safely within the hall, allowing greater usage of the hall.
Assessment panel scoring:	Average Score = 17 out of 25.

RELEVANT LAW

Not applicable to this report.

RELATED COUNCIL DECISIONS

Not applicable to this report.

OPTIONS

Council has the option not to allocate the funds as recommended by the Assessment Panel. However, such amendments to the proposed funding recommendations may undermine the integrity and fairness of the assessment process.

SUSTAINABILITY IMPLICATIONS

Not applicable to this report.

COMMUNITY ENGAGEMENT

Applicants were contacted by a Council officer if their application required additional information or clarification. Applicants were also made aware of the delay in the approval process due to the requirement for funds to be approved by Council.

INNOVATION AND CONTINUOUS IMPROVEMENT

The Community Grants and Community Sustainability Grants Programs are consistently assessed to identify any opportunities for continuous improvement and to ensure they reflect the needs of the community.

COLLABORATION

Not applicable to this report.

FINANCIAL VIABILITY

The allocation of funds for the six applications recommended for funding will come from the Community Grants budget (\$20,000) and the Community Sustainability Grants budget (\$50,000) in the Council 2024/25 Annual Budget.

There is currently \$20,000 remaining in the adopted Community Grants budget and \$50,000 remaining in the adopted Community Sustainability Grants budget for the 2024/25 financial year.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable to this report.

COUNCIL PLANS AND POLICIES

Buloke Shire Council Plan 2021-2025 and Long-Term Community Vision.

Community Grant Guidelines.

Community Engagement Policy

Community Support Policy

TRANSPARENCY OF COUNCIL DECISIONS

Not applicable to this report.

CONFLICT OF INTEREST

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

Attachments: Nil

8.2.5 DEED OF NOVATION - CONTRACT NUMBER C101 2021/22 FOR THE PROVISION OF WASTE AND RECYCLING SERVICES

Author's Title: Director Infrastructure and Delivery

Directorate: Infrastructure and Delivery

File No:
WM/02/09

Relevance to Council Plan 2021 - 2025

Strategic Objective: Continuous Service Improvement for Efficient and Flexible Services

PURPOSE

This report is presented to Council to consider the Deed of Novation of Contract C101 2021/22 – Provision Waste and Recycling Collection Services and authorise the CEO to sign the Deed of Novation.

SUMMARY

The contract for the provision of waste and recycling collection was awarded by Council at its meeting held Wednesday, 8 December 2021.

The original contractor, Greta Group Pty Ltd (Trading as Wimmera Mallee Waste) has advised Council that it has changed both the company name and the ABN/ACN to Wimmera Mallee Waste Management Pty Ltd.

The most effective way to achieve this outcome of the name change is to have the parties sign a Deed of Novation of the contract.

RECOMMENDATION

That Council authorises the Chief Executive Officer to sign a Deed of Novation to Wimmera Mallee Waste Management Pty Ltd in relation to Contract Number C101 2021/22, Provision of Waste and Recycling Services.

DISCUSSION

The contract for the provision of waste and recycling collection was awarded by Council at its meeting held Wednesday, 8 December 2021 for a period of seven (7) years.

The contract commenced 1 July 2022 and will conclude 30 June 2029.

The contract includes the following requirements:

- collection of kerbside waste and recyclables
- bulk haulage of waste and recyclables between transfer stations and landfill facilities
- disposal and/or processing of waste and recyclables.

The original contractor, Greta Group Pty Ltd (Trading as Wimmera Mallee Waste) has advised Council that it has changed both the company name and the ABN/ACN to Wimmera Mallee Waste Management Pty Ltd.

Council and the Existing Contractor, Greta Group Pty Ltd (Trading as Wimmera Mallee Waste) are parties to Contract No. C101 2021/22 for the provision of waste and recycling services.

The Existing Contractor, Greta Group Pty Ltd (Trading as Wimmera Mallee Waste) wishes to novate and the New Contractor, Wimmera Mallee Waste Management Pty Ltd wishes to take a novation of the benefits and interest of and assume the obligations of the Contract.

The most effective way to achieve this outcome of the name change and novation of the benefits and interest of and assume the obligations of the Contract, is to have the parties sign a Deed of Novation of the contract.

RELEVANT LAW

Local Government Act 2020.

RELATED COUNCIL DECISIONS

Not applicable.

OPTIONS

It is recommended that Council authorise the Chief Executive Officer to sign a Deed of Novation to Wimmera Mallee Waste Management Pty Ltd in relation to Contract Number C101 2021/22, Provision of Waste and Recycling Services.

SUSTAINABILITY IMPLICATIONS

Not applicable

COMMUNITY ENGAGEMENT

No community consultation was required in relation to this matter.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable.

COLLABORATION

Not applicable.

FINANCIAL VIABILITY

The payments for the provision of the contract have been provided for in the 2024/25 budget and will be provided for in subsequent budgets for the duration of the contract period.

Wimmera Mallee Waste Management Pty Ltd must reimburse Council for the costs and disbursements it has incurred in connection with the negotiation, preparation, execution and stamping of this Deed, which amount is fixed at \$1,095 plus GST.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable.

COUNCIL PLANS AND POLICIES

Not applicable.

TRANSPARENCY OF COUNCIL DECISIONS

The decision will be made in an open Council Meeting to promote openness, accountability and transparency.

