



## **STRATHBOGRIE SHIRE COUNCIL**

Notice is hereby given that the Ordinary Meeting of the Strathbogrie Shire Council will be held on Tuesday 16 June 2020 at the Euroa Community Conference Centre, commencing at 6.00 p.m.

<b>Chair:</b>	Amanda McClaren (Mayor)	<i>(Lake Nagambie Ward)</i>
<b>Councillors:</b>	Robert Gardner	<i>(Lake Nagambie Ward)</i>
	Malcolm Little	<i>(Hughes Creek Ward)</i>
	John Mason	<i>(Seven Creeks Ward)</i>
	Chris Raeburn	<i>(Honeysuckle Creek Ward)</i>
	Alistair Thomson	<i>(Mount Wombat Ward)</i>
	Graeme Williams OAM	<i>(Seven Creeks Ward)</i>
<b>Officers:</b>	Julie Salomon	Chief Executive Officer <i>(CEO)</i>
	Phil Howard	Director, Community and Planning <i>(DCP)</i>
	David Roff	Director, Corporate Operations <i>(DCO)</i>
	Dawn Bray	Executive Manager, Governance and Customer Service <i>(EMGCS)</i>
	Kristin Favaloro	Executive Manager, Communications and Engagement <i>(EMCE)</i>

**Until further notice, all meetings conducted by Strathbogrie Shire Council will be virtually, using Zoom, and live streamed on our website at [www.strathbogrie.vic.gov.au](http://www.strathbogrie.vic.gov.au). This ensures we are meeting the Victorian Government's social distancing requirements to slow the spread of coronavirus (COVID-19) and help keep our communities safe**

We encourage all community members to watch the meeting online, given we have had to close the public gallery until further notice following legal advice around how to comply with COVID-19 social distancing rules.

Questions for the Ordinary Council Meeting can still be submitted, and will be read out by the Mayor during the Public Question Time component of the meeting and responded to in the usual way by Councillors and/or Officers. A modified version of the question form will be displayed on the screen during the virtual meeting. **Questions must be submitted by 12 noon on Tuesday 16 June 2020** by emailing [info@strathbogrie.vic.gov.au](mailto:info@strathbogrie.vic.gov.au)

## BUSINESS

1. Welcome
2. Acknowledgement of Traditional Land Owners  
*'I acknowledge the Traditional Owners of the land on which we are meeting. I pay my respects to their Elders, past and present'*
3. Apologies
4. Confirmation of Minutes of the Ordinary Meeting of Council held on Tuesday 19 May 2020
5. Disclosure of Interests
6. Petitions
7. Reports of Mayor and Councillors and Delegates
8. Public Question Time

Public Question Time will be conducted as per Strathbogie Shire Council's Meeting Procedure Local Law No. 1, Clause 32. A copy of the required form for completion and lodgment, and associated Procedural Guidelines, are attached for information.

As the questions are a permanent public record and to meet the requirements of the Privacy Act, only the initials of the person asking the question will be used together with a Council reference number.

*Response/s to Public Questions raised and responded to at the Ordinary Council meeting held on Tuesday 19 May 2020 were documented in the Minutes of the meeting.*

9. Reports of Council Officers
  - 9.1 Climate Change
  - 9.2 Infrastructure
  - 9.3 Private Enterprise
  - 9.4 Public Institutions
  - 9.5 Housing and Recreation
  - 9.6 Tourism
  - 9.7 Organisation
10. Notices of Motion
11. Urgent Business
12. Closure of the Meeting to the Public to consider matters listed for consideration in accordance with section 66(2)(a) and Part 1, Clause 3 'Definitions—Confidential Information' of the Local Government Act 2020  
*(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs*
13. Confirmation of 'Closed Portion' Decision/s

Julie Salomon  
**CHIEF EXECUTIVE OFFICER**

12 June 2020

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting, as per Local Law No. 1 - Meeting Procedure (2014) or as updated from time to time through Council Resolution

Council does not generally permit individuals to make audio recordings of meetings. Individuals are required to make a written request addressed to the Council (Director, Corporate Operations) should they seek to obtain permission to do so.

### **NEXT MEETING**

The next Ordinary Meeting of the Strathbogrie Shire Council is scheduled to be held on Tuesday 21 July 2020, at the Euroa Community Conference Centre, commencing at 6.00 p.m.



Council Ref. .... / 2020

## Public Question Time Form Ordinary Council Meeting

Strathbogie Shire Council has allocated a time for the public to ask questions in the business of an Ordinary Meeting of the Council.

**How to ask a question:**

Questions submitted to Council must be:

- (a) in writing, state the name, address and telephone number of the person submitting the question and generally be on this form, approved by Council; and
- (b) submitted to Council in person or electronically.

The Chair may refrain from reading a question or having a question read if the person who submitted the question is not present in the gallery at the time when the question is due to be read. Please refer to the back of this form for procedural guidelines.

Question/s: (please print clearly with a maximum of 25 words)

1.....  
.....  
.....  
.....  
.....

2.....  
.....  
.....  
.....  
.....

Name: .....

Address: .....

Telephone Number: .....

Signature: (signature not required if submitted by email) .....

Date of Ordinary Council Meeting: .....

**Privacy Declaration:** Personal information is collected on this form to allow Council to undertake follow-up / response and to confirm identity for future reference where necessary. The questioner's initials only, together with a question reference number, will be included in Council's Minutes. Council Minutes are a public document which will be published on Council's Website and are available for public scrutiny at any time. Other personal details included on this form will not be included in the Minutes and will be kept for Council reference only, unless disclosure is required for law enforcement purposes or under any other statutory requirement.

## Public Question Time - Procedural Guidelines

### Question Time

- (1) There must be a public question time at every Ordinary meeting to enable members of the public to submit questions to Council.
- (2) Sub-clause (1) does not apply during any period when a meeting is closed to members of the public in accordance with section 89(2) of the Local Government Act 1989 (the Act).
- (3) Public question time will not exceed in duration any time limit imposed by the Chairperson, in the Chairperson's discretion in order to ensure that Council has sufficient time in which to transact Council business.
- (4) Questions submitted to Council must be:
  - a) in writing, state the name and address of the person submitting the question and generally be in a form approved or permitted by Council; and
  - b) submitted to Council in person or electronically.
- (5) No person may submit more than 2 questions at any 1 meeting.
- (6) If a person has submitted 2 questions to a meeting, the second question:
  - a) may, at the discretion of the Chair, be deferred until all other persons who have asked a question have had their questions asked and answered; or
  - b) may not be asked if the time allotted for public question has expired.
- (7) The Chair, a Councillor or a member of Council staff nominated by the Chair may read to those present at the meeting a question which has been submitted in accordance with this clause.
- (8) Notwithstanding sub-clause (6), the Chair may refrain from reading a question or having a question read if the person who submitted the question is not present in the gallery at the time when the question is due to be read.
- (9) A question may be disallowed by the Chair if the Chair determines that it:
  - a) relates to a matter outside the duties, functions and powers of Council;
  - b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
  - c) deals with a subject matter already answered;
  - d) is aimed at embarrassing a Councillor or a member of Council staff;
  - e) relates to personnel matters;
  - f) relates to the personal hardship of any resident or ratepayer;
  - g) relates to industrial matters;
  - h) relates to contractual matters that are commercial in confidence;
  - i) relates to proposed developments;
  - j) relates to legal advice;
  - k) relates to matters affecting the security of Council property; or
  - l) relates to any other matter which Council considers would prejudice Council or any person.
- (10) Any question which has been disallowed by the Chair must be made available to any other Councillor upon request.
- (11) All questions and answers must be as brief as possible, and no discussion may be allowed other than by Councillors for the purposes of clarification.
- (12) Like questions may be grouped together and a single answer provided.
- (13) The Chair may nominate a Councillor or the Chief Executive Officer to respond to a question.
- (14) A Councillor or 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 within 14 days to the person who asked the question.
- (15) A Councillor or the Chief Executive Officer may advise Council that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or Chief Executive Officer (as the case may be) must state briefly the reason why the reply should be so given and, unless Council resolves to the contrary, the reply to such question must be so given.

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## **9. REPORTS**

### **9.7 ORGANISATION**

#### **9.7.1 Goulburn Valley Local Government Waste Forum Representative**

Author: Waste Management Officer

Responsible Director: Director Corporate Operations

#### ***EXECUTIVE SUMMARY***

This report seeks Council's endorsement for a replacement representative on the Goulburn Valley Waste and Resource Recovery Group Local Government Forum due to the resignation of Council's current Forum representative.

#### ***RECOMMENDATION***

***That Council endorses –***

- 1. Councillor Chris Raeburn as Council's Representative;***
- 2. Director Corporate Operations as Council's Advisory Member; and***
- 3. Environment and Waste Coordinator as Council's Advisory Member.***

#### ***PURPOSE AND BACKGROUND***

The Goulburn Valley Waste and Resource Recovery Group is a Statutory Authority established under section 49C of the Environment Protection Act 1970 and through collaboration with government, business and the community the Group aims to:

- Integrate Stature planning for waste and resource recovery
- Attract investment and market development
- Maximise resource recovery
- Waste minimisation
- Improve waste and resource recovery infrastructure
- Manage residual waste
- Improve delivery capacity

At its Council meeting on 19 February 2019, Council endorsed the Group Manager Community Assets as the Strathbogie Shire Council Representative on the Goulburn Valley Local Government Waste Forum.

Due to the resignation of the current Forum Representative, Council is required under Section 4 of the Goulburn Valley Local Government Waste Forum Operating Guidelines, to change its Representative through a Council Resolution, followed by a letter of confirmation from the Council's Chief Executive Officer to the Chair of the Forum.



### 9.7.1 Goulburn Valley Local Government Waste Forum Representative (cont.)

#### ***ISSUES, OPTIONS AND DISCUSSION***

The Goulburn Valley Waste and Resource Recovery Group develops and applies regional strategies and initiatives in the context of state policy and plans for waste management and resource recovery at a regional level and facilitates and fosters best practice in waste management and resource recovering within the Goulburn Valley.

Strathbogie Shire Council is an active member of the Goulburn Valley Waste and Resource Recovery Group and this body provides an excellent opportunity to promote 2inimizat waste and resource recovery issues to State Government.

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that priority is to be given to achieving the best outcomes for the municipal community, including future generations. Council officers believe that the proposed recommendations are suitable actions to continue our membership and presence in such an important regional group.

#### ***COMMUNITY ENGAGEMENT***

No community engagement was undertaken for this report as this is an internal Council representation on a government body.

#### ***POLICY CONSIDERATIONS***

##### Council Plans and Policies

In the current Strathbogie Shire Council Waste and Resource Recovery Strategy 2019 – 2024, the Goulburn Valley Waste and Resource Recovery Group is listed as a key partner to Council to achieve its waste and resource recovery goals.

##### Regional, State and National Plans and Policies

The Goulburn Valley Waste and Resource Recovery Group is a Statutory Authority and represents the regions in state-wide planning for waste infrastructure and policy.

#### ***LEGAL CONSIDERATIONS***

Council as a member of the Goulburn Valley Waste and Resource Recovery Group may, under the operating rules of the Group, endorse representative and advisory members to the Local Government Forum.

##### Conflict of Interest Declaration

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

#### ***SUSTAINABILITY CONSIDERATIONS***

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted. Participation in the GVWRRG encourages a sustainable shire by 2inimizati our waste footprint and encouraging good behaviours in our residents.

### 9.7.1 Goulburn Valley Local Government Waste Forum Representative (cont.)

#### Economic

Sharing of information between Councils and working on projects collaboratively has many economic benefits to a smaller Council such as Strathbogie Shire as it allows our limited staffing to get more done with less.

#### Climate change

Although there are no direct impacts on climate change responsible management and 3inimization of waste has a net positive impact on the environment.

#### **COLLABORATION**

Participation in the Goulburn Valley Waste and Resource Recovery Group facilitates regional and state-wide collaboration on waste issues with other Councils and State Government.

#### **HUMAN RIGHTS CONSIDERATIONS**

There are no human rights considerations arising from the issues discussed in this report.

#### **CONCLUSION**

This report proposes that a Councillor and two staff members are endorsed by Council as the Representative and Advisory Members on the Goulburn Valley Local Government Waste Forum.

#### **ATTACHMENTS**

Nil.

## **9.7.2 Draft Public Transparency Policy**

Responsible Director: Executive Manager, Governance & Customer Service

### ***EXECUTIVE SUMMARY***

The Local Government Act 2020, which came into force on 6 April this year, has brought in a new mandatory requirement for all councils to prepare and adopt a public transparency policy by 1 September 2020.

The purpose of the policy is to give effect to the public transparency principles, which are focussed around transparent decision making, making as much information as possible publicly available, ensuring ease of access to the information and promoting its availability. These objectives are consistent with our existing ethos of maximising access to information and minimising the number of Freedom of Information requests the public have to make in order to gain the material they require.

Local Government Victoria (LGV) have released a draft model policy, which was used as a reference for the development of the draft policy attached to this report.

It is recommended that, in accordance with the overarching governance principles, and supporting principles, of the Act that the policy be placed on public exhibition for comment for a period of two weeks so that a final draft policy can be considered by Council at its July 2020 meeting.

### ***RECOMMENDATION***

***That Council note the draft Pubic Transparency Policy 2020 and place it on public exhibition for community review and comment for a period of 14 days, advertised through the following means:***

- ***an item under 'Top News Stories' on Council's website***
- ***posts on Council's Facebook page***
- ***notices in the local papers***

### ***PURPOSE AND BACKGROUND***

Council must prepare and adopt a public transparency policy by 1 September 2020 under the new Local Government Act. This new Act introduced a series of principles which Council is bound to adopt and apply in its day to day decision making and operations.

While there is already a wide range of information that is made available to our community through the website, Facebook and that can be obtained upon request, including a wide range of statutory information required by the Local Government Acts 1989 and 2020 (elements of both are currently in operation).

### 9.7.2 Draft Public Transparency Policy (cont.)

#### ***ISSUES, OPTIONS AND DISCUSSION***

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

An effort has been made to draft a comprehensive policy that meets the new requirements of the Act and provides maximum disclosure for our community, despite the lack of supporting regulations which usually provide more detail as to how councils comply with mandatory requirements. The development of the policy has been supported through the following means:

- participation in an LGV workshops with other Councils
- using the draft model policy released by the Department following this sector feedback
- participation in an online workshop with local government governance legal expert and a Freedom of Information expert
- discussions about policy provisions through the North East Governance Officers Network.

As there are currently no other adopted policies of this nature, we are unable to benchmark against those of other councils.

#### ***COMMUNITY ENGAGEMENT***

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

Although this policy is largely operational in nature, it is considered appropriate to provide our community with the opportunity to review and comment on the draft policy for a period of 2 weeks, in line with our Community Engagement Strategy and Communications and Engagement Policy 2019.

The draft policy has been circulated for internal comment to the Executive Leadership Team, Council's Freedom of Information Officer and Records Coordinator for review and comment.