CONFLICT OF INTEREST

No officer who contributed to the preparation of this report has a conflict of interest.

Attachments: 1. Attachment 8.2.5.1 - Deed of Novation - Council - 18 December 2024



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Date / /

Deed of Novation

Buloke Shire Council
ABN 89 293 793 980
and

Greta Group Pty Ltd (trading as Wimmera Mallee Waste)
ABN 50 088 111 353
and

Wimmera Mallee Waste Management Pty Ltd
ABN 86 668 406 568



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Deed of Novation

Dated / /

Parties

Name	BULOKE SHIRE COUNCIL ABN 89 293 793 980
Address	367 Broadway, Wycheproof, Victoria 3527
Email	DMcLoughlan@buloke.vic.gov.au
Contact	Daniel McLoughlan
Short name	Council

Name	GRETA GROUP PTY LTD (TRADING AS WIMMERA MALLEE WASTE) ABN 50 088 111 353
Address	11-14 Federal Street, Rainbow, Victoria 3424
Email	mick@wimmeramalleewaste.com.au
Contact	Michael Parry
Short name	Existing Contractor

Name	WIMMERA MALLEE WASTE MANAGEMENT PTY LTD ABN 86 668 406 568
Address	3 Federal Street, Rainbow, Victoria 3424
Email	mick@wimmeramalleewaste.com.au
Contact	Michael Parry
Short name	New Contractor

Background

- A. Council and the Existing Contractor are parties to Contract No. C101 2021/22 for the provision of waste and recycling services.
- B. The Existing Contractor wishes to novate and the New Contractor wishes to take a novation of the benefits and interest of and assume the obligations of the Contract.
- C. Council has consented to the Contract being novated.
- D. The parties have agreed that, with the effect from the Novation Date, the Contract will be novated in accordance with this Deed.



The Parties Agree

1. Definitions

In this Agreement unless expressed or implied to the contrary:

Business Day means Monday to Friday excluding public holidays in Victoria.

Contract means Contract No. 101 2021/22 for the provision of waste and recycling services;

Existing Contractor includes, where the context allows, the Existing Contractor's successors and assigns;

New Contractor includes, where the context allows, the New Contractor's successors and assigns; and

Novation Date means 18 December 2024.

2. Novation

2.1 Substitution

With effect from the Novation Date, the New Contractor will be substituted for the Existing Contractor under the Contract as if:

2.1.1 the New Contractor had originally been a party to the Contract instead of the Existing Contractor; and

2.1.2 all references in the Contract to the Existing Contractor in any capacity will be read and construed as if they were references to the New Contractor.

2.2 New Contractor Bound

With effect from the Novation Date, the New Contractor:

2.2.1 will be bound by the Contract;

2.2.2 must comply with the provisions of the Contract binding upon the Existing Contractor; and

2.2.3 enjoys the rights and benefits of the Existing Contractor under the Contract.

3. Release of Council

As from the Novation Date, the Existing Contractor releases Council from any liability, action, claim, demand or proceedings which it has, or may have, against Council arising out of or in connection with the Contract.



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4. General

The New Contractor must reimburse Council for the costs and disbursements (including legal costs on a solicitor and own client basis) it has incurred in connection with the negotiation, preparation, execution and stamping of this Deed, which amount is fixed at \$1,095 plus GST.

5. Interpretation

5.1 Governing law and jurisdiction

This Deed is governed by and is to be construed in accordance with the laws of Victoria. Each party irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts of Victoria and waives any right to object to proceedings being brought in those courts.

5.2 Persons

In this Deed, a reference to:

- 5.2.1 a person includes a firm, partnership, joint venture, association, corporation or other corporate body;
- 5.2.2 a person includes the legal personal representatives, successors and permitted assigns of that person; and
- 5.2.3 any body which no longer exists or has been reconstituted, renamed, replaced or whose powers or functions have been removed or transferred to another body or agency, is a reference to the body which most closely serves the purposes or objects of the first-mentioned body.

5.3 Joint and several

If a party consists of more than one person, this Deed binds them jointly and each of them severally.

5.4 Legislation

In this Deed, a reference to a statute includes regulations under it and consolidations, amendments, re-enactments or replacements of any of them.

5.5 This Deed, clauses and headings

In this Deed:

- 5.5.1 a reference to this or other document includes the document as varied or replaced regardless of any change in the identity of the parties;
- 5.5.2 a reference to a clause, schedule, appendix or annexure is a reference to a clause, schedule, appendix or annexure in or to this Deed all of which are deemed part of this Deed;
- 5.5.3 a reference to writing includes all modes of representing or reproducing words in a legible, permanent and visible form;



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- 5.5.4 headings and sub-headings are inserted for ease of reference only and do not affect the interpretation of this Deed;
- 5.5.5 where an expression is defined, another part of speech or grammatical form of that expression has a corresponding meaning; and
- 5.5.6 where the expression **including** or **includes** is used it means 'including but not limited to' or 'including without limitation'.

5.6 Severance

- 5.6.1 If a provision in this Deed is held to be illegal, invalid, void, voidable or unenforceable, that provision must be read down to the extent necessary to ensure that it is not illegal, invalid, void, voidable or unenforceable.
- 5.6.2 If it is not possible to read down a provision as required in this clause, that provision is severable without affecting the validity or enforceability of the remaining part of that provision or the other provisions in this Deed.