#### ***POLICY CONSIDERATIONS***

##### Council Plans and Policies

Our Values and Council Plan highlight the need for openness, the highest ethical standards and transparency.

Our Community Engagement Strategy 2019 – 22 identifies the form of public consultation proposed for the draft policy as Consultation and is the second level of public participation on the IAP 2 Public Participation Spectrum.

The policy is consistent with the objectives of Council's Communications and Engagement Policy 2019 in that it:

- demonstrates Council's commitment to continually improve the way it communicates and engages with people internally and in our communities
- demonstrates Council's commitment to good governance
- provides direction to the Council's staff and elected members.

### 9.7.2 Draft Public Transparency Policy (cont.)

Council's Privacy and Data Protection Policy 2018 identifies how the organisation will comply with the Information Privacy Principles outlined by the Privacy and Data Protection Act 2014. The draft public transparency policy is aligned with protecting information that is classified under this act as a means of protecting private and confidential information.

The policy is also aligned to Council's Part II Statement, which must be prepared under the Freedom of Information Act 1982.

#### Regional, State and National Plans and Policies

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

Both the State and Federal governments have endorsed legislation around freedom of information, information privacy and data protection and maximising access to material held by various levels of government.

#### **LEGAL CONSIDERATIONS**

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that Council decisions are to be made and actions taken in accordance with the relevant law.

The policy has been drafted in accordance with the provisions of the Act and also the Freedom of Information Act 1982. As outlined previously, a workshop with local government lawyers and a freedom of information expert has also ensured the policy meets all legal requirements.

#### Conflict of Interest Declaration

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

#### Transparency

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that the transparency of Council decisions, actions and information is to be ensured.

The focus of this new policy is to explain to our community how Council will maximise transparency in decision making, its actions and the information it holds.

The policy outlines what information will be provided to our community through:

- Council's website
- a request to inspect or obtain a copy of a document
- a freedom of information request.

The Act does, however, provide exemption from public release of information under eleven categories, including confidential information as defined by the Act and other legislation such as the Privacy and Data Protection Act 2014.

### 9.7.2 Draft Public Transparency Policy (cont.)

#### **SUSTAINABILITY CONSIDERATIONS**

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

#### Social

Access to Council held information is an important means through which our community can maximise its participation in our decision making and consultation processes. This draft policy, therefore, creates some social benefit.

#### **INNOVATION AND CONTINUOUS IMPROVMENT**

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is the pursuit of innovation and continuous improvement.

The draft public transparency policy aims to clarify and improve the way in which we provide information to our community, along with raising awareness within the organisation and the community as to what information is kept and how it can be accessed.

#### **HUMAN RIGHTS CONSIDERATIONS**

This policy has been reviewed against and complies with section 13 of the Charter of Human Rights and Responsibilities Act 2006, as this Policy aligns with and provides for the protection of an individual's right not to have their privacy unlawfully or arbitrarily interfered with. It is also in line with section 18 which recognises a person's right to participate in the conduct of public life.

#### **CONCLUSION**

The public transparency policy has been drafted to ensure Council complies with new statutory requirements under the *Local Government Act 2020* and implements the overarching governance principles, and the supporting public transparency principles, outlined in the Act.

As per our Community Engagement Strategy and community engagement principles of the Act, the draft policy should be exhibited for public review and comment.

#### **ATTACHMENTS**

**Attachment 1:** Draft Public Transparency Policy 2020

**ATTACHMENT 1:**



# PUBLIC TRANSPARENCY POLICY

COUNCIL POLICY	
Document ID:	???
Effective Date:	? 2020
Last Review:	-
Current Review:	-
Adopted by Council:	? 2020
Next Review Date:	? 2022
Responsible Officer/s:	Executive Manager, Governance & Customer Service

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## 1. INTRODUCTION

Council must adopt and maintain a public transparency policy under section 57 of the *Local Government Act 2020* (the Act). Section 57(2) states:

A public transparency policy must

- (a) give effect to the public transparency principles
- (b) describe the ways in which Council information is to be made publicly available; and subject to section 58(b)
- (c) specify which Council information must be publicly available, including all policies, plans and reports required under this Act or any other Act
- (d) include any other matters prescribed by the regulations.

This policy has been developed with these requirements in mind, along with giving effect to the Public Transparency Principles outlined in section 58 of the Act.

The public transparency measures outlined in this document support Council's ongoing efforts to achieve the highest standards of good governance and underlines our commitment to be open and accountable to our community.

## 2. POLICY POSITION

Our Values and Council Plan highlight the need for openness, the highest ethical standards and transparency. Accordingly, this policy applies to Councillors and Council staff of the Council.

Having ease of access to a broad range of Council information is a key way in which we will support all sections of our community in being part of our decision making and engagement processes.

Council will, through this policy, abide by and implement the following public transparency principles, as outlined by section 57(2) of the Act:

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

## 3. DEFINITIONS

Closed Council Meetings	Means when Council resolves to close the meeting to the general public to consider a confidential matter regarding issues of a legal, contractual or personnel nature and other issues
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	deemed not in the public interest to discuss in a public forum.
Communication	means a process of reaching mutual understanding, in which participants not only exchange information, news, ideas and feelings, but also create a shared meaning.
Community	<p>Means the term used to define groups of connected people. We use it to describe people of a municipality generally, including individuals or groups who live, work, play, study, visit, invest in or pass through the municipality.</p> <p>A real or online group of people united by at least one common characteristic such as geography, shared interests, experiences, values or attitudes.</p> <p>Different types of communities often overlap and extend beyond municipal boundaries. Communities may be structured, as in clubs or associations or unstructured, such as teens. Communities are flexible and temporary, subject individual identity and location.</p>
Confidential information	is defined in section 3 of the <i>Local Government Act 2020</i> and includes the types of information listed in clause 10 of this policy.
Consultation	means the process of seeking input on a matter or issue.
Engagement	means the many ways in which a council connects with community, and the community connects with a council to exchange views, ideas and information in the development and implementation of strategy, policies, programs and services.
Local Law/Governance Rules	means the Strathbogie Shire Council's Meetings Procedures Local Law No 1 2014, which is to be superseded by the adoption of Governance Rules as required by <i>the Local Government Act 2020</i> by 1 September 2020.
Public interest	means the test set out under section 36(2) of the <i>Freedom of Information Act 1982</i> , which states documents are exempt from disclosure if that the disclosure would be reasonably likely to have a substantial adverse effect on the economy of the municipal district or it would disclose instructions issued to, or provided for the use of guidance of, officers of a council on the procedures to be followed or the criteria to be applied in negotiation, including financial, commercial and labour negotiation, in the execution of contracts, in the defense, prosecution and settlement of cases, and in

	similar activities relating to the financial property or personnel management and assessment interests of the council.
Stakeholder	means a person, group or organisation that may be affected by, have a specific interest in, or influence over, a council decision or issue under consideration.
the Act	means the <i>Local Government Act 2020</i> .
Transparency	means a lack of hidden agendas or conditions and the availability of all information needed for the community to collaborate, cooperate and make decisions effectively. Transparency also means the right to have the opportunity, without discrimination, to participate in public affairs (s58 of The Act).

#### 4. RESPONSIBILITIES

It is everyone's role within Council to promote and facilitate access to council information in accordance with the public transparency policy, as outlined by the table below:

Party/parties	Roles and responsibilities
Council	Champion the commitment and principles for public transparency through leadership, modelling practice and decision-making.
Audit and Risk Committee	To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement.
Executive Leadership Team	Champion behaviours that foster transparency and drive the principles through policy, process and leadership.  Monitor implementation of this policy.
Management Team	Manage areas of responsibility to ensure public transparency, good governance and community engagement is consistent with this policy.
Executive Manager Governance & Customer Service	To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement.
All Staff	Public transparency is the responsibility of all employees as appropriate to their role and function.  All staff respond to requests for information and facilitate provision of information in consultation with their manager and in alignment with the Policy.

## 5. EXTERNAL REFERENCES

*Charter of Human Rights and Responsibilities Act 2006*

*Equal Opportunity Act 2010.*

*Freedom of Information Act 1982*

<https://www.legislation.gov.au/Details/C2012C00231>

*Local Government Act 2020*

<https://www.legislation.vic.gov.au/as-made/acts/local-government-act-2020>

*Privacy and Data Protection Act 2014*

<https://www.legislation.vic.gov.au/in-force/acts/privacy-and-data-protection-act-2014/025>

## 6. RELATED COUNCIL DOCUMENTS

Communications and Engagement Policy 2019

[https://www.strathbogie.vic.gov.au/images/Communications\\_and\\_Engagement\\_Policy.pdf](https://www.strathbogie.vic.gov.au/images/Communications_and_Engagement_Policy.pdf)

Community Engagement Strategy 2019 – 2022

[https://www.strathbogie.vic.gov.au/images/20190826-community\\_engagement\\_strategy\\_endorsed\\_august\\_2019.pdf](https://www.strathbogie.vic.gov.au/images/20190826-community_engagement_strategy_endorsed_august_2019.pdf)

Customer Service Charter

[https://www.strathbogie.vic.gov.au/images/Plans\\_policies\\_Strategies\\_reports/2019%20Customer%20Service%20Charter%20FINAL.pdf](https://www.strathbogie.vic.gov.au/images/Plans_policies_Strategies_reports/2019%20Customer%20Service%20Charter%20FINAL.pdf)

Privacy & Data Protection Policy 2018

[https://www.strathbogie.vic.gov.au/images/Plans\\_policies\\_Strategies\\_reports/2018%20Policy-Privacy%20and%20Data%20Protection%20Policy.pdf](https://www.strathbogie.vic.gov.au/images/Plans_policies_Strategies_reports/2018%20Policy-Privacy%20and%20Data%20Protection%20Policy.pdf)

Part II Statement (*Freedom of Information Act 1982*) - Publication of Certain Documents and Information

[https://www.strathbogie.vic.gov.au/images/Documents/20130105v2\\_Strathbogie\\_Shire\\_Part\\_II\\_Statement.pdf](https://www.strathbogie.vic.gov.au/images/Documents/20130105v2_Strathbogie_Shire_Part_II_Statement.pdf)

## 7. POLICY OBJECTIVES

Council is committed to transparent decision making and involving our community in making those decisions.

We understand that our community needs access to a wide range of information so enable people to participate in the wide range of decision making and community engagement processes we undertake.

We also know that promoting awareness across the community as to the availability of Council information is an important part of this engagement process.

The objectives of this policy are to promote:

- accountability around how Council is allocating and spending public money
- increased confidence and trust in the community through greater understanding and awareness
- enhanced involvement in Council's decision making process by the community in line with our Community Engagement Strategy and Policy
- greater clarity in Council's decision-making processes
- improved Council's performance and service delivery to our community

- access to information that is current, reliable, easily accessible and disseminated in a timely manner
- the protection of information that is identified as being sensitive or confidential under the Act and other legislation.

## **8. REVIEW OF THIS POLICY**

This policy will be reviewed every 2 years unless the Chief Executive Officer or Council determines that an earlier review is required.

## **9. HOW WE WILL BE TRANSPARENT**

### **9.1 Decision Making at Council Meetings**

- will maximise opportunities for public participation and the expression of all viewpoints on a matter, particularly from those whose rights will be directly affected by Council's decision, to assist Council in making informed decisions
- will be undertaken in accordance with the Act, Council's Meeting Procedures Local Law 2014 or Governance Rules
- will be conducted in an open and transparent forum, unless in accordance with the provisions in the Act and the local law or Governance Rules
- will be informed through community engagement, in accordance with the Act's Community Engagement Principles, our Community Engagement Strategy and Communications and Engagement Policy
- will ensure decisions are made fairly and on the individual merits of the matter.

### **9.2 Being open about what information we store**

A list information retained by Council is outlined in our Part II Statement, as required by the *Freedom of Information Act 1982*. The Statement is designed to help our community understand the broad range of information it holds and how it can be accessed and can be accessed through Council's website using the following link:

[https://www.strathbogie.vic.gov.au/images/Documents/20130105v2\\_Strathbogie\\_Shire\\_Part\\_II\\_Statement.pdf](https://www.strathbogie.vic.gov.au/images/Documents/20130105v2_Strathbogie_Shire_Part_II_Statement.pdf)

In summary, the information Council holds includes (but is not limited to):

#### **Documents** such as:

- plans and reports adopted by Council such as the Council Plan and Annual Report
- Council Policies and Chief Executive Officer Directives
- draft and adopted budgets
- asset management plans
- project and service plans
- emergency management plans
- planning strategies, reports and studies
- grant application, tenders and tender evaluation material
- service agreements, contracts, leases and licences

- council leases, permits and notices of building and occupancy
- relevant technical reports and / or research that informs decision making
- general correspondence and documents submitted by third parties
- building and planning applications and associated documents
- local law permit applications and associated documents
- databases for roads, rates, contacts, customer service requests and mailing lists

**Process information** such as:

- operating procedures and forms
- application processes for approvals, permits, grants, access to Council services
- decision making processes
- guidelines and manuals
- community engagement processes
- public interest disclosure processes
- complaints handling processes.

**Council records** such as

- Council and Committee minutes and agendas
- registers required under various Acts
- information relating to allowances, salaries and interests of Councillors and our Executive Leadership Team
- delegation instruments for decision making powers by the Council and Chief Executive Officer
- details of Council appointed committees.

### **9.3 Making it easy for our community to access information**

We want to facilitate public access to the information we hold that is not subject to confidentiality under the Act or other Acts. To achieve this, we will maximise the information provided through our website or that can be obtained by an informal request to inspect the information held by Council.

**Council's website** will provide easy access to the following, as a minimum:

- public agendas and minutes of ordinary and special Council meetings
- public reports from Advisory Committees to the Council (through Council minutes and agendas)
- Audit and Risk Committee Performance Reporting (through Council minutes and agendas)
- terms of reference or charters for delegated Council Committees and the Audit Committee (to be known as the Audit and Risk Committee by 1 September 2020)
- quarterly reports on reimbursements to Councillors
- quarterly reports on any expenditure on the Chief Executive Officer's corporate purchasing card

- register of Election campaign donations
- details of current allowances fixed for the Mayor and Councillors
- details of total annual remuneration for all senior officers in respect of the current and previous financial year, including ranges set out as specified and the number of senior officers within those ranges
- details of overseas or interstate travel (excluding interstate travel by land for less than 3 days) undertaken in an official capacity by Councillors or any member of Council staff in the previous 12 months, including name, date, destination, purpose and total cost of the travel
- names of Councillors who submitted returns of interest during the financial year and the dates the returns were submitted
- a list of special committees, delegated committees or community asset committees established by Council under the Act, and the purpose for which each committee was established
- a list of all special committees established by Council which were abolished or ceased to function during the financial year
- minutes of public meetings of special committees established by Council and held in the previous 12 months
- registers of Delegations and Authorised Officers
- details of all property, finance and operating leases involving land, buildings, plant or vehicles entered into by the Council as lessor or lessee, including the name of the other party to the lease, the terms and the value of the lease
- a register of Authorised Officers
- a list of the names of the organisations of which the Council was a member during the financial year and details of all membership fees and other amounts and services provided during that year to each organisation by the Council
- a list of contracts for services and goods valued at \$150,000 or more and contracts for works valued at \$200,000 or more, which Council has entered into without first engaging in a formal competitive process and which are not contracts which are referred to in section 186(5) of the Act.

**Informal requests to inspect** other information can be made by:

 email to [info@strathbogie.vic.gov.au](mailto:info@strathbogie.vic.gov.au)



a letter posted to PO Box 177, Euroa VIC 3666



calling our office toll free on 1800 065 993

Calling in at our Customer Service Centres:

[Euroa](#)

Open: 9am to 5pm Monday to Friday

109a Binney Street, Euroa

[Nagambie](#)

Open: 10am to 4pm Monday to Friday

293 High Street, Nagambie

In providing access to our information, consideration will be given to accessibility and cultural requirements. We will also respond to requests for information in alignment with the Act including the Public Transparency Principles, this policy and in accordance with our Part II statement made under the *Freedom of Information Act 1982*.

Information which can be requested for inspection includes:

- names of Council officers who were required to submit a return of interest during the financial year and the dates the returns were submitted
- submissions received in accordance with section 223 of the Act during the previous 12 months
- agreements to establish regional libraries
- a list of donations and grants made by the Council during the financial year, including the names of persons or bodies which have received a donation or grant and the amount of each donation or grant
- registers of Conflicts of Interest disclosed by Councillors or Council staff
- registers of donations and grants made by Council
- planning permit and building permit registers
- submissions made by Council to various authorities and bodies
- summary of Personal Interests of Councillors and the Executive Leadership Team
- register of Authorised Officers
- any other Registers or Records required by legislation or determined to be in the public interest.
- a summary of Personal Interests for Councillors and the Executive Leadership Team ('Register of interests' until 24 October 2020)
- Submissions received under section 223 of the *Local Government Act 1989* until its repeal or received through a community engagement process undertaken by Council
- Council published newsletters, reports and handbooks for residents, businesses and visitors to council.

**Formal requests for information** under the *Freedom of Information Act 1982* can also be lodged with us using the following form from our website

[https://www.strathbogrie.vic.gov.au/images/Media\\_Releases/FOI\\_Request\\_Form\\_-\\_01.07.17.pdf](https://www.strathbogrie.vic.gov.au/images/Media_Releases/FOI_Request_Form_-_01.07.17.pdf) .

The *Freedom of Information Act 1982* gives our community right of access to documents that we hold.

If you can't find the document you require, please contact us before you make an FOI application as we will endeavor to make as much information as possible available to you without going through this formal process unless it is not in the public interest or restricted by the Act or any other Act.



## 10. INFORMATION THAT IS NOT AVAILABLE FOR PUBLIC VIEWING

Some Council information may not be made publicly available because it is confidential information or if its release would be contrary to the public interest or not in keeping with the requirements of the *Privacy and Data Protection Act 2014*.

“Confidential information” is defined in section 3 of the *Local Government Act 2020*. It includes the types of information listed in the following table.

Type	Description
Council business information	Information that would prejudice the Council's position in commercial negotiations if prematurely released.
Security information	Information that is likely to endanger the security of Council property or the safety of any person if released.
Land use planning information	Information that is likely to encourage speculation in land values if prematurely released.
Law enforcement information	Information which would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person if released.
Legal privileged information	Information to which legal professional privilege or client legal privilege applies.
Personal information	Information which would result in the unreasonable disclosure of information about any person or their personal affairs if released.
Private commercial information	Information provided by a business, commercial or financial undertaking that relates to trade secrets or that would unreasonably expose the business, commercial or financial undertaking to disadvantage if released.
Confidential meeting information	Records of a Council and delegated committee meetings that are closed to the public to consider confidential information
Internal arbitration information	Confidential information relating internal arbitration about an alleged breach of the Councillor Code of Conduct.
Councillor Conduct Panel confidential information	Confidential information relating to a Councillor Conduct Panel matter.
Confidential information under the 1989 Act	Information that was confidential information for the purposes of section 77 of the <i>Local Government Act 1989</i>

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

## 10.1 The Public Interest test

Council is not required to make information publicly available if the release would be contrary to the public interest, in accordance with the *Local Government Act 2020*.

When considering public interest, Council will apply the test that exists in the *Freedom of Information Act 1982*.

Council may refuse to release information if it is satisfied that the harm to the community likely to be created by releasing the information will exceed the public benefit in it being released.

When considering possible harm from releasing information, the Council will only concern itself with harm to the community or members of the community.

Potential harm to the Council will only be a factor if it would also damage the community, such as where it involves a loss of public funds or prevents the council from performing its functions.

Information that might be withheld because it is contrary to the public interest may include:

- internal working documents that have not been approved or submitted to Council, especially where their release may mislead the public
- directions to Council staff regarding negotiations in contractual or civil liability matters, where release may damage the Council's capacity to negotiate the best outcome for the community
- correspondence with members of the community, where release may inappropriately expose a person's private dealings.

## 11. WHAT TO DO IF YOU ARE UNHAPPY WITH OUR DECISION ON THE RELEASE OF INFORMATION

If you wish to question a decision about the release of information under this policy please contact the officer handling the matter in the first instance.

If you are still not satisfied with our response and would like to seek a review of the decision, please contact the Executive Officer, Governance & Customer Service or, alternatively, Council's Freedom of Information Officer on 1800 065 993 or email [info@strathbogrie.vic.gov.au](mailto:info@strathbogrie.vic.gov.au) and attention the email to this officer.

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

## 12. MONITORING AND REPORTING

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

Council's Audit and Risk Committee is required to monitor compliance with legislation and Council Policies and will periodically undertake an internal audit in relation to requests for information to be release through informal means, with the findings reported to Council and areas for improvement or refinement in processes identified.

### **13. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 AND THE EQUAL OPPORTUNITY ACT 2010**

The Council acknowledges the legal responsibility to comply with the Charter of *Human Rights and Responsibilities Act 2006 and the Equal Opportunity Act 2010*. The Charter of *Human Rights and Responsibilities Act 2006* is designed to protect the fundamental rights and freedoms of citizens. The Charter gives legal protection to 20 fundamental human rights under four key values that include freedom, respect, equality and dignity.

This policy has been reviewed against and complies with section 13 of the *Charter of Human Rights and Responsibilities Act 2006*, as this Policy aligns with and provides for the protection of an individual's right not to have their privacy unlawfully or arbitrarily interfered with. It is also aligned with section 18 which recognises a person's right to participate in the conduct of public life.

### **9.7.3 Draft Council Expenses Policy**

Responsible Director: Executive Manager, Governance & Customer Service

#### ***EXECUTIVE SUMMARY***

The Local Government Act 2020, which came into force on 6 April this year, has made minor amendments to the provisions around the reimbursement of Councillor expenses which need to be reflected in our existing policy and adopted by 1 September 2020.

The existing Councillor Support, Resources, Reimbursement and Reporting of Expenses Policy 2019 has been renamed the Council Expenses Policy, with minor amendments made to reflect the new Act's provisions.

Local Government Victoria (LGV) have released some limited guidance as to what changes need to be made to existing policies and what best practice looks like.

It is recommended that, in accordance with the overarching governance principles, and supporting principles, of the Act that the draft policy be placed on public exhibition for comment for a period of two weeks so that a final draft policy can be considered by Council at its July 2020 meeting.

#### ***RECOMMENDATION***

***That Council note the draft Council Expenses Policy 2020 and place it on public exhibition for community review and comment for a period of 14 days, advertised through the following means:***

- ***an item under 'Top News Stories' on Council's website***
- ***posts on Council's Facebook page***
- ***notices in the local papers.***

#### ***PURPOSE AND BACKGROUND***

Council must prepare and adopt a council expenses policy by 1 September 2020 under the new Local Government Act.

The existing Councillor Support, Resources, Reimbursement and Reporting of Expenses Policy 2019 was redrafted in response to recommendations from the Victorian Auditor General's Office (VAGO) report into Fraud and Corruption in Local Government, June 2019.

#### ***ISSUES, OPTIONS AND DISCUSSION***

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Minor amendments have been made to this policy to ensure it aligns with requirements of the new Act and its name has changed to align it with the Act's terminology, as outlined in the Attachment in red text.

### 9.7.3 Draft Council Expenses Policy (cont.)

Key changes include:

- Recognition of the newly defined role of Deputy Mayor under the Act
- Inclusion of the definition of a carer's role in accordance with the definitions of the Carers Recognition Act 2012
- Reflection of new provisions and relevant section references for the 2020 Act.

The review of our existing policy has been supported through the review of material published by Local Government Victoria, designed to provide guidance to councils around compliance with the new Act's provisions.

Our detailed policy is considered to be best practice given that it places strict limitations on expenditure by Councillors in relation to items such as alcohol, travel and conferences while balancing the need for Councillors to represent the community and continue their professional development.

It is noted that our existing policy required council expenses to be reported quarterly to the Audit Committee – the new Act makes this a mandatory requirement. In accordance with our draft Public Transparency Policy 2020, these reimbursements will continue to be published on Council's website once the Audit and Risk Committee's minutes have been noted by Council.

#### **COMMUNITY ENGAGEMENT**

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

Although this policy is largely operational in nature, it is considered appropriate to provide our community with the opportunity to review and comment on the draft policy for a period of 2 weeks, in line with our Community Engagement Strategy and Communications and Engagement Policy 2019.

The draft policy has been circulated for internal comment to the Finance Department and members of the Executive Leadership Team for review and comment.

#### **POLICY CONSIDERATIONS**

##### Council Plans and Policies

Our Values and Council Plan highlight the need for openness, the highest ethical standards and transparency.

Our Community Engagement Strategy 2019 – 22 identifies the form of public consultation proposed for the draft policy as Consultation and is the second level of public participation on the IAP 2 Public Participation Spectrum.

The reimbursement of expenditure on Council related activities and the open reporting of these expenses is consistent with the values outlined in the Councillor Code of Conduct 2016.

### 9.7.3 Draft Council Expenses Policy (cont.)

#### Regional, State and National Plans and Policies

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

The State government has mandated the requirements for this policy revision and the existing policy was informed by audits undertaken by VAGO and other reports released by the Local Government Inspectorate and the Independent Broad-Based Anti-Corruption Commission.

#### **LEGAL CONSIDERATIONS**

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that Council decisions are to be made and actions taken in accordance with the relevant law.

The policy has been drafted in accordance with the provisions of the Act and updates references to the new sections of the Act that apply to this matter.

#### Conflict of Interest Declaration

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

#### Transparency

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that the transparency of Council decisions, actions and information is to be ensured.

As outlined previously, our existing policy requires quarterly reports on Council related expenses, including those expenses that have been reimbursed (such as car mileage expenses) to be reported to Council's Audit Committee and published on Council's website. This ensures maximum transparency and accountability around Councillor related expenditure and allows our community to monitor expenses against this policy.

#### **HUMAN RIGHTS CONSIDERATIONS**

This policy has been reviewed against and complies with the rights and protections outlined by the Charter of Human Rights and Responsibilities Act 2006 as it balances the need for privacy of Councillors with the right for the community to know how public monies are being expended.

#### **CONCLUSION**

The Council Expenses Policy 2020 has been drafted to ensure Council complies with new statutory requirements under the Local Government Act 2020 and implements the overarching governance principles and other relevant provisions outlined in the Act.

### 9.7.3 Draft Council Expenses Policy (cont.)

As per our Community Engagement Strategy and community engagement principles of the Act, the draft policy should be exhibited for public review and comment.

#### **ATTACHMENTS**

**Attachment 1:** Draft Council Expenses Policy 2020

**ATTACHMENT 1:**



# COUNCIL EXPENSES POLICY

COUNCIL POLICY	
Document ID:	11555
Effective Date:	20 March 2001
Last Review:	15 October 2019
Last major review approved by Audit Committee	12 September 2019
Current Review	June 2020 (minor changes only to reflect the introduction of new Local Government Act 2020)
Adopted by Council:	?? 2020
Next Review Date:	July 2022
Responsible Officer/s:	Chief Executive Officer



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## PART 1

### 1. INTRODUCTION

Section 8 of the *Local Government Act 2020* (the Act) states that the role of a council is to provide leadership and good governance for the municipal district for the benefit and wellbeing of the municipal community. It must adhere to, and implement, the Overarching Governance Principles and supporting principles outlined in section 9 of the Act in its day to day operations and decision making.

To successfully undertake their role as required under the Act, Councillors need the support of the organisation, along with access to resources and facilities.

Section 39 of the Act outlines provisions for allowances for the mayor, deputy mayor and councillors.

Section 40 of the Act states that council must reimburse a councillor or member of a delegated committee for out-of-pocket expenses if they:

- are bona fide expenses; and
- have been reasonably incurred in the performance of the role of Councillor or member of a delegated committee; and
- are reasonably necessary for the Councillor or member of a delegated committee to perform that role.

This section also requires the details of reimbursements to be provided to Council's Audit and Risk Committee (see clause 37 of this policy).

Section 41 of the Act requires all councils to prepare and adopt a council expense policy, which can also be applied to council committees. The policy must:

- specify procedures to be followed in applying for reimbursement and in reimbursing expenses
- comply with any requirements prescribed by the regulations in relation to the reimbursement of expenses
- provide for the reimbursement of childcare costs where the provision of child care is reasonably required for a Councillor or member of a delegated committee to perform their role
- have particular regard to expenses incurred by a Councillor who is a carer in a care relationship within the meaning of section 4 of the *Carers Recognition Act 2012*.

Section 42 states that the resources and facilities reasonably required for Councillors to perform their duties must be made available to them, including considerations relating to:

- the support that may be required by a Mayor, Deputy Mayor or Councillor because of a disability
- the support that may be required by a Councillor who is a carer in a care relationship within the meaning of section 4 of the *Carers Recognition Act 2012*.

Section 57 requires Council to adopt a Public Transparency Policy to give effect to the public transparency principles outlined under section 58. As outlined in this policy, our website will include information about the mayor and councillors, along with their contact details. The reports submitted to the Audit and Risk Committee in relation to Councillor expenses will also be published on Council's website.

While no regulations have been made under the 2020 Act, guidance will be taken from section 14 (2)(db) of former Act's Planning and Reporting Regulations, which required details of the expenses, including any reimbursed expenses, for each councillor and member of a council delegated committee paid by the council, categorised separately as –

- (i) travel expenses
- (ii) car mileage expenses
- (iii) childcare expenses
- (iv) information and communication technology expenses
- (v) conference and training expenses.

Given the need to cater for Councillors with disabilities or carer responsibilities, the reimbursement of expenses relating to these two additional matters will be included in these pre-existing reporting categories.