5.7 Counterparts

This Deed may be executed in any number of counterparts all of which taken together constitute one instrument.

5.8 Currency

In this Deed, a reference to '\$' or 'dollars' is a reference to Australian dollars.

5.9 Business Day

If a payment or other act is required by this Deed to be made or done on a day which is not a Business Day, the payment or act must be made or done on the next following Business Day.

5.10 Number and gender

In this Deed, a reference to:

- 5.10.1 the singular includes the plural and vice versa; and
- 5.10.2 a gender includes the other genders.



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Signing Page

Executed by the parties

SIGNED, SEALED AND DELIVERED on)
behalf of **BULOKE SHIRE COUNCIL** by)
WAYNE O'TOOLE, CHIEF EXECUTIVE)
OFFICER, in the presence of:)

.....
Witness

.....
Witness Full Name

EXECUTED by **GRETA GROUP PTY LTD**)
(TRADING AS WIMMERA MALLEE WASTE))
ABN 50 088 111 353 in accordance with)
section 127 of the *Corporations Act* 2001 by:)

.....
Director

.....
Full Name

.....
Usual Address

.....
Director

.....
Full Name

.....
Usual Address



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EXECUTED by **WIMMERA MALLEE WASTE**)
MANAGEMENT PTY LTD ABN 86 668 406)
568 in accordance with section 127 of the)
Corporations Act 2001 by:)

.....
Director

.....
Full Name

.....
Usual Address

.....
Director

.....
Full Name

.....
Usual Address

8.2.6 APPOINTMENT OF INDEPENDENT AUDIT AND RISK COMMITTEE MEMBER

Author's Title: Director Corporate and Organisational Performance

Directorate: Corporate and Organisational Performance

File No:
Governance

Relevance to Council Plan 2021 - 2025

Strategic Objective: Active Leaders and Volunteers
A Well Governed and Healthy Organisation

PURPOSE

This report seeks Council's formal appointment of Mr Stephen Gardner as the preferred candidate to the vacant Independent Member position in accordance with the Audit and Risk Committee Charter.

SUMMARY

The Audit and Risk Committee is a formally appointed independent advisory committee to Council, with the purpose of assisting Council in the effective conduct of responsibilities for financial reporting, management of risk and maintaining a reliable system of internal controls.

The Committee consists of four members comprising of three independent members and the Mayor as the representative of Council. The Committee Charter provides for the appointment of the independent members for terms of 3 years, with the option to request reappointment after the first term should they wish to continue. Following the completion of a previous Independent Member's term in November 2024, a vacancy is required to be filled.

RECOMMENDATION

That Council appoint Mr Stephen Gardner as an independent member of the Buloke Shire Council Audit and Risk Committee for a period of three years commencing 13 January 2025.

DISCUSSION

The Audit Committee currently has two Independent Members; Mr Dean Sleight, and Mr Bernard Young.

A vacancy arose on the Audit Committee for an Independent Member following the conclusion of Ms Margaret Abbey's term as Independent Member in November 2024. A public notice seeking applications for the subsequent vacancy was placed in local and regional media. Two applications were received.

Both applicants were interviewed in an online meeting, using selection criteria in the information package and an assessment of each of the individual applicant's qualifications and experience was carefully assessed in relation to the skill set of the current Audit and Risk Committee.

The evaluation panel comprised: the Mayor, the Chief Executive Officer and the Director of Corporate and Organisational Performance. Both applicants interviewed were of exceptional quality, with Mr Stephen Gardner being recommended to Council for appointment to fill the current vacancy. Mr Gardner has extensive experience in the local government sector as a former Councillor, whilst also

having achieved a wealth of experience and expertise in risk management and governance based roles for various organisations within the health sector and private sector.

RELEVANT LAW

Section 53 of the *Local Government Act 2020* requires Council to establish a Committee which must consist of a majority of members who are not Councillors and cannot include a member of Council staff

RELATED COUNCIL DECISIONS

The Committee was established by Council and the Charter adopted on 12 August 2020.

OPTIONS

Council may decide not to appoint Mr Stephen Garnder as an independent member, which would result in Council requiring to again begin the process to seek expressions of interest to recruit an independent member.

SUSTAINABILITY IMPLICATIONS

Not applicable.

COMMUNITY ENGAGEMENT

Not applicable.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable.

COLLABORATION

Not applicable.

FINANCIAL VIABILITY

Fees are paid to independent members of the Audit and Risk Committee on a per meeting basis in accordance with section 53(6) of the *Local Government Act 2020*. Payment of fees for independent members are provided for in the 2021/22 Annual Budget.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable.

COUNCIL PLANS AND POLICIES

Not applicable.

TRANSPARENCY OF COUNCIL DECISIONS

The Charter is available on Council's website, minutes from Committee Meetings are made available to the public through adoption of the minutes by Council, other than those matters considered confidential.

CONFLICT OF INTEREST

No conflicts of interest have been declared in the preparation of this report.