As councils are funded with public money, a substantial portion of which comes from rates income, it is essential that this policy identifies how public resources and funding will be allocated to support councillors in efficiently and effectively performing their duties. This policy sets out how Strathbogie Shire Council will achieve maximum transparency around Council expenses.

## 2. POLICY OBJECTIVES

This policy aims to:

- identify the reasonable levels of expenditure, resources and facilities to be provided to support councillors in fulfilling their duties on behalf of the community under the Act
- clarify the circumstances under which Council will make payment for
  - professional development; and
  - reimbursement of expenses as specified by the Act.
- outline the procedures and internal controls for the review and consideration of councillor expense claims
- specify how expenditure under this policy will be closely and independently monitored
- explain how expenses and resources provided under this policy will be reported on a regular basis to Council, the Audit Committee and the community in accordance with the Planning and Reporting Regulations.

## 3. POLICY POSITION

Section 42 of the Act requires a minimum level of resources and facilities to be provided to councillors so that they can undertake their duties.

It is imperative that the following policy principles underpin expenses and resources relating to Strathbogie Shire Councillor activity and the actions of our councillors:

- **Value** for the expenses claimed and resources used
- **Demonstrated community benefit** from the expense incurred or resources provided
- **Accountability and consistency** through adequate internal review of claims and regular independent auditing and data analysis to identify anomalies
- **No disadvantage** by ensuring there is separation of, and no subsidisation between, mayoral and councillor allowances from reimbursement of expenses and other minimum resources and facilities

- **Transparency** through the provision of information to the community as required by the Act **and any future regulations.**

This policy presumes councillors are residents in the Shire and any additional costs or expenses attributable to a councillor's residence being outside the municipality are considered inappropriate for reimbursement in the absence of a prior Council resolution to the contrary.

Any cost or expense (or portion thereof) which should reasonably be borne by another entity, or for which another entity is reasonably liable, is outside the scope of this policy and shall not be paid or reimbursed by Council.

Council resources must not be used for the purposes of election campaigns for Councillors under any circumstances as per Council's Election (Caretaker) Period Policy 2019 **or the Governance Rules to be adopted by Council prior to 1 September 2020.**

#### 4. DEFINITIONS

Car mileage expenses	means all reimbursement of expenses to Councillors for kilometres travelled in their private vehicle and expenses relating to the Mayoral vehicle (fuel card costs, servicing/maintenance) excluding depreciation costs
Child care/family care expenses	<b>means the cost of caring for children or other people where the councillor is in a care relationship as defined by section 4 of the Carers Recognition Act 2012 including travel costs for the carer and hourly rates for care</b>
Conference & training expenses	means conference registration fees, meals, accommodation, car parking (including airport parking) and any other legitimate costs incurred whilst at the event, tickets to dinners or events
duties of a Councillor	means duties performed by a Councillor, including the Mayor, that are necessary or appropriate for the purposes of achieving the objectives of a Council having regard to any relevant Act, any regulations, Ministerial guidelines or Council policy
Information & communication technology expenses	means the reimbursement of expenses for phone calls or data to Councillors, capital costs of purchasing hardware and the cost of monthly mobile phone usage/data plans
Information Guide	means the Information Guide Mayor and Councillor Entitlements - reimbursement of expenses and provision of resources and facilities support for Victorian Mayors and Councillors, Department of Planning and Community Development 2008
Other incidental expenses	means expenses that cannot be attributed to other categories such as printer cartridges and stationery

the Act	means the <i>Local Government Act 2020</i> , or where referenced, remaining sections of the <i>Local Government Act 1989</i>
the Regulations	Means any regulations made under the <i>Local Government Act 2020</i> or, where referenced, the former Local Government (Planning and Reporting) Regulations 2014
the General regulations	Means the Local Government (General) Regulations 2015
Travel expenses	Means transactions related to flights for conferences, train fares, taxi/Uber fares, Myki cards and bus fares/bus hire.

## 5. COUNCILLOR CONDUCT

Clause 2.1 of the Councillor Code of Conduct identifies the Primary Principles of conduct that in performing the role of a councillor, he or she must comply with **the Act and must:**

- a) act with integrity
- b) impartially exercise his or her responsibilities in the interests of the local community
- c) not improperly seek to confer an advantage or disadvantage on any person.

General councillor conduct principles, which ensure councillors comply with **the Act**, state that a councillor must:

- avoid conflicts between his or her public duties as a councillor and his or her personal interests and obligations
- act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person
- exercise reasonable care and diligence and submit himself or herself to the lawful scrutiny that is appropriate to his or her office
- endeavour to ensure that public resources are used prudently and solely in the public interest
- act lawfully and in accordance with the trust placed in him or her as an elected representative
- support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the office of councillor.

The application of this policy is a fundamental way in which Strathbogie Shire Council demonstrates its commitment to its values, as outlined in the 2017-21 Council Plan of:

*To be a respectful, innovative, open and transparent, inclusive, fair and ethical Council.*

## 6. EXTERNAL REFERENCES

Information Guide Mayor and Councillor Entitlements - reimbursement of expenses and provision of resources and facilities support for Victorian Mayors and Councillors, Department of Planning and Community Development 2008

*Local Government Act 2020*

Local Government (Planning and Reporting) Regulations 2014

Local Government (General) Regulations 2015

Fraud and Corruption Controls – Local Government, Victorian Auditor General's Office (VAGO), June 2019

## 7. RELATED COUNCIL DOCUMENTS

### Gifts, Benefits and Hospitality Policy 2019

Councillor Code of Conduct 2017

Council Plan 2017-21

### Election (Caretaker) Period Policy 2019

Fraud and Corruption Policy 2017

Media Policy and Protocols 2013

## 8. REVIEW OF THIS POLICY

This policy will be reviewed within 12 months of each general election unless Council determines that an earlier review is required.

## PART 2

## 9. DUTIES OF COUNCILLORS

The duties and activities considered to be necessary for each councillor to perform in accordance with their role as defined by the Act include, but are not limited to:

- attending Council meetings, meetings of advisory groups of Council, formal briefing sessions and civic or ceremonial functions convened by the Council, the Mayor or the Chief Executive Officer
- attending meetings or workshops scheduled by the Council, the Mayor or the Chief Executive Officer
- attending meetings with community members, including conducting a site visit, in response to issues raised by a community member or ratepayer
- participating in delegations or deputations to which the councillor has been duly appointed as a representative of Council
- attending a meeting or function as the nominated representative of Council or the mayor
- attending meetings of community groups, organisations and statutory authorities to which the councillor has been appointed Council delegate or the nominated representative of Council
- attendance at site inspections or meetings relevant to a matter which is, or is anticipated to be, the subject of a decision of Council
- attending conferences, seminars, training or professional development courses as an attendee and/or speaker and which:
  - contribute to the development of personal and professional skills or knowledge of the councillor which are necessary for the performance of the duties of a councillor; and
  - are consistent with Council's objectives; and
  - will cover or present material with application, importance or relevance to current or future issues faced by the Council; and
  - are within the annual budget allocations for the provision of councillor training.

## 10. MINIMUM RESOURCES AND FACILITIES FOR COUNCILLORS

Using the Information Guide – Mayor and Councillor Entitlements published in 2008 as a general guide, the minimum resources and facilities that will be made available to the mayor, deputy mayor and councillors are:

### Resources and facilities

- administrative support for the mayor and deputy mayor
- office for mayor/deputy mayor to share
- vehicle for mayor
- access to Council pool vehicles for the deputy mayor and councillors
- Shared office space for Councillors
- computer – desktop, ipad or laptop (including an email account)
- mobile phone or landline
- stationery
- access to photocopier/fax/printer
- website profile.

### Reimbursement of expenses

- travel - including reimbursement of public transport costs
- phone – re-imburement of relevant call costs
- internet
- child care/family care.

Strathbogie Shire Council will provide these resources and facilities to our mayor, deputy mayor and councillors, with the Mayoral and Councillor Office combined into one office space.

The purchase and replacement of equipment, attendance at training and seminars and reimbursement of expenses is subject to the availability of relevant budget funds and the approval of the Chief Executive Officer.

Facilities will also be provided to any councillor with a disability, as identified in consultation with them, to ensure that they are able to undertake their duties.

## **11. WHAT ARE REASONABLE EXPENSES?**

The test to be applied in determining whether or not an expense is appropriately incurred is whether the expenditure is necessary because it is related to, or a consequence of, a councillor undertaking his or her duties on behalf of the local community as specified by the Act.

Expenses incurred by councillors when acting in a private capacity will not be reimbursed or paid under any circumstance.

Any costs incurred by a councillor which are not covered specifically within this policy will not be met unless a resolution has been passed for Council to incur the expense.

Councillors must provide detailed supporting evidentiary documentation for all expense reimbursement requests for independent review prior to the authorisation of any reimbursement.

Failure to provide the required documentation specified by this policy will result in the request for reimbursement being refused.

### Reimbursement / direct payment

Councillors may choose to receive reimbursements after incurring expenses.



Alternatively, councillors may request direct payment to be made on their behalf by Council for expenses such as Myki cards, conference registration fees, accommodation or domestic/interstate travel.

#### Time limit for all reimbursement requests

Reimbursement claims must be lodged no later than six (6) weeks from the expense was incurred. Expenses claimed out of this time will not be reimbursed unless authorised by the Chief Executive Officer and the **Director Corporate Operations**. Late claims occurring on a regular basis will not be approved.

## **12. GOODS AND SERVICES TAX**

To ensure that GST input tax credits are correctly claimed all purchasing card transactions must be supported by a tax invoice from the supplier containing the following details:

- the supplier's identity (legal name, trading name as it appears in the Australian Business Register)
- the supplier's ABN
- a brief description of each item sold, including the quantity (if applicable) and the price of what was sold
- the GST amount payable for each sale, which may be shown separately
- the date the tax invoice was issued.

## **PART 3**

## **13. MAYOR, DEPUTY MAYOR AND COUNCILLOR ALLOWANCES**

### **13.1 Context**

Section 39(1) of the Act states that allowances for the mayor, deputy mayor and councillors will be set by a determination from the Victorian Independent Remuneration Tribunal under the **Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019**. Until such a determination is made, the current allowances prescribed by the Minister via Order in Council will remain in place.

At its Statutory Meeting of 15 November 2016, Council resolved to set the Mayoral and Councillor allowances at the maximum prescribed by the Order in Council for Category 1 (small rural) council and that these allowances be indexed in future years in accordance with any future Order in Council issued by the Minister for Local Government.

An additional allowance of 9.5% (equivalent to the superannuation guarantee contribution) must also be paid to all councillors.

In accordance with the Act a:

- Mayor or a Deputy Mayor is not entitled to receive an allowance as a Councillor while the Mayor or Deputy Mayor is receiving an allowance as a Mayor or a Deputy Mayor
- A Council cannot pay an allowance to a Mayor, Deputy Mayor or Councillor that exceeds the amount specified in the relevant Determination of the Victorian Independent Remuneration Tribunal under the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019
- A Mayor, Deputy Mayor or Councillor may elect—

- (a) to receive the entire allowance to which they are entitled; or
- (b) to receive a specified part of the allowance to which they are entitled; or
- (c) to receive no allowance.

### **13.2 Policy**

As per the Act, allowances are to be paid at the level identified in the most recent **determination by the Victorian Independent Remuneration Tribunal.**

Mayoral and Councillor Allowances will be paid in 12 equal monthly payments, one month in **arrears** by the 7th working day of each month.

No more than one month's allowance will be paid in advance.

The allowance equivalent to the superannuation guarantee contribution may be paid into a superannuation account of the councillor's choice or may be taken in addition to their allowance.

Mayor and councillors' allowances are taxable income and councillors should put in place their own processes for documenting claimable expenses. Any personal taxation implications from the receipt of allowances are the responsibility of individual councillors. An annual statement of total allowances, reimbursements and any contributions to the cost of the Mayoral vehicle will be provided by Council for tax purposes.

Where the mayor or a councillor is granted a leave of absence from Council for a period of time, it is at the discretion of the mayor or councillor if they wish to suspend their allowance during the period of absence.

#### Mayoral vehicle

Council can resolve to provide to the mayor a fully maintained vehicle (fully registered, maintained, fuelled and comprehensively insured) of a suitable standard in keeping with the role of the Mayor, having regard to community perception and environmental sustainability based on the following criteria:

- operating efficiency – fuel efficiency and cost of fuel
- safety – the level of occupant protection provided by vehicles in front and side crashes, with a minimum of five star safety rating
- price – the cost to Council.

The vehicle shall be used by the mayor to assist him/her in carrying out their official duties, and for private personal and family use during the mayoral term. The use of the mayoral vehicle for interstate travel must be authorised by the Chief Executive Officer.

Eligible people able to drive the mayoral vehicle include direct family members over 25 years of age including the Mayor's partner, spouse and children that hold a current, valid and full Victorian driver's licence, a Councillor or a Council officer.

Councillors must not leave items of a personal nature in Council vehicles as only limited coverage exists for personal effects.

The mayor may choose not to accept the use of a vehicle and use his/her own vehicle and instead, with the ability to receive reimbursement for use of his or her private vehicle through a car mileage expense claim.

The mayoral car will be replaced in accordance with Council's Motor Vehicle Policy.

### Council resolutions regarding a mayoral vehicle

Council may resolve to require a contribution to be deducted from the mayoral allowance to assist in covering the cost of operating the vehicle. Council may, at any time, pass a resolution reviewing these arrangements.

Currently, a Council resolution from the 2016 November Statutory meeting requires a monthly contribution of \$200 to be deducted from the mayoral allowance.

## **14. TRAVEL EXPENSES**

### **14.1 Context**

Travel expenses, including any reimbursements, must be recorded and reported in Council's Annual Report. Interstate/overseas travel, along with trips within Victoria of more than three days, must be recorded in a publicly available register in accordance with **Council's Public Transparency Policy**.

### **14.2 Policy**

Travel may be by any of the following means:

- private vehicle
- Council pool vehicle subject to availability and with prior consent from the Chief Executive Officer or **Director Corporate Operations**
- taxi charge card or vouchers provided by Council
- sustainable transport using a Myki card issued by Council or VLine ticket
- buses or vehicles hired by Council for group travel.

The following provisions will be applied to determine the amount of travel related out of pocket expenses that will be reimbursed:

- a) travel must be undertaken as quickly as possible and by the shortest route possible
- b) where travel is by air, the standard form of travel will be economy class.

Council will meet the cost of the following car parking fees relating to travel:

- c) hotel/motel parking – additional car parking fees not included in the accommodation cost
- d) airport parking for the parking of a councillor's private vehicle at an airport for the duration of the Councillor attendance requirement.

A councillor undertaking private travel arrangements in conjunction with Council approved and funded travel must ensure that all costs incurred from private travel are clearly separated from the Council funded travel arrangements.

## **15. CAR MILEAGE EXPENSES**

### **15.1 Context**

Councillors using their private vehicles may claim expense reimbursement where such travel is in the course of conducting legitimate Council business.

The following provisions will be applied to determine the amount of travel related out of pocket expenses that will be reimbursed:

- (a) travel must be undertaken as quickly as possible and by the shortest route possible
- (b) claims will only be paid on the basis of the actual form of transport used and in the form of reasonable allowances towards, or reimbursement of, necessary out of pocket expenses.

### **15.2 Policy**

Reimbursement of car mileage expenses will only be approved if councillors use the official claim form attached to this policy and provide adequate detail of:

- the purpose of the trip
- date and location of meeting/site visit
- odometer readings for the start and the end of the trip
- total kilometres travelled.

The cost of any tolls and/or commercial car parking fees incurred during the travel will be reimbursed by Council if the requirements of this clause are met.

Where parking meter/ticket machine expenses are incurred on Council business and a receipt is not available, a photograph of the parking meter and payment made by the councillor must be taken and submitted with the official claim form.

Documentary evidence of any travel related expenses must be provided by the councillor in the form of itemised tax invoice receipts or invoices for tolls, parking and petrol. Failure to provide this evidence will result in the claim being refused.

#### Reimbursement rate per kilometre

The allowance payable to councillors for use of their own private vehicle on Council business will be in accordance with the rates prescribed by the Australian Taxation Office for the relevant financial year.

The current rate of reimbursement is 0.68 cents per kilometre for a motor vehicle.

#### Traffic or parking infringements

Council will not reimburse councillors for any infringements incurred for traffic or parking expenses under any circumstances.

## **16. INFORMATION AND COMMUNICATION TECHNOLOGY EXPENSES**

### **16.1 Context**

Councillors will be provided with communications equipment to ensure they can efficiently and effectively undertake their duties.

Councillors may decline the provision of Council IT equipment. Council will provide storage capacity (owned by Council or linked to Council infrastructure) for Councillors using private equipment when appropriate for Council business storage.

### **16.2 Policy**

As a minimum, the following will be offered to councillors:

- a smart phone

- tablet or equivalent
- access to a photocopier/printer at the Euroa office
- internet connection to be provided through the smart phone or tablet, unless there are coverage issues in which case a physical connection will be provided to the councillor's home for Council use only
- bookcase/filing cabinet.

It is recognised that councillors may use their own private printers for Council business if living outside of Euroa where access to the Councillor printer is available. In this situation, Council will supply toner cartridges if the Councillor is using their printer primarily for Council business. Councillors are responsible for contacting the IT Helpdesk to request cartridges so that they can be procured at the lowest cost.

The make, model and specifications of all communications equipment, the associated contracts or plans and replacement of equipment shall be at the discretion of the Chief Executive Officer or his/her delegate.

International calls and international roaming will not be permitted or provided as part of the phone and data plan.

All communications equipment remains the property of Council and must be returned at the end of the councillor's term of office, retirement or resignation or upon suspension.

Accounts for this equipment will be in the name of Strathbogie Shire Council and sent directly to Council.

The Chief Executive Officer, in consultation with the Council, will review councillors' communication equipment provision and will update equipment at:

- the commencement of each new electoral term; and
- any stage during the electoral term where the organisation believes an update is appropriate.

#### Reimbursement of Council for personal or non-Council business use

Council provided communications equipment is to be used for Council related business activities.

At present, councillor phones are on capped cost plans of a value less than \$40 per councillor per month. This means unlimited phone calls can be made for the set capped price.

Given this, Council will cover the entire cost of plans for councillor smart phones, however councillors must ensure that there is limited, incidental private use of their equipment; this is because the phone is provided for Council business and the costs, along with wear and tear on the phone should be related to this purpose.

#### Use of Council equipment

Council equipment is provided for councillor use only.

The information technology platform provided to Councillors is based on Strathbogie Shire Council licensed software. No additional software is to be loaded onto Council provided hardware without the consent of the Chief Executive Officer or his/her delegate.

Councillors are responsible for the protection of the equipment directly under their control, and in particular transport laptops and tablets securely.

Anti-virus protection and detection software is installed on Council communication's equipment. Any suspected virus activity should be reported to the IT Helpdesk immediately.

Councillors are required to inform the IT Helpdesk directly of any damage or malfunction of any equipment.

#### Email and internet usage

Use of email and internet is to be primarily for conducting Council business. Incidental and occasional personal use is acceptable, as long as the use does not contravene any relevant laws, regulations, Council policies or the Strathbogie Shire Councillor Code of Conduct.

All email on the Strathbogie Shire network is the property of Strathbogie Shire Council. The email address supplied to councillors is owned by Strathbogie Shire Council and will cease to exist at the end of the councillor's term in office.

## **17. CONFERENCE AND TRAINING EXPENSES**

### **17.1 Context**

It is essential that councillors are aware of trends, issues and possible solutions to matters that impact on Strathbogie Shire and its community. Attendance at conferences, seminars and other such professional development opportunities is an important and legitimate way in which councillors perform their duties.

There are limited funds for the attendance of councillors at these types of events, so any expenditure on conferences or professional development must provide for maximum net community benefit when weighed up against expenditure incurred by Council.

Details of training courses, conferences and seminars which may be relevant and of interest to councillors will be circulated to all councillors and will be accompanied by details of registration costs and a course outline.

### **17.2 Policy**

Each councillor is able to attend conferences and training up to a limit of \$1500 per financial year without approval from the Chief Executive Officer or a resolution from Council.

The councillor must notify the Chief Executive Officer and fellow councillors that they are attending the conference or training at the next available Assembly of Council by submitting a Councillor Conference & Training Attendance Form, as attached to this policy.

Should a councillor wish to exceed the annual limit of \$1,500 expenditure on conferences and training, a resolution of Council is required to approve this additional expenditure. A Councillor Conference & Training Attendance Form, as attached to this policy, must be completed and forwarded to the Chief Executive Officer to support the Council report requesting funding.

For conferences or seminars:

- held interstate or overseas; and/or
- exceeding \$1501 in total cost (defined as including registration, travel and accommodation)

must be approved by way of Council resolution prior to any bookings being made.

As a general guideline each councillor, other than the mayor, will be limited to one (1) interstate conference per year.

Payment of registration fees for external conferences/seminars, accommodation, flights or train tickets and other incidentals such as conference dinner bookings must be processed through the Chief Executive's Office and attributed to the councillor's conference and training cost centre.

When booking accommodation, only the cost of a standard room will be covered by Council. Should the councillor wish to upgrade their room, it will be at their own personal cost.

#### Partners and children

Where a councillor is accompanied by a partner, spouse or child(ren) at a conference, the councillor must incur all expenses associated with their partners/spouse/childs' attendance except where no difference in cost in accommodation is incurred, based on a standard double room.

#### Reporting of public benefit gained through conference/training attendance to Council

Following attendance at a conference or training that:

- was subject to a Council resolution to approve the travel; and/or
- must be recorded on the Travel Register (see section 14.1).

The Councillor must submit a written report to Council at the next Ordinary Meeting under the item 'Reports of Mayor and Councillors and Delegates'.

This report must identify the key issues discussed, issues of relevance to the Strathbogie Shire and the community benefit gained through the councillor's attendance.

#### Completion of Conference & Training Evaluation Form

All Councillors must complete a Conference & Training Evaluation Form within one month of attendance at an event.

The purpose of this form is to identify the community benefit gained from the event and whether or not, in the future, there would be community benefit gained from councillor attendance.

#### Professional development programs/courses available to all Councillors

Upon the commencement of each electoral term a comprehensive induction program will be provided to all councillors.

In addition to the Councillor Induction Program, in-house governance training facilitated by officers or an external presenter will be arranged from time to time.

Council will also provide access to professional development programs/initiatives on matters such as meeting procedures, governance training, financial training and team building/interpersonal skills throughout their term on Council.

All professional development expenditure should always be tested against the following criteria:

- Is it directly relevant to the councillor's role?
- Will the learning take place and be utilised during the councillor's term of office?
- Is it in the interest of the community?
- Is there sufficient budget allocation by Council?

- Demonstrated public benefit as distinguished from private benefit.

An annual budget allocation is available for councillors' professional development and is subject to annual review as part of the Council budget approval process. Unexpended money from the training budget cannot be carried forward into the next financial year.

## **18. CHILD CARE/FAMILY CARE EXPENSES**

### **18.1 Context**

This form of expense recognises the diversity of modern family structures and broader family responsibilities a councillors may have. It also recognises that councillors may be a carer for another person.

Legitimate costs incurred by councillors for engaging carers to look after the children (up to and including the age of 16 years), or any other person as defined by [section 4 of the Carers Recognition Act 2012](#), will be reimbursed where these costs are incurred in connection with legitimate Council business.

### **18.2 Policy**

All costs must be substantiated and certified in accordance with this policy and will be reimbursed in accordance with the amount payable to a Level 1 Home Care employee under the Social, Community, Home Care and Disability Services Industry Award, as updated from time to time.

Councillors incurring legitimate family care expenses paid to:

1. a recognised childcare provider; or
2. to a person who:
  - a) is not a family member of the councillor; or
  - b) does not reside either permanently or temporarily with the councillor; or
  - c) does not have a relationship with the councillor or his or her partner such that it would be inappropriate for Council to reimburse monies paid to the care providerwill be reimbursed such care expenses when the expenditure is necessary to allow the councillor to attend:
  - a) Council meetings and functions involving Council business
  - b) Council functions
  - c) meetings arising as a result of a councillor being appointed by the Council to an external body
  - d) on other occasions where the councillor is representing Council and notification is given to the Chief Executive Officer.

Child/family care expenses are considered to consist of:

- hourly care fees
- agency booking fees
- reasonable travelling expenses by the carer.

Fees are payable per hour or part of an hour subject to any minimum period which is part of the provider's usual terms.

An itemised invoice or receipt from the family care provider must be provided for the reimbursement of any expenses to be approved.



## **19. INCIDENTAL MEALS AND REFRESHMENTS**

Council will provide suitable meals taking into account dietary requirements on the limited occasions where a Council, Assembly of Council or Committee Meeting is held at a time that extends through normal meal times. Wherever possible, meetings will be scheduled to avoid the requirement to provide meals.

Meal and refreshment expenses incurred at any other time must be met by the Councillor unless the costs are incurred during the councillor's attendance at a Council business related event, conference or training session.

The maximum expenditure for meals is as follows:

Maximum cap

- Breakfast      \$30
- Lunch            \$30
- Dinner            \$50

Costs for meals relating to conferences/training must be claimed as part of the total conference/travel expenses and attributed to the councillor conference/training budget.

Expenses for costs associated with the purchase of incidental meals and/or refreshments for Council staff, fellow councillors or other members of the public will not be reimbursed under any circumstances.

Reimbursement of expenses relating to the purchase of alcoholic refreshments is strictly prohibited.

## **20. REPRESENTING COUNCIL**

### **20.1 Context**

Each year Council resolves to appoint councillors to represent it on a number of committees and organisations.

Councillors, or their substitute, representing Council at regular meetings of these committees and any related special events are entitled to have paid by Council, or reimbursed, reasonable and legitimate costs associated with being the Council's and community's representative.

### **20.2 Policy**

Where Council has not appointed a representative to a committee or group, and Council receives an official invitation seeking representation at an event, councillors shall be entitled to have paid by Council, or reimbursed, reasonable costs associated with representing Council.

#### Attendance at dinners and other non-Council functions

Council will meet the reasonable cost of a councillor's attendance at non-Council functions to which they have been invited where they are attending in their role as councillors and where topics pertain to matters concerning local government or where local government representation is relevant to Council. This may include events promoting the Shire.

If an invitation to a relevant non-council function has not been received but a councillor wishes to attend, the councillor must notify the mayor and Chief Executive Officer of their intention to attend the function.

Invitations outside these parameters must be paid for by the individual councillor attending the dinner or function.

### Fundraising and Charitable Events

Council will cover the cost of ticketed events for councillors invited by written invitation to attend local fundraiser/charitable events where the event benefits Strathbogie Shire Council and its community.

Councillor attendance must have a demonstrated benefit to the local community.

### Presenter at a conference

Councillors may receive invitations to speak at a conference in their capacity as a councillor. In some cases, conference organisers may waive or cover registration fees in recognition of their contribution and participation. It should be noted that this waiver of fees must be recorded on the gift register.

The reimbursement of expenses for these functions will be at the collective discretion of the Chief Executive Officer and Mayor and will depend on the benefit gained by the Strathbogie Shire community.

## **21. OTHER EXPENDITURE NOT SPECIFIED**

Any expenditure not specified in this policy as expenditure for which a Councillor is entitled to be reimbursed or paid by Council shall be the responsibility of the Councillor, except where Council resolves that a claim is reasonable and legitimate expenditure.

A councillor may be reimbursed for expenses incurred in circumstances not provided for elsewhere in this policy following a Council resolution to do so.

## **PART 4**

### **22. ADMINISTRATIVE AND DIARY SUPPORT FOR THE MAYOR, DEPUTY MAYOR AND COUNCILLORS**

#### **22.1 Context**

The mayor, **deputy mayor** and councillors require support to manage their diaries, respond to community requests, keep abreast of current issues and to manage the broad range of information and matters directed to them.

Strathbogie Shire will provide all councillors with the administrative support they require to efficiently and effectively perform their duties.

#### **22.2 Policy**

An appropriate level of administrative support will be made available to assist the mayor, **deputy mayor** and councillors in performing their role. This may include, but is not limited to, preparation of correspondence, responding to invitations, co-ordinating mayoral and civic receptions, press releases, preparation of speeches, issue research and constituent/community contact activities.

The level of secretarial support shall be determined by the Chief Executive Officer in consultation with the mayor **and deputy mayor**.

## **23. STATIONERY AND PUBLICATIONS**

#### **23.1 Context**

Councillors require stationery and other supplies to enable them to perform their councillor/mayoral role. Such supplies will be provided by Council.

## **23.2 Policy**

### Stationery

Each councillor will be provided with an adequate supply of the following stationery to assist them in undertaking their role.

- notebooks and pens
- printer cartridges
- personalised Business Cards
- A4 plain paper
- Christmas Cards & envelopes (up to 40 per Councillor, the Mayor to receive up to 150)
- names tags.

Councillors are responsible for requesting supplies through the Chief Executive's Office, however from time to time councillors may be required to purchase stationery supplies locally if they live a significant distance from the Shire's Office or supplies are required out of normal business hours. In this instance, these costs will be reimbursed should a written request be received that complies with this policy.

Council branded stationery is not to be converted in any way and may only be used for Council business matters (not electoral purposes).

### Publications

Councillors will have access to local government sector publications and other legislative or related documents through Council subscriptions.

## **24. COUNCILLOR ONLINE PRESENCE**

Council will provide a web page for each councillor on its website containing:

- a photograph of the councillor
- contact details
- ward map
- Council appointment, committee memberships and community and professional affiliations
- a short bio of the councillors including professional memberships and associations.