Attachments: Nil

8.3 FINANCIAL REPORTS

8.3.1 FINANCE REPORT QUARTER TO 30 SEPTEMBER 2024

Author's Title: Manager Financial Strategy

Directorate: Corporate and Organisational Performance

File No:
FM/02/09

Relevance to Council Plan 2021 - 2025

Strategic Objective: A Well Governed and Healthy Organisation

PURPOSE

The purpose of this report is to present Council with financial reports for the quarter ended 30 September 2024 in accordance with the requirements of Section 97 of the *Local Government Act 2020*.

SUMMARY

Council adopted the 2024/25 budget on 26 June 2024 and this report provides a comparison between budgets and actuals for the first quarter of the year.

The report notes variances to date and flags areas which will be monitored and may require action as the year progresses. No reforecast of the year-end result has been made at this point. The half-yearly report to 31 December 2024 will include additional information and budget reforecasts which will be clearer after that date.

RECOMMENDATION

That Council:

1. receives and notes the financial report for the quarter to 30 September 2024; and
2. receives and notes the capital works statement for the quarter to 30 September 2024.

DISCUSSION

Under Section 97 of the *Local Government Act 2020* a quarterly budget report must be presented to Council. The attached reports include a comparison of the operating and capital works budgets with actuals for the quarter, as well as cash flow statement and balance sheet.

Council's overall operating result as per the income statement is less than year to date budget by \$362k and capital works expenditure is greater than year to date budget by \$952k. These variances are explained in some detail in the tables below.

Income Statement

Total income is \$77k less than budget and expenses \$611k over, these unfavourable variances being partly offset by unbudgeted capital income of \$249k. Overall after 3 months there is an unfavourable variance of \$362k.

Detail	Commentary
Income	
Rates and charges	Close to budget to date.
Statutory fees and fines	Marginally more than year to date budget due to timing differences.
User fees	Marginally less than year to date budget due to food premises being \$14k less than budget.
Grants – operating	Unfavourable variance to date as Commonwealth Government Financial Assistance Grant will be \$213k less than budget for the full year. Nearly 90% of the 24/25 grant has already been received however the full year result for this grant will potentially be affected if any of the 25/26 grant is paid in advance.
Contributions	Minor favourable variance due to timing differences.
Other income	Income to date includes sales of scrap metal (\$38k) from Council transfer stations and workcover reimbursements (\$20k) not budgeted. Interest on investments is tracking on budget to date but is expected to exceed the full year to date budget.
Grants - capital	No capital grants were received in the first quarter.
Contributions - monetary	<p>Capital contributions totalling \$249k have been invoiced to various sporting organisations across the shire for their contributions to the lighting up Buloke project. These contributions were not budgeted.</p> <p>Budgeted insurance contributions of \$650k for the Birchip netball courts remediation (\$500k) and Wooroonook septic replacement (\$150k) are unlikely to be received this year. This adjustment will be factored into the half-yearly financial report including reforecasting.</p>
Expenditure	
Employee costs	Favourable variance to date of \$200k as a result of numerous vacancies across the organisation.
Materials and services	Unfavourable variance due to unbudgeted expenditure across various departments where contractors are filling vacant positions, backfilling for leave or completing various projects. These include in governance, office of the CEO, finance, corporate governance and risk, human resources, assets and works.

	<p>Additional unbudgeted costs of \$163k have been incurred in emergency management however claims for these have been submitted and are being assessed.</p> <p>Some other variance are due to timing differences including for swimming pool systems work and landfill and transfer stations cleanup and green waste shredding.</p>
Depreciation	Depreciation for the quarter is over budget due to the capitalisation at year end of road assets.
Finance costs - leases	Marginally more than budget to date

Capital Works

Total capital expenditure for the quarter to date is \$2.2M against a budget to date of \$1.2M. Most projects have not yet incurred expenditure or are in their early stages.

Detail	Commentary
Land and land improvements	Expenditure on the Sea Lake residential development (\$183,394) was not budgeted and the night art activation project incurred costs carried over from 2023/24.
Plant and equipment	On budget
Infrastructure	
Roads	Costs of \$686k associated with the 2022 flood event have been incurred and will be acquitted against the grant advance received in 2022/23.
Footpaths and cycleways	Projects progressing within budget.
Drainage	No expenditure to date.
Recreational, leisure and community facilities	Minor expenditure only to date.
Parks, open space and streetscapes	Ongoing expenditure on projects including playspaces, accommodation cabins and Wycheproof wetlands within budget allocations.
Aerodromes	No expenditure to date.

Balance sheet

Detail	Commentary
Assets	
Cash and cash equivalents	Cash and cash equivalents total \$31.0 compared to \$29.3 at 30 June 2024.

Trade and other receivables	These have increased from 30 June 2024 due to the issue of Council's rate notices in August. Prepayments have been costed as required.
Property, infrastructure, plant and equipment	Adjusted for depreciation, and capital expenditure to date is included as work in progress.
Right-of-use assets	No change.
Liabilities	
Trade and other payables	These include trade creditors and have decreased since 30 June 2024 when they included accrued payroll and expenses.
Trust funds and deposits	Includes the fire services levy billed with rates that will be payable to the State government.
Contract and other liabilities	Minor changes since year end.
Provisions	Minor changes since year end.
Lease liabilities	No change.
Equity	
Accumulated surplus	Adjusted for last year's deficit and current "earnings" for the quarter are shown here.
Reserves	No change.