Additional information may be included at the request of a councillor, subject to the content being approved for publication by the Chief Executive Officer.

The Council Media Policy & Protocols further outline the expectations of Council, the role of councillors and support provided.

## **25. APPAREL**

The Council shall, upon request, provide councillors with protective clothing (such clothing as may be held in store and to meet the organisation's Occupational Health and Safety requirements) necessary to assist in carrying out the duties of office.

Councillors may also request the provision of Strathbogie Shire Council branded apparel, namely:

- blazer

- jumper or vest
- waterproof jacket.

This apparel is to be returned promptly upon the completion of the councillor's term and remains the property of Strathbogrie Shire Council.

## **26. CIVIC HOSPITALITY**

All formal civic functions will be co-ordinated by the Chief Executive's Office and must be pre-approved by the mayor.

All official civic entertainment expenses will be met from the annual budget allocation approved as part of the Council budget.

Where Council meetings, functions or events are held at times that extend through normal meal times (6.30pm – 8.00pm) Council will provide suitable meals for councillors. Alcohol will not be served during these meals.

## **27. EXTERNAL HOSPITALITY**

It is recognised that councillors, on rare occasions, may need to use external hospitality services when conducting Council business outside Council offices.

Councillors will be reimbursed reasonable expenses incurred while entertaining visiting dignitaries or Council business guests on behalf of Council. The Chief Executive Officer must give prior approval to any such undertakings.

## **28. INDEMNITY**

Section 43 of the Act requires Councillors to be indemnified against all actions or claims whether arising during or after their term of office in respect of anything necessarily done or reasonably done or omitted to be done in good faith—

- in the performance of a duty or a function or the exercise of a power under this Act, the regulations or a local law or any other Act; or
- in the reasonable belief that the act or omission was in the performance of a duty or a function or the exercise of a power under this Act, the regulations or a local law or any other Act.

Councillors are responsible for their own personal behaviour / accountabilities when attending Council authorised functions and are subject to their own personal liability.

Council will pay the insurance policy excess in respect of any claim made against a councillor arising from Council business where Council has a liability.

Councillors need to be mindful that Council's insurance policies cannot cover a councillors' own private liability responsibilities, nor damage to or loss of personal possessions.

## **29. HEALTH INITIATIVES**

Councillors will have access to free influenza vaccinations.

## **30. LEGAL EXPENSES**

Council will not cover any personal legal expenses incurred by a councillor, excluding requests for legal advice around possible conflicts of interest or other legal matters relating to the discharge of councillor duties.

## **31. PARKING ENTITLEMENTS**

Councillors are to use the parking spaces around the perimeter of the Euroa Shire Office in accordance with the displayed parking restrictions.

Bicycle parking facilities are provided at the entrance to the Conference Room.

## **32. BUILDING ACCESS**

Each Councillor will receive a security access pass to the Euroa Councillor Office and Conference Room tailored to the needs and times required by councillors.

## **33. COUNCILLORS WITH DISABILITIES**

Council will provide reasonable additional civic support, facilities and equipment for any councillor with a disability to enable that councillor to freely perform his or her civic duties.

## **34. CULTURAL DIVERSITY**

In acknowledging and respecting cultural diversity, Council will do its best to respect and accommodate those requirements necessary for a councillor to undertake their duties.

## **35. COUNCIL ELECTIONS AND EXCLUSIONS**

Councillors must not use Council provided materials and/or facilities for election purposes. This applies to their own candidature or in assisting the candidature of others. Further details on these restrictions will be made in the Councillor's Code of Conduct and the Pre-election Period Policy, as updated from time to time.

## **36. PROFESSIONAL MEMBERSHIPS AND SUBSCRIPTIONS**

Professional memberships that are considered to be reasonable legitimate out of pocket councillor expenses are:

- Australian Institute of Company Directors
- the Victorian Local Governance Association
- the Australian Local Government Women's Association.

Other individual memberships, professional associations or subscriptions which are considered demonstrably beneficial to Council or the performance of the duties of a councillor may be reimbursed subject to a resolution of Council.

## **PART 5**

### **37. REPORTING AND AUDITING OF COUNCILLOR ALLOWANCES AND EXPENSES**

Quarterly reports on mayoral and councillor allowances and expenditure will be forwarded to Council's Audit and Risk Committee, reported through to Council through the Committee's minutes and published on Council's website on a quarterly basis after the information is available for:

- councillor / mayoral /deputy mayor allowances
- communication and information technology expenses
- conference and training expenses
- travel expenses

- child/family care expenses
- reimbursement of private car mileage expenses
- other expenses.

#### Review and certification of allowances and expenses by councillors

Councillors and the Mayor will be provided with quarterly reports on directly attributable councillor expenses categories identified in the Regulations.

These reports must be certified by councillors as being true and correct prior to being forwarded to the Audit Committee and then for publication in a Quarterly Councillor Expenses and Reimbursements Report. Councillors and the Mayor will generally be provided 14 days to review a report and seek clarification where required.

#### Public transparency

Details of councillor and mayoral expenses will be published on the Council website and made available to members of the public on request. The published report will include a total cost in each category for the mayor and councillors, as outlined in the template attached to this policy.

Expenses incurred as part of interstate, international travel and travel within Victoria for more than 3 days undertaken on behalf of Council will also be recorded in the travel register required under the Act, as per the template attached to this policy.

The travel register and councillor allowance and expense reports will be published concurrently.

Councillors will be given an opportunity to reimburse Council for any expenditure incurred on non-Council related business. Where a councillor chooses to reimburse Council, reimbursement should occur within 14 days of the quarterly expense report being published on the Council's website.

Audits of councillor expenses and reimbursements will be carried out from time to time as part of Council's internal audit program.

## **38. PROCEDURES FOR REIMBURSEMENT OF COUNCILLOR EXPENSES**

When a councillor requires reimbursement of monies expended whilst conducting Council business, provided such expenditure is deemed acceptable under the provisions of this policy, he/she should follow the procedure below.

- obtain an itemised tax receipt or invoice
- complete a Councillor Expenses Reimbursement Form within six (6) weeks of the expense being incurred
- attach the relevant receipt to the form and forward it to the Chief Executive Officer's Personal Assistant
- the claim will be reviewed by the Chief Executive Officer and, as a double control, reviewed by the **Director Corporate Operations**
- should the reimbursement of the expense be approved by the CEO and **Director Corporate Operations** the claim will be forwarded to the Finance Manager for processing
- reimbursements will be paid into the councillor's nominated bank account by electronic funds transfer.

Expense claims failing to comply with the above will be refused.

### **39. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 AND THE EQUAL OPPORTUNITY ACT 2010**

The Council acknowledges the legal responsibility to comply with the *Charter of Human Rights and Responsibilities Act 2006* and the *Equal Opportunity Act 2010*. The *Charter of Human Rights and Responsibilities Act 2006* is designed to protect the fundamental rights and freedoms of citizens. The Charter gives legal protection to 20 fundamental human rights under four key values that include freedom, respect, equality and dignity.

## 40. FORMS



### Councillor Expenses Reimbursement Form (Example of the minimum information required)

Creditor No \_\_\_\_\_

Councillor name: \_\_\_\_\_

Date	Details of expenses	Councillor duty the expense relates to	\$ Amount Claimed	\$ GST paid	Tax receipt or invoice reference	Expense Category
<i>EXAMPLE ONLY</i> 20/11/2019	<i>EXAMPLE ONLY</i> 6 hours car parking – Brown’s park, Smith Street, Melbourne	<i>EXAMPLE ONLY</i> Councillor Smith – Council’s delegate at the MAV Rural Councils meeting, Melbourne head office	<i>EXAMPLE ONLY</i> 62.35	<i>EXAMPLE ONLY</i> 6.23	<i>EXAMPLE ONLY</i> Receipt from Brown’s car park dated 20/11/19	<i>EXAMPLE ONLY</i> Conference & Training
<b>Total</b>						

PRIVATE CAR MILEAGE EXPENSES					
Date	Councillor duty the mileage relates to	Odometer reading at start of trip	Odometer reading at end of trip	Total kilometres travelled	Expense category
<i>EXAMPLE ONLY</i> 20/11/2019	<i>EXAMPLE ONLY</i> Councillor Smith - Council’s delegate at the MAV Rural Councils meeting, Melbourne head office	<i>EXAMPLE ONLY</i> 20,123	<i>EXAMPLE ONLY</i> 20,357	<i>EXAMPLE ONLY</i> 234	<i>EXAMPLE ONLY</i> Car mileage
<b>Total kilometres travelled</b>					



I (name) \_\_\_\_\_ certify that:

- the expenses claimed on this form were all legitimately incurred in the course of my duties as a Councillor as identified in the Council Expenses Policy 2020; and
- the information provided on and with this form is true and correct.

Councillor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

**OFFICE USE ONLY**

<p><b>Reimbursement of expenditure approved by:</b></p> <p>Signature of Chief Executive Officer: _____ Date: _____</p> <p>Signature of <b>Director Corporate Operations</b>: _____ Date: _____</p>	<p>Transaction entry in <b>Finance system</b> identifies the (please tick):</p> <p>Councillor name <input type="checkbox"/></p> <p>Date expense was incurred <input type="checkbox"/></p> <p>Details of the expense <input type="checkbox"/></p> <p>Councillor duty the expense relates to <input type="checkbox"/></p>
<p><b>Account numbers expenses allocated to (please tick):</b></p> <p><input type="checkbox"/> 1011111.770120 Travel expenses</p> <p><input type="checkbox"/> 1011111.770110 Car mileage expenses</p> <p><input type="checkbox"/> 1011111.770130 Child/family care expenses</p> <p><input type="checkbox"/> 1011111.770150 Conference &amp; training expenses</p> <p><input type="checkbox"/> 1011111.766020 IT &amp; Communications expenses</p> <p><input type="checkbox"/> 1011111.770240 Other Miscellaneous Expenses</p>	<p><b>Processed by:</b></p> <p>_____ Date: _____</p> <p>Finance Department</p>



**TEMPLATE FOR QUARTERLY REPORTS ON COUNCILLOR ALLOWANCES AND EXPENSES**

QUARTER AND FINANCIAL YEAR:

<b>Councillor Name</b>	<b>Councillor Allowance (9.5% super equivalent)</b>	<b>Travel expenses</b>	<b>Car mileage expenses (incl Mayoral vehicle costs)</b>	<b>Child/family care expenses</b>	<b>IT &amp; Communication expenses</b>	<b>Conference &amp; training expenses</b>	<b>Other expenses</b>	<b>Total</b>

**Number of events attended by each Councillor related to conference & training expenses**

<b>Councillor name</b>	<b>Number of events attended</b>
Cr Amanda McClaren (Mayor)	
Cr John Mason (Deputy Mayor)	
Cr Alistair Thomson	
Cr Graeme Williams	
Cr Malcolm Little	
Cr Robert Gardner	
Cr Chris Raeburn	



## TEMPLATE FOR COUNCILLOR TRAVEL REGISTER

Details of overseas or interstate travel, along with travel more than three days within Victoria, undertaken in an official capacity by any Councillor for the ..... financial year:

<b>Councillor name</b>	<b>Date travel began</b>	<b>Date travel ended</b>	<b>Destination</b>	<b>Purpose of the travel</b>	<b>Total cost to the Council (including accommodation, meals etc)</b>	<b>Date of Ordinary Council meeting at which the Councillor reported outcomes of attendance</b>

## Councillor Conference & Training Attendance Form



*Councillors must complete this form prior to attending any conferences if no Council resolution is required for the event*

<b>What is the event?</b>		
<b>When is the event?</b>		
<b>What is the cost to the organisation for your attendance at the event?</b>		
<b>Are you receiving any complimentary items</b> (for example tickets to the event)?		
<b>Is accommodation and travel required?</b> If yes, please provide details as to how many nights and the mode of travel (eg plane, train, private car, Council vehicle).		
<b>What is the community benefit gained from you attending this event?</b>		
<b>Councillor details</b>		
Name:	Signature:	Date:
<b>Confirmation of notification by Councillor</b>		
Chief Executive Officer:	Signature:	Date:

**Comments if not approved:**

.....  
.....  
.....

*Upon return from the conference please complete the Councillor Conference & Training Evaluation Form*

## **Councillor Conference & Training Evaluation Form**



*Councillors must complete this form after attending any conferences or training*

<b>What was the event?</b>		
<b>When was the event?</b>		
<b>How did the event or training relate to the Council Plan? If not relating to the Council Plan, then how did it relate to other Council Business?</b>		
<b>What community benefit was achieved from attending this event?</b>		
<b>Would you recommend this event to others in the future? If so, why?</b>		
<b>Completed by</b>		
Councillor name:	Signature:	Date:
<b>Review by CEO</b>		
Chief Executive Officer:	Signature:	Date:

**Comments from CEO:**

.....  
.....  
.....

#### **9.7.4 Draft Public Interests Disclosure Policy**

Responsible Director: Executive Manager, Governance & Customer Service

##### ***EXECUTIVE SUMMARY***

The State passed changes to existing legislation on 1 January 2020 to the Protected Disclosure Act 2012 (formerly the Whistleblowers Act) to create the Public Interest Disclosure Act 2012. New Regulations were also passed at the same time.

As a nominated agency that can receive complaints about its employees, contractors, Council registered volunteers, Council appointed committee members or Councillors and undertake an initial investigation of complaints for referral to another investigating body, Council must prepare a policy. The policy must outline how it will promote public interest disclosures, the processes it has in place to meet the detailed statutory requirements of the Act and how it will ensure the privacy of all parties involved in the matter.

Council must also appoint a Public Interest Disclosure Coordinator, which is the Director Corporate Operations, who will be supported by a Public Interest Disclosure Officer in the Executive Manager, Governance & Customer Service. These two staff members are tasked with receiving and investigating disclosures to ascertain the facts of the matter and determine whether or not the complaint meets the tests set for a public interest disclosure which then has to be referred to the Independent Broad-based Anti-Corruption Commission (IBAC).

While the basis of Council's existing Protected Disclosure Policy underpins the new policy, there are some fundamental changes made by the revised Act that have required a re-write of the existing document. Additional information and processes around the roles of the Public Interest Disclosure Coordinator, the appointment of a Welfare Officer and how the privacy and confidentiality of the matter and those involved are included.

The basis of the policy is to provide clear direction to Council, staff and the community around how they can make a public interest disclosure and to make it as easy as possible for disclosures to be made in a secure environment.

##### ***RECOMMENDATION***

***That Council note the draft Public Interest Disclosures Policy 2020 and place it on public exhibition for community review and comment for a period of 14 days, advertised through the following means:***

- ***an item under 'Top News Stories' on Council's website***
- ***posts on Council's Facebook page***
- ***notices in the local papers.***

#### 9.7.4 Draft Public Interests Disclosure Policy (cont.)

##### **PURPOSE AND BACKGROUND**

Given the legislative changes enacted by the State government on 1 January 2020, the existing Protected Disclosures Policy must be reviewed to reflect the name change relating to disclosures and the new provisions of the legislation around our internal processes and external referrals.