RELEVANT LAW

The reports are consistent with the requirements of the *Local Government Act 2020*.

RELATED COUNCIL DECISIONS

Council adopted its Annual Budget 2024/25 on 26 June 2024.

OPTIONS

Not applicable.

SUSTAINABILITY IMPLICATIONS

Not applicable.

COMMUNITY ENGAGEMENT

Not applicable.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable.

COLLABORATION

The attached reports and comments have been prepared in collaboration with various Council officers.

FINANCIAL VIABILITY

The reports provide an initial snapshot of Council's financial performance for the first quarter of the year and flag areas for monitor and review over the balance of the year.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable.

COUNCIL PLANS AND POLICIES

The report is an opportunity for Council to compare its financial performance against its annual budget and is in accordance with its Council Plan 2021-2025 commitment to manage its budgets responsibly to achieve long term financial sustainability.

TRANSPARENCY OF COUNCIL DECISIONS

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

CONFLICT OF INTEREST

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

Attachments: 1. Attachment 8.3.1.1 - Finance report quarter to 30 September 2024

YTD vs Current and Approved — Buloke Shire Council

MONTH: SEP 2024

	Full Year Budget	Jul 2024 - Sep 2024		
	Approved	(YTD) Actuals	(YTD) Approved	Variance YTD +ve (-ve)
400 · Operating Income				
1 · Rates & Charges	15,374,074	15,319,005	15,314,074	4,931
2 · Statutory fees and fines	138,800	50,650	34,700	15,950
3 · User fees	463,400	105,345	116,750	(11,405)
4 · Grants - operating	9,326,790	7,770,235	7,933,739	(163,504)
6 · Contributions	45,200	5,336	300	5,036
7 · Other Income	1,124,900	260,766	188,933	71,833
Total Operating Income	26,473,164	23,511,338	23,588,496	(77,159)
Total Income	26,473,164	23,511,338	23,588,496	(77,159)
600 · Operating Expense				
1 · Employee Costs	13,262,191	2,755,428	2,955,753	200,326
2 · Materials and services	9,908,459	3,989,222	3,341,692	(647,530)
3 · Depreciation & Amortisation (Leasing)	9,281,930	2,423,663	2,320,482	(103,181)
4 · Bad and doubtful debts	60,000	1,364	0	(1,364)
5 · Borrowing costs	64,420	20,168	16,105	(4,063)
6 · Other expenses	869,763	102,424	124,303	21,879
Total Operating Expense	33,446,763	9,292,268	8,758,336	(533,933)
Operating Net Surplus/(Deficit)	(6,973,599)	14,219,069	14,830,161	(611,092)
800 · Capital Income				
5 · Grants - capital	8,357,000	0	0	0
6 · Other Capital Income	650,000	249,211	0	249,211
Total Capital Income	9,007,000	249,211	0	249,211
Net Surplus/Deficit	2,033,401	14,468,280	14,830,161	(361,881)

Balance Sheet — Buloke Shire Council

SEP 2024

	Sep 2024	Jun 2024	Variance
Asset			
Current assets	51,479,490	36,082,101	15,397,390
Cash and cash equivalents	30,978,710	29,395,787	1,582,924
Trade and other receivables	19,528,443	4,865,007	14,663,435
Prepayments	0	428,417	(428,417)
Other assets	549,296	825,598	(276,302)
Provision for Doubtful Debts - General	(4,240)	(4,240)	0
SECURITY BOND - GRAINCORP	8,250	8,250	0
Inventory	277,438	277,438	0
GST	141,593	285,843	(144,250)
Non-current assets	303,734,801	303,849,948	(115,147)
Property, infrastructure, plant and equipment	292,014,701	294,326,884	(2,312,184)
Work in progress	10,531,327	8,334,290	2,197,037
Right of Use Assets	1,188,774	1,188,774	0
Total Asset	355,214,292	339,932,049	15,282,243
Liability			
Current liabilities	10,313,139	9,499,176	(813,963)
Trade and other payables	1,100,015	2,397,713	1,297,698
Trust funds and deposits	2,271,425	306,296	(1,965,129)
Unearned Income	2,938,793	2,849,293	(89,500)
Provisions	3,586,222	3,529,191	(57,032)
Leases	416,684	416,685	
Non-current liabilities	1,352,862	1,352,862	0
Leases	823,836	823,836	0
Provisions	529,026	529,026	0
Total Liability	11,666,001	10,852,038	(813,963)
Net Assets	343,548,290	329,080,010	14,468,280
Equity			
Accumulated Surplus	130,855,035	135,891,829	(5,036,793)
Reserves	198,224,975	198,224,975	0
Current Earnings	14,468,280	(5,036,793)	19,505,073
Total Equity	343,548,290	329,080,010	14,468,280