Whistleblower type legislation has been in place for many years and in more recent years, the original legislation has been reviewed and extended to provide additional protection for those wishing to make complaints against people in public office or working for local government and government authorities.

##### **ISSUES, OPTIONS AND DISCUSSION**

The revised legislation has provided an opportunity to review our internal procedures and provide additional information in the policy around how we will promote the making of disclosures and how we will protect the confidentiality and privacy of all those involved in a matter.

Council's policy position in relation to public interest disclosures is:

- we encourage any member of the community, Council staff, members of Council appointed committees or Councillors to report any suspected improper conduct, corruption or detrimental action to either Council or directly to the Independent Broad-based Anti-Corruption Commission (IBAC) or Victorian Ombudsman
- we take our obligations as a Nominated Agency very seriously and we play a vital role in the receipt of complaints and provision of information for consideration by other bodies such as IBAC, the Victorian Inspectorate and the Integrity and Oversight Committee
- we wish to assure anyone lodging, or thinking of lodging, a public interest disclosure that they will be dealt with in a confidential and supportive manner in accordance with the requirements of the Act
- we will protect the confidentiality and welfare of others involved in any investigation as the welfare of all those involved in the matter is of paramount importance to us
- we will deal with any disclosure expeditiously and as a matter of operational priority
- we know the confidentiality of a person's identity is paramount to maintaining the integrity of Victoria's 'whistleblowing' system and we aim to protect a complainant and anyone involved in providing information from bullying, harassment, legal action or any other form of detrimental action
- we will afford natural justice to the person(s) whom is the subject of the disclosure and respect their right to confidentiality and support throughout the assessment of the disclosure and any subsequent investigation.

In achieving all of the above, Council is implementing one of the Overarching governance principles in section 9 of the *Local Government Act 2020* in that Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

#### 9.7.4 Draft Public Interests Disclosure Policy (cont.)

##### **COMMUNITY ENGAGEMENT**

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

Although this policy is largely operational in nature, it is considered appropriate to provide our community with the opportunity to review and comment on the draft policy for a period of 2 weeks, in line with our Community Engagement Strategy and Communications and Engagement Policy 2019. The release of the draft policy will hopefully promote awareness within the community as to how a complaint can be made.

The draft policy has been circulated for internal comment to the Executive Leadership Team for review and comment.

##### **POLICY CONSIDERATIONS**

###### Council Plans and Policies

Our Values and Council Plan highlight the need for openness, the highest ethical standards and transparency. The Councillor Code of Conduct 2016 and Staff Code of Conduct 2019 both outline the high standards of behaviour that is to be achieved by all those involved in Council operations.

###### Regional, State and National Plans and Policies

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

State and Federal levels of government have robust 'whistleblowing' legislation in place to promote the lodgement of complaints and the protection of those making the complaint.

##### **LEGAL CONSIDERATIONS**

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

The policy has been drafted to reflect the new provisions of the amended Act and its new Regulations.

###### Conflict of Interest Declaration

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

###### Transparency

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.



#### 9.7.4 Draft Public Interests Disclosure Policy (cont.)

The ability to lodge a public interest disclosure regarding the behaviour or actions of a Councillor, staff member, contractor or member of a Council appointed committee is a fundamental part of achieving transparency and accountability around Council operations.

The new policy aims to provide clear and easily understood guidance to our community, Councillors and staff as to:

- what constitutes a disclosure
- how to make a disclosure to us or another body
- what our role is in the disclosure process
- how we will investigate their claims
- the timelines for our investigation
- how we will keep all parties involved in the matter involved
- how we will protect the confidentiality and welfare of all those concerned.

#### **INNOVATION AND CONTINUOUS IMPROVMENT**

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is the pursuit of innovation and continuous improvement. The new policy aims to improve the range and detail of the information provided to our Councillors, staff and community around the public interest disclosure process and also enhances our existing procedures to ensure the welfare and privacy of all those involved is monitored and protected.

#### **HUMAN RIGHTS CONSIDERATIONS**

This policy has been reviewed against and complies with the rights and protections outlined by the *Charter of Human Rights and Responsibilities Act 2006* as it protects the privacy and reputation of those involved in a matter, provides equality in exercising law and legislation and encourages people to take part in public life. The procedures outlined in the document aim to protect the dignity of all those involved in a matter and ensures that those investigating the issue treat all parties with respect.

#### **CONCLUSION**

The draft Public Interest Disclosures Policy 2020 has been drafted to ensure Council complies with new statutory requirements under the *Public Interest Disclosures Act 2012*, and its regulations, and implements the overarching governance principles and other relevant provisions outlined in the *Local Government Act 2020*.

As per our Community Engagement Strategy and community engagement principles of the Act, the draft policy should be exhibited for public review and comment.

#### **ATTACHMENTS**

**Attachment 1:** Draft Public Interest Disclosures Policy 2020

**ATTACHMENT 1:**



# **PUBLIC INTEREST DISCLOSURES POLICY**

<b>COUNCIL POLICY</b>	
Document ID:	636598
Effective Date:	June 2020
Last Review:	-
Current Review:	-
Adopted by Council:	June 2020
Next Review Date:	June 2022
Responsible Officer/s:	Group Manager, Corporate & Community

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## **1. INTRODUCTION**

Council is a Nominated Agency under the *Public Interest Disclosures Act 2012* (the Act) with the power to receive disclosures relating to its employees, contractors, Council registered volunteers, Council appointed committee members or Councillors.

The Act requires Council to appoint a Public Interest Disclosure Coordinator and to set out clear policies and procedures for the receipt and referral of public interest disclosures to the relevant authority for further investigation.

This document is designed to ensure clear guidance is given to the community, Council employees and Councillors around how a disclosure could be made, how confidentiality will be assured and how Council will process the disclosure and decide whether the matter is a public interest disclosure that must be referred to an Investigating Entity for further review.

## **2. POLICY POSITION**

Our Values and Council Plan highlight the need for openness, the highest ethical standards and transparency. Accordingly, Council encourages any member of the community, Council staff, members of Council appointed committees or Councillors to report any suspected improper conduct, corruption or detrimental action to either Council or directly to the Independent Broad-based Anti-Corruption Commission (IBAC) or Victorian Ombudsman.

Council takes its obligations as a Nominated Agency very seriously. While we are unable to determine the outcome of a public interest disclosure, we play a vital role in the receipt of complaints and provision of information for consideration by other bodies such as IBAC, the Victorian Inspectorate and the Integrity and Oversight Committee.

Council also wishes to assure anyone lodging, or thinking of lodging, a public interest disclosure that they will be dealt with in a confidential and supportive manner in accordance with the requirements of the Act.

We will also protect the confidentiality and welfare of others involved in any investigation as the welfare of all those involved in the matter is of paramount importance to us.

We will deal with any disclosure expeditiously and as a matter of operational priority.

We know the confidentiality of a person's identity is paramount to maintaining the integrity of Victoria's 'whistleblowing' system. The guidance and processes set out in this document are, therefore, aimed at protecting a complainant and anyone involved in providing information from bullying, harassment, legal action or any other form of detrimental action.

Council will afford natural justice to the person(s) whom is the subject of the disclosure and respect their right to confidentiality and support throughout the assessment of the disclosure and any subsequent investigation. It is important to remember that a matter remains an allegation only until the Public Interest Disclosure has been investigated and resolved.

### 3. DEFINITIONS

Complainant/discloser	means a person who has made a public interest disclosure to Council in accordance with the Act, which must then be assessed by the Public Interest Disclosure Coordinator to ascertain if the matter must be referred to IBAC or another investigating entity for review and a determination.
Confidentiality obligations	means the obligations on those receiving information relating to a public interest disclosure to not disclose that information unless authorised by law. Confidentiality notices may also be issued in the investigation of a public interest complaint. Confidentiality provisions also apply to the person lodging the public interest disclosure, restricting their ability to share information with others unless the external disclosures provisions of the means the definition under section 6 of the <i>Public Interest Disclosures Act 2012</i> are applicable.
Coordinator	means the Public Interest Disclosure Coordinator provided with delegated authority by the Chief Executive Officer of Strathbogie Shire Council under the <i>Public Interest Disclosures Act 2012</i> .
Corrupt conduct	means the definition under the <i>Independent Broad-Based Anti-corruption Commission Act 2011</i> , such as dishonest performance of public functions or intentional or reckless misuse of public resources.
Council employees	means anyone employed by Strathbogie Shire Council, any contractor engaged by Council and any volunteers registered with Council.
Detrimental action	means any form of harassment, intimidation, discrimination, actions causing injury or loss or damage or any other action taken against the complainant (discloser) in reprisal for having reported the alleged conduct, participated in the investigation of a disclosure or action relating to someone who is considering making a disclosure. It includes actual actions taken and threats to take the action against any person, including the person who made the disclosure.
IBAC	means the Independent Broad-based Anti-corruption Commission.
Improper conduct	means the definition under section 4 of the <i>Public Interest Disclosures Act 2012</i> , which is corrupt conduct, a criminal offence, serious professional misconduct, dishonest performance of public functions, internal or reckless breach of public trust, intentional or reckless misuse of information, substantial mismanagement of public resources, substantial risk to the health or safety of a person, substantial risk to the environment, conduct of any person that adversely affects the honest

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	performance of a public officer; or conduct of a person that is intended to adversely affect the effective performance of a public officer for the benefit of the other person.
Investigating entity	means those bodies listed in the <i>Public Interest Disclosures Act 2012</i> to investigate public such as IBAC, the Victorian Inspectorate, Victorian Police and the Victorian Ombudsman.
Misdirected disclosure	means a disclosure made to the incorrect public body but where the complainant believed that the public body was the correct authority to refer the complaint to (refer to section 18 of the Act). Such disclosures will still be provided with the same confidentiality protections of a disclosure and will be referred to IBAC for further assessment.
Nominated Agency	means an agency nominated under Part 2 of the <i>Public Interest Disclosures Act 2012</i> to receive public interest disclosures.
Public body	means the definition under section 6 of the <i>Public Interest Disclosures Act 2012</i> .
Public interest complaint	means a public interest disclosure that has been determined by IBAC, the Victorian Inspectorate or the Integrity Oversight Committee to be a public interest complaint. Once a disclosure has been categorised as a public interest complaint, additional provisions of the Act apply and the way in which the matter is handled and investigated changes.
Public interest disclosure	means a report of suspected improper conduct or detrimental action in the Victorian public sector that is made under Part 2, Division 2 of the <i>Public Interest Disclosures Act 2012</i> where the information shows or tends to show that a public officer or body has engaged in, is engaging in, or proposes to engage in improper conduct or detrimental action.
Public Interest Disclosure Coordinator	means the person appointed by the Chief Executive Officer the <i>Public Interest Disclosures Act 2012</i> to receive, assess and if required refer public interest disclosures to the relevant investigating authority.
Public Interest Disclosure Officer	means an officer(s) appointed by the Chief Executive Officer to support the Public Interest Disclosure Coordinator in receiving and managing disclosures.
Public officer	means the definition under section 6 of the <i>Public Interest Disclosures Act 2012</i> .
Serious professional misconduct	means conduct that constitutes a serious breach of an established professional code of conduct and/or other serious departures from the person's professional responsibilities.

Specified conduct	means a broad range of conduct that does not represent 'corrupt conduct' but where that conduct, if proven, constitutes a criminal offence or reasonable grounds for dismissal, such as substantial mismanagement of public resources, substantial risk to public health or safety or involves substantial risk to the environment.
the Act	means the <i>Public Interest Disclosures Act 2012</i> .
Victorian Inspectorate	means the primary independent oversight body in Victoria's integrity system that is not subject to direction or control by the executive government.
Welfare coordinator	The Coordinator, People & Culture shall be the welfare coordinator appointed at the request of the Public Interest Disclosure Coordinator or IBAC.

#### **4. EXTERNAL REFERENCES**

*Guidelines for making and handling protected disclosures, IBAC October 2016 (updated to reflect changes introduced in January 2020)*

*Guidelines for public interest disclosure welfare management, IBAC January 2020*

*Key changes – Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Act 2019*

*Public Interest Disclosures Act 2012*

*Public Interest Disclosures Regulations 2019*

*Public interest disclosure procedures: requirements for implementation, IBAC September 2019*

#### **5. RELATED COUNCIL DOCUMENTS**

Councillor Code of Conduct 2017

Fraud and Corruption Policy 2017

Staff Code of Conduct April 2019

#### **6. POLICY OBJECTIVES**

This policy and its procedures apply to all Strathbogie Shire Council employees, Councillors and members of Council appointed committees are designed to ensure:

- Council meets its legislated obligations under the *Public Interest Disclosures Act 2012* in relation to the receipt, initial assessment and any subsequent referral of a public interest disclosure to IBAC or another investigative entity.
- that Council employees and the community are provided with clear and consistent advice as to how a disclosure can be made, how it will be assessed and referred to an investigative entity if need be
- that a culture is created across the organisation that encourages and values the reporting of suspected improper conduct, detrimental action or corruption
- that operational priority is given to the receipt, assessment and referral of any public interest disclosure
- that a consistent and effective system is in place for the receipt and initial assessment of all disclosures made to Council
- that robust and consistent procedures are in place to protect the confidentiality



and safety of the person making the public interest disclosure

- that the person making the public interest disclosure is kept informed of the progress of their complaint, is supported throughout the process and that no reprisals will result from them making the disclosure
- that processes are in place to protect the confidentiality and wellbeing of the person(s) whom are the subject of the disclosure and those cooperating with any investigation into the matter.

## **7. REVIEW OF THIS POLICY**

This policy will be reviewed every 2 years unless the Chief Executive Officer or Council determines that an earlier review is required.

## **8. WHAT IS A PUBLIC INTEREST DISCLOSURE?**

A public interest disclosure is a report made under the *Public Interest Disclosure Act 2012* that the person making the report believes shows or tends to show:

- **improper conduct** of a public body or a public officer; or
- **detrimental action** that a public officer or body has taken or has threatened to take against a person because they have made a public interest disclosure or cooperated with the investigation of a public interest disclosure.

A public interest disclosure can relate to something that has already taken place, may be occurring now or is suspected to happen in the future.

## **9. WHO CAN MAKE A PUBLIC INTEREST DISCLOSURE?**

Anyone may make a report of suspected or actual improper conduct or detrimental action that they believe relates to Strathbogie Shire Council, whether they be a member of the public, Councillors, Council employees, volunteers or members of Council appointed committees.

Council members, officers or employees cannot, however, make a public interest disclosure to Council if the conduct forming the basis of the disclosure relates to another entity or a member of Parliament. Such disclosures must be referred to IBAC directly.

Reports can be made by an individual or by a group of people. An employee of a company may make a report but the company, as an entity, cannot.

Anonymous reports can be made, however you must be aware that this may impact on the investigating entity's ability to assess whether your complaint fits the definition of a public interest disclosure. The consultation and notification requirements under the Act also do not apply if a disclosure is made anonymously.