Cashflow Statement — Buloke Shire Council

JUL 2024 - SEP 2024

	Jul 2024 - Sep 2024
	Actuals
Bank at Beginning	29,395,744
Cashflow from Operating Activities:	
Net Profit	14,468,280
Adjustments to Net Profit for Non-Cash Activities:	
Non - Cash expenses	2,312,184
Depreciation	2,312,184
Total Adjustments to Net Profit for Non-Cash Activities	2,312,184
Adjustments to Net Profit for Non-Operating Activities:	
Non - Cash expenses	20,168
Other	20,168
Total Adjustments to Net Profit for Non-Operating Activities	20,168
Adjustments for Balance Sheet Movement on Operating Activities:	
Current assets	(13,814,423)
Cash and cash equivalents	43
Trade and other receivables	(14,663,435)
Prepayments	428,417
Other assets	276,302
GST	144,250
Current liabilities	813,964
Trade and other payables	(1,297,696)
Trust funds and deposits	1,965,129
Unearned Income	89,500
Provisions	57,032
Total Adjustments for Balance Sheet Movement on Operating Activities	(13,000,459)
Net Cashflow from Operating Activities	3,800,172
Cashflow from Investing Activities:	
Property, Plant and Equipment	(2,197,037)
Net Cashflow from Investing Activities	(2,197,037)
Cashflow from Financing Activities:	
Non - Cash expenses	(20,168)
Other	(20,168)
Current liabilities	(1)
Trade and other payables	(1)
Net Cashflow from Financing Activities	(20,169)
Net Cashflows	1,582,967
Discrepancy	
Bank at End	30,978,710

Capital Works Buloke Shire Council For the 3 months ended 30 September 2024				
Project	Full Year Budget	YTD Budget	YTD Actual	Variance +ve (-ve)
Land improvements				
5021 - Wycheproof Saleyards rural water connection	40,000	0	0	0
5022 - Sea Lake Housing Development	0	0	182,394	(182,394)
5020 - Night art activation	10,000	10,000	51,371	(41,371)
Total Land improvements	50,000	10,000	233,765	(223,765)
Building improvements				
5041 - Heating, ventilation, and air conditioning works	100,000	0	0	0
5040 - Building improvements	125,000	0	0	0
Total Building improvements	225,000	0	0	0
Plant, machinery and equipment				
5060 - Plant, machinery and equipment	1,596,000	400,000	372,727	27,273
Total Plant, machinery and equipment	1,596,000	400,000	372,727	27,273
Fixtures, fittings and furniture				
5065 - Fixtures, fittings and furniture	65,000	0	0	0
Total Fixtures, fittings and furniture	65,000	0	0	0
Computers and telecommunications				
5070 - Computers and Information Technology equipment	170,000	0	0	0
5075 - Library assets	27,000	0	1,979	(1,979)
Total Computers and telecommunications	197,000	0	1,979	(1,979)
Roads				
5085 - Second temporary levee Donald	523,000	0	0	0
5083 - Safer local roads	250,000	0	0	0
5082 - Resheet program	650,000	50,000	50,784	(784)
5086 - Jeffcott Road Rehabilitation & final seal	350,000	0	0	0
5088 - Rehabilitation works	1,900,000	0	0	0
5080 - Rehabilitation and flood works	4,523,000	0	0	0
5081 - Reseal program	1,200,000	0	0	0
5087 - Marlbred Curyo Rehabilitation Ch 0 to 1.075 km	72,000	10,000	9,960	40
5084 - Major patching	100,000	0	0	0
Flood works (AGRN 1037 and 1096)	0	0	686,360	(686,360)
Total Roads	9,568,000	60,000	747,104	(687,104)
Footpaths and cycleways				
Total Footpaths and cycleways	203,000	100,000	135,745	(35,745)
5220 - Footpath and cycleways	203,000	100,000	135,745	(35,745)
Drainage				
5250 - Drainage Works	200,000	0	0	0
5251 - Nullawil - West/East drainage (Calder Highway Pipeworks)	152,000	0	0	0
Total Drainage	352,000	0	0	0

Project	Full Year Budget	YTD Budget	YTD Actual	Variance +ve (-ve)
Recreational, leisure and community facilities				
5280 - Aquatic facilities renewal works	560,000	0	0	0
5284 - Flagpole upgrades	50,000	0	0	0
5285 - Electric vehicle charger Birchip or Charlton	60,000	0	0	0
5281 - Birchip netball court remediation	550,000	0	0	0
5286 - Tiny Towns	304,000	0	1,868	(1,868)
5283 - Recreational vehicle dump point	75,000	25,000	26,665	(1,665)
5282 - Birchip recreation reserve generator	85,000	0	0	0
Total Recreational, leisure and community facilities	1,684,000	25,000	28,533	(3,533)
Parks, open space and streetscapes				
5420 - Wycheproof Recreation Reserve public toilets	100,000	0	739	(739)
5411 - Watchem septic replacement *	150,000	0	658	(658)
5410 - Regional worker accommodation	1,629,000	0	0	0
5416 - Playspace (Berri, Birchip, Charlton, Donald & Wycheproof)	1,269,000	300,000	283,867	16,133
5413 - Birchip streetscape lighting	199,000	0	140	(140)
5418 - Nullawil public toilets	34,000	0	710	(710)
5419 - Sea Lake streetscape lighting	201,000	0	5,775	(5,775)
5417 - Memorial Park changing places	387,000	0	1,056	(1,056)
5415 - Regional Infrastructure Fund Cabins	600,000	300,000	320,231	(20,231)
5414 - Donald Streetscape	300,000	0	30,332	(30,332)
5421 - Wycheproof Wetlands	500,000	50,000	31,897	18,103
5412 - Wooroonook septic replacement	300,000	0	1,234	(1,234)
5422 - Sea Lake Apex Park Shelter	0	0	547	(547)
Total Parks, open space and streetscapes	5,669,000	650,000	677,184	(27,184)
Aerodromes				
5530 - Aerodrome Audit Works	100,000	0	0	0
Total Aerodromes	100,000	0	0	0
Total capital works	19,709,000	1,245,000	2,197,037	(952,037)

8.4 ORGANISATIONAL REPORTS

8.4.1 AUDIT AND RISK COMMITTEE CHAIR REPORT

Author's Title: Director Corporate and Organisational Performance

Directorate: Corporate and Organisational Performance

File No:
Governance

Relevance to Council Plan 2021 - 2025

Strategic Objective: Continuous Service Improvement for Efficient and Flexible Services
A Well Governed and Healthy Organisation

PURPOSE

To provide the Council with the Biannual Audit and Risk Report (Biannual Report) from the Chair of the Audit and Risk Committee (Audit Committee).

SUMMARY

The Biannual Report from the Chair of the Audit Committee was provided to the Chief Executive Officer on 9 October 2024. It describes the activities of the Audit Committee and includes its findings and recommendations.

RECOMMENDATION

That Council:

1. That Council notes the Biannual Audit and Risk Report from the Chair of the Audit and Risk Committee.

DISCUSSION

The *Local Government Act 2020* (act) provides that the Audit Committee must prepare a Biannual Report which describes the activities of the Audit Committee and includes its findings and recommendations.

The Act further provides that these reports must be provided to the Chief Executive Officer for tabling at the next scheduled Council Meeting.

RELEVANT LAW

Section 54(5)(b) of the Act requires the Chief Executive Officer provide a copy of the Biannual Report to the Council.

RELATED COUNCIL DECISIONS

The Audit Committee was established by the Council at the Council Meeting held on 12 August 2020.

OPTIONS

Not applicable.

SUSTAINABILITY IMPLICATIONS

Not applicable.

COMMUNITY ENGAGEMENT

Not applicable.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable.

COLLABORATION

Not applicable.

FINANCIAL VIABILITY

The Audit and Risk Committee is required to monitor financial and performance reporting.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable.

COUNCIL PLANS AND POLICIES

Not applicable.

TRANSPARENCY OF COUNCIL DECISIONS

The Audit Committee is an Advisory Committee to the Council and its role is to ensure good governance and provide guidance on how the Council will work with the Audit Committee for the benefit of the organisation and the community.

CONFLICT OF INTEREST

In providing this advice to the Council as the Director Infrastructure and Delivery I, Hannah Yu, have no interests to disclosure in this report.

Attachments: 1. Attachment 8.4.1.1 - Audit and Risk Chair Report 2024

Buloke Shire Council

AUDIT AND RISK COMMITTEE CHAIR'S REPORT

PURPOSE

To advise the Councillors and Chief Executive Officer at Buloke Shire Council of the activities of the Audit and Risk Committee over the past six months since the last Chair's report in March 2024.

INTRODUCTION

The Buloke Shire Council Audit and Risk Committee Charter provides that 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." The Charter also provides that this report will be tabled at the next Council meeting by the Chief Executive Officer and that the Chair may present the report to Councillors at that meeting if desired.

The Audit and Risk Committee is established in accordance with s53 of the Local Government Act 2020 which provides that the Committee is not a delegated committee but rather fulfils an advisory role.

AUDIT AND RISK COMMITTEE CHARTER

The revised Audit and Risk Committee Charter was adopted by Council on 9 November 2022. The Committee regularly references its activities back to the Charter to ensure that it remains within its Scope of Authority.

COMMITTEE MEMBERSHIP

The current membership of the Committee has remained unchanged and comprises five members – the Mayor, a Councillor and three external, independent members.

The Committee has met in person on two occasions during this period. These meetings were held on:

- 1 May 2024
- 10 September 2024

The Committee continues to be ably supported by Council staff and acknowledges that despite staff vacancies, especially amongst the executive leadership team, timely updates and responses have been provided to issues and questions raised by the Committee.

AUDIT FUNCTIONS

The Committee continues to assist the Council in addressing financial, strategic and operational risks and also ensuring that the Council maintains a reliable system of internal controls. As is the usual practice, the Committee reviewed its Work Plan at the two meetings held during this reporting period.

GOVERNANCE

In order to ensure accountability, compliance and transparency, in addition to this biannual report, the minutes of each Committee meeting are presented to the next available Ordinary Council meeting.

The Committee also receives a report from the Chief Executive Officer at each Committee meeting regarding any legal, significant OH&S issues, fraud events, or any other events or issues affecting Council as an organisation at a strategic level.

It is noted that during this reporting period the Minister for Local Government appointed a Municipal Monitor, Peter Harriott for the period until 31 December 2024. The Committee received an update from the Municipal Monitor at its September 2024 meeting which highlighted the themes of the report that he is currently preparing to the Minister. The independent members of the Committee (along with the Monitor and Council officers) have met with the consultant undertaking the financial review that will form part of the Monitor's report and there was considerable discussion on the scope and timing of this review.

The Committee was also advised of the visit of the Local Government Inspectorate (LGI) and the Inspectorate's follow up letter. The independent members of the Committee have met with officers of the LGI and received a progress from Council officers on the implementation of actions arising from this follow up letter. It is reassuring that Council officers have made considerable progress in addressing the issues raised by the LGI.

EXTERNAL AUDITORS

In accordance with the Local Government Act, Council's Auditor is appointed by the Victorian Auditor General (VAGO). The external auditor is Crowe.

At its May meeting the Committee received the audit strategy memorandum for 2023/2024 and the timetable for undertaking the audit.

At its September meeting the Committee received the Closing Report and the Interim Management letter. The closing report advised that the auditors expected to issue an unmodified opinion and they were satisfied with the areas of audit focus. The interim management letter identified five 'open' issues, all of which have been accepted and are progressively being implemented.

As discussed at the May Committee meeting, four recommendations were made in the VAGO 2022-2023 Audits Local Government report to be implemented by local government. These recommendations remain unresolved and the Committee looks forward to them being implemented in the near future.

The Committee also receives the Victorian Auditor General's office status report at each meeting which provides a valuable update on audit matters being considered by various agencies at both a state and national level.

INTERNAL AUDITORS

Buloke Shire Council has continued the engagement of RSD Audit Bendigo as its Internal Auditors. The Committee has usually received a regular Internal Audit Progress report which provides a progress report on the Buloke internal audit program. Such a report was received at the May Committee meeting but not to the September meeting, for the reasons outlined below. It has been an ongoing concern to this Committee that there have been considerable delays in the finalisation of the internal audit reports.

Whilst it was agreed that the Records Management audit would be delayed, to accommodate the financial review requested by the Municipal Monitor, the Work Program (as submitted to the September 2024 meeting) showed that there were a further five audits that were delayed – these being Human Resources (excluding Payroll), Governance, Emergency Management, Data Analysis (Fraud Risk and Procurement) and Contract Management.

Given the important value of internal audits to drive process improvement and the education and development of the organisation, the Committee strongly encourages a greater focus on completing the outstanding audits. The progress that has been made through the regular reporting to the Committee on the implementation of the ICT audit findings, demonstrates the value of their completion and implementation in a timely manner.

MANAGEMENT REPORTS

In addition to the Internal and External audit functions of the Committee, in order to meet its advisory functions, the Committee also receives regular management reports at each meeting which have incorporated the following:

- Progress on implementing outstanding actions arising from past internal and external audits and other regulatory reports. The ability of management to complete audit issues within due dates has been a constant concern for the audit Committee over many years. It was therefore very encouraging to see the amount of work that had been done prior to the September Committee meeting in reviewing the outstanding actions and the acknowledgement that many of them actually had been completed or sufficiently progressed to enable their deletion from this report.
- An asset management update is received at each meeting, recognising its importance to Council. The Committee is particularly cognisant of the ongoing impact that the October 2022 floods has had on not only the operations of the Council but also its financial management/strategic planning. The Committee also acknowledged the considerable workload and timeframe that the Council faces in order to receive natural disaster funding to undertake these works.

- The regular updating of the legislative compliance register is an important tool for Council to be assured that it is meeting its legal obligations.
- Financial Performance reports are received by the Committee for the preceding quarter enabling discussion on management reports, the statutory accounts, performance statements and forward looking reports such as the budget and strategic resource plan.
- The Committee also undertakes various management duties such as reviewing its annual work plan.

Specific reports and presentations were also received during this reporting period in relation to the following matters:

- Quarterly Investment report
- Debtor Write offs

In my last Chairs report, I identified the three areas where there was a noticeable decline in the annual Audit and Risk Self Assessment Survey that was reported to the December 2023 Committee meeting.

These were:

- Business Continuity and Disaster Recovery, where the Committee has noted the delay in implementation of audit recommendations;
- Various internal audit measures, reflecting the matters highlighted in this report; and
- Risk, in relation to whether the Council has identified and dealt with high risk areas.

It remains a concern of the Committee that whilst some of the Business Continuity and Disaster Recovery actions have progressed, none have been completed at this stage and continue to be delayed.

A further concern is that no reports have been received by the Committee in relation to the strategic risks of the organisation. However, it is noted that this will be the subject of a concerted effort with the new council in early 2025..

CONCLUSION

The Committee acknowledges that it has been a challenging period for Council as a result of the continuing impact of the October 2022 floods and also the loss of senior staff. It is particularly conscious that the ongoing challenges of recruiting and retaining staff is having an impact upon the organisation's capacity across a range of areas. In addition, the coming months will be a very busy time with the induction of a new Council.

This is my last report as Chair and my term on the ARC concludes in November 2024. I thank the Council for their support to the Committee, the assistance provided by Council staff and the wise counsel of my fellow independent committee members. Despite the challenges, outlined above, I am confident that the Council will continue to serve the Buloke community well and I wish the new Council all the very best into the future.

Margaret Abbey PSM

Chair

Audit and Risk Advisory Committee Buloke Shire Council

8.5 REPORTS FROM COUNCILLORS

Nil.

9 OTHER BUSINESS

9.1 NOTICES OF MOTION

Nil.

9.2 QUESTIONS FROM COUNCILLORS

9.3 URGENT BUSINESS

Nil.

9.4 ANY OTHER BUSINESS

Nil

9.5 MATTERS WHICH MAY EXCLUDE THE PUBLIC

Nil.

10 MEETING CLOSE