You can also make a report even if you cannot identify the exact person or public body to which the disclosure relates.

## **10. HOW DO YOU MAKE A PUBLIC INTEREST DISCLOSURE?**

### **10.1 Contact IBAC**

IBAC is the primary agency and investigative entity public interest disclosures relating to Council.

All protected disclosures relating to a Councillor(s) should be made directly to IBAC (or the Victorian Ombudsman).

More information about IBAC and how to lodge a disclosure with them can be found by using the following link:

<https://www.ibac.vic.gov.au/reporting-corruption/public-interest-disclosures>

Please use this link to access the [IBAC secure online form](#) .

You can also lodge a disclosure with IBAC:

By telephone: 1300 735 135 (between 10:00am - 4:00pm, Monday – Friday)

By fax: (03) 8635 6444

In person: Level 1, North Tower, 459 Collins Street, Melbourne VIC 3000  
Reception hours: 9:00am - 4:30pm Monday - Friday

By email: [info@ibac.vic.gov.au](mailto:info@ibac.vic.gov.au)

By post: GPO Box 24234, Melbourne VIC 3001

You do not need to refer to the Public Interest Disclosures Act itself when making a disclosure.

## **10.2 Contact Council's Public Interest Disclosure Coordinator**

Disclosures can also be made to the Public Interest Disclosure Coordinator appointed by the Shire's Chief Executive Officer if the complaint relates to a Council employee, contractor, Council appointed committee member or Council registered volunteer.

We have created a form to assist you to make your disclosure, which can be found on our website.

You can lodge your public interest disclosure form or make your disclosure in person by contacting:

Mr David Roff  
(Public Interest Disclosure Coordinator)  
Strathbogie Shire Council  
By telephone: 0429 082 292  
By email: [David.Roff@strathbogie.vic.gov.au](mailto:David.Roff@strathbogie.vic.gov.au)

OR

Ms Dawn Bray  
(Public Interest Disclosure Officer)  
Strathbogie Shire Council  
By telephone: 0407 611 240  
By email: [Dawn.Bray@strathbogie.vic.gov.au](mailto:Dawn.Bray@strathbogie.vic.gov.au)

OR

In person: 19A Binney Street, Euroa

OR

By post: PO Box 177, Euroa VIC 3666

Please ensure you mark the correspondence as PRIVATE and CONFIDENTIAL.

You may make a disclosure to the Chief Executive Officer or the manager/supervisor of the person who is the subject of your disclosure, however we strongly encourage you to contact nominated our Public Interest Disclosure Coordinator or the Public Interest Disclosure Officer (unless, of course the complaint relates to that person) as they are specifically trained to handle these matters with maximum security and confidentiality.

If you are a Council employee, contractor or volunteer you can also make a disclosure to your manager or supervisor but again, we encourage you to contact our Public Interest Disclosure Coordinator (unless, of course the complaint relates to that person) or one of the appointed Public Interest Disclosure Officers.

You do not need to refer to the Public Interest Disclosures Act itself when making a disclosure.

You can also choose to specify that your complaint is not to be treated as a protected disclosure.

### 10.3 Contact the Victorian Ombudsman

Complaints relating to Council under the Act can also be made to the Victorian Ombudsman. Any disclosure relating to a Councillor must either be made to the Ombudsman or IBAC.

You can lodge a disclosure by:

Using the [online complaint form](#)

By telephone: 9613 6222.

In person: Level 2, 570 Bourke Street Melbourne VIC 3000

By email: [ombudvic@ombudsman.vic.gov.au](mailto:ombudvic@ombudsman.vic.gov.au)

### 10.4 Forms of disclosure

You can make a **verbal disclosure** in person, by phone or by leaving a voice mail message, however you must ensure you do so in private by making sure the only people that can hear the conversation are a lawyer who may be assisting you and the person to whom a disclosure can be made under the Act.

A group of individuals can lodge a verbal disclosure as a collective at the one time, again, provided it is done so in private.

You can make a **written disclosure** by delivering a letter in person, by posting your disclosure or by email. Please ensure you mark the correspondence as PRIVATE and CONFIDENTIAL.

Please remember that if you use email and the investigating entity is not able to identify the person lodging the disclosure from the email address or information provided in the email, it must be treated as an anonymous disclosure.

You do not need to refer to the Act itself when making a disclosure for the matter to be treated under the legislation.

You can also choose to specify that your complaint is not to be treated as a protected disclosure. If this is the case, our Public Interest Disclosures Coordinator will discuss the ways in which the matters you raise can be dealt with by Council.

## **10.5 No Wrong Door**

If Council is not the correct agency to receive the public interest disclosure, and the person who made the disclosure believed that Council was the correct authority to report the issue to, Council will immediately notify the person lodging the disclosure that Council is not the appropriate authority and provide them with advice as to how to report the matter to IBAC or another appropriate agency.

## **11. WHO CAN A PUBLIC INTEREST DISCLOSURE BE ABOUT?**

A public interest disclosure can relate to a public body, which in this case is Council, a Councillor, Council employees, members of Council appointed committees, contractors or Council appointed volunteers.

## **12. MATTERS THAT ARE NOT PUBLIC INTEREST DISCLOSURES**

Public interest disclosures must be made in a way that meets the Act (specifically Division 2 of Part 2), this policy and its procedures.

The following will not be considered by Council to be a public interest disclosure where:

- the disclosure has NOT been made in a way which meets the requirements of the Act, its Regulations, this policy and its procedures
- it has been clearly stated by the complainant that the matter is NOT to be considered as a public interest disclosure
- a complaint or allegation that is already in the public domain (e.g. if the matter had been reported to a journalist or discussed on social media)
- sections 19 and 20 of the Act identify that the complaint is not a public interest disclosure.

Having said that, if the disclosure is not made in accordance with the Act or Regulations, we will endeavour to assist the complainant to make the disclosure comply so that they are able to have their matter dealt with under the Act if possible.

Matters that are not public interest disclosures will be reviewed by the Public Interest Disclosures Officer to identify whether the issues raised should be treated as a complaint or whether some other Council policy or procedure, or indeed if any other legislation, applies to assist the complainant with having their concerns heard.

## **13. ROLE OF THE PUBLIC INTEREST DISCLOSURE COORDINATOR AND PUBLIC INTEREST DISCLOSURE OFFICERS**

Detailed information around to the receipt, assessment and referral of public interest disclosures are outlined in the Procedures section of this document.

In summary, the Public Interest Disclosure Coordinator is responsible for:

- being the primary contact person with IBAC
- putting into writing any oral disclosures
- being the primary contact person for the complainant and anyone involved in the matter
- constantly monitoring the welfare of those involved in the matter, including monitoring the workplace for any sign of potential detrimental action, gossip or the spreading of misinformation

- ensuring all provisions of the Act are followed
- keeping comprehensive records relating to the matter, including welfare risk assessments and notes around the ongoing monitoring of the workplace for potential detrimental action
- promoting a culture of disclosure within the organisation
- making arrangements for a disclosure to be made privately and discretely, away from the workplace
- receiving and undertaking the initial assessment of all disclosures, including ascertaining whether urgent action is required to be taken prior to an investigation or referral to IBAC given the nature of the allegations and information provided (e.g. where there is threat to the health and safety of individuals/the public or serious criminal conduct is alleged)
- ensuring all records and correspondence relating to the disclosure are kept in a strictly confidential file on Council's electronic document management system
- ensuring that the confidentiality provisions of the Act are strictly followed
- completing an impartial assessment of the disclosure to ascertain whether the allegations made need to be investigated and referred to IBAC under section 21 of the Act
- referring a disclosure assessed as possibly being a public interest disclosure to IBAC within 28 days of receipt of the report
- advising the person who has lodged the disclosure if the complaint does not meet the requirements of the Act and is not considered to be a public interest disclosure within 28 days of the receipt of the report
- collating statistics about public interest disclosures which are required to be published in Council's Annual Report.

Public Interest Disclosure Officers are appointed by the Chief Executive Officer to assist with the receipt of disclosures in the absence of the Public Interest Disclosure Coordinator. The Coordinator can also request these appointed officers to assist with any matter as they see fit.

## **14. MAINTAINING CONFIDENTIALITY**

The Act is clear in setting out requirements for the maintenance of the confidentiality of the person making the disclosure. Council will abide by these requirements.

The procedures attached to this policy provide detail around how the identity of the complainant and the contents of their disclosure will be kept confidential.

Our aim is to ensure as few people as possible are aware of the lodgement of a disclosure by channelling all complaints through our Public Interest Disclosure Coordinator or if they are unavailable, an appointed Public Interest Disclosure Officer.

There are provisions under the Act protecting the identity of the person making the disclosure, however it must be noted that the person lodging the disclosure is the only one provided with such protection.

If someone is lodging a disclosure on behalf of someone else, it is the person who lodges the disclosure that is afforded protection under the Act in terms of their identity. The person on whose behalf the disclosure is made will, however, be protected under the Act against detrimental action given they are involved in the matter.

The fact that a disclosure has been made and the people involved will remain confidential even if, after an initial assessment of the disclosure or an investigation, it has been found that the issues raised are unsubstantiated.

The person who is the subject of a disclosure (i.e. they have had allegations made against them) may not be made aware that the disclosure has been made. Each case will be different, however it is possible that the subject of the complaint will never know about the complaint should the matter be assessed as not being a public interest disclosure. Even if IBAC direct to that information be provided to the subject of the complaint, the information will be limited given the need to protect the identity of the discloser or anyone cooperating with an investigation.

## **15. MANAGING THE WELFARE OF THE COMPLAINANT AND THOSE AFFECTED BY THE DISCLOSURE**

Council is committed to taking all possible reasonable steps to protect and support the welfare of the person making the disclosure, those involved in the investigation and the person(s) that are the subject of the disclosure.

The Public Interest Disclosure Coordinator will be the person responsible for continuously assessing the welfare of those involved in the process and also making an initial assessment as to whether the Coordinator, Culture & Performance should be immediately appointed as the welfare coordinator.

As a minimum, access to the support of our Employee Assistance Program, which is a confidential and externally provided service, will be offered to all involved in the matter, including those who are external to the organisation.

Should the Coordinator or IBAC believe a dedicated welfare officer should be appointed, the Coordinator or one of the appointed Public Interest Disclosure Officers will be responsible for organising this support.

Further, we will support those involved by keeping them informed of the process, the actions we are going to take and how the initial assessment of the of the disclosure is progressing in a timely manner, and as an operational priority.

We will be honest and open about responding to the outcome(s) sought by the person making the disclosure and ensure that their expectations meet the parameters of the legislation.

Furthermore, any suspected or reported detrimental action being undertaken against anyone involved with the disclosure or any investigation will be dealt with firmly and swiftly, in accordance with legislation, the relevant Code of Conduct and any other Strathbogie Shire Council policies and procedures.

We will also monitor the welfare of those against whom the allegations are made. This is particularly important if the allegations were wrong or unsubstantiated, or the complaint has not been classified as a public interest disclosure and is to be dealt with through other Council policy mechanisms (e.g. the matter is to be dealt with as a complaint).

## **16. EDUCATION AND TRAINING FOR STAFF AND COUNCILLORS**

All Councillors and Council employees will be required to read this policy and make themselves familiar with its provisions. All will be required to refresh their knowledge and understanding of this policy and its procedures on an annual basis through Council's online learning platform. New employees will also receive a copy of this policy through the induction process.

Training will be provided by a suitably qualified legal expert for the Executive Management Team and all people leaders every two years, or as required should legislation change significantly within this time.

Protected disclosures will also be a topic covered in the induction of new Councillors.

The Public Interest Disclosure Coordinator will receive specialised training to ensure that they are always up to date with best practice any changes to legislation.

## **17. REPORTING**

Council, as a public body that can receive disclosures, must include statistics about how many disclosures have been notified/referred to IBAC during each financial year in its Annual Report. This information must be crafted in a way that does not make the identification of the person who has disclosed a matter traceable.

## **18. OFFENCES FOR FALSE DISCLOSURES OR PROVIDING FALSE INFORMATION**

Section 72 of the Act outlines that it is an offence, punishable either by a fine, imprisonment or both, to:

- make a false disclosure
- provide misleading or false information
- provide false or misleading further information
- falsely claim the disclosure is a public interest disclosure of public interest complaint.

A person or people wishing to make a disclosure must, therefore, make every effort to ensure the information they have been provided with, or are providing to, Council or an investigating entity, is not false or misleading.

## **PART 2 PROCEDURES FOR THE RECEIPT, INITIAL ASSESSMENT AND REFERRAL OF A PUBLIC INTEREST DISCLOSURE**

### **19. OVERVIEW OF THE PROCESS ONCE A DISCLOSURE HAS BEEN LODGED WITH COUNCIL**

#### **19.1 Verbal disclosures**

If the disclosure is made through verbal communication, whether at a meeting with Council's Public Interest Disclosure Coordinator, the Chief Executive Officer or a manager, or via voicemail, the staff member receiving the disclosure will take notes while the disclosure is being made. The details of the time and place the report was made must also be noted.

The staff member may seek the complainant's agreement to the verbal disclosure being recorded, however the complainant has the right to decline this offer.

A summary of the disclosure will then be read out by the staff member to the complainant to ensure that they have understood the matters being raised and the details of any events or evidence provided.

If the person hearing the complaint is not the Public Interest Disclosure Coordinator, the matter must be referred to the Coordinator within 24 hours of receipt of the disclosure. The matter will then be dealt with by the Coordinator from this point onwards.

The Coordinator will contact the complainant and provide a written summary of the information provided during the verbal disclosure to the complainant for review and confirmation within seven (7) days of the disclosure being made. This correspondence will also highlight to the complainant that it is an offence under section 74 of the Act to reveal that the disclosure has been referred to IBAC for assessment.

#### **19.2 Written disclosures**

All disclosures received in writing must be referred to Council's Public Interest Disclosure Coordinator within 24 hours of receipt.

The Coordinator will save the disclosure and any other written documentation to a confidential file on Council's electronic document management system. Access to this file is strictly limited to the Coordinator however, should a complaint relate to the Public Interest Coordinator the Chief Executive Officer will request that access rights to the documentation be changed to themselves and, if required, another senior executive.

The Public Interest Disclosure Coordinator will make initial verbal contact with the complainant within 48 hours of the receipt of the correspondence and follow up with confirmation of its receipt within seven (7) days.



### 19.3 Summary of the disclosure assessment process

Our Public Interest Disclosure Coordinator will assess your complaint to ensure:

- Council is the correct body to make the complaint to (if we are not they will assist you in finding the right authority); and
- your complaint can be dealt with as a public interest complaint.

A welfare risk assessment will also be undertaken to make sure you have the support you need.

Our Public Interest Disclosure Coordinator will provide you with verbal updates as to the progress of their assessment.  
The Coordinator has a maximum of 28 days to inform you both verbally and in writing of the outcome of the assessment.

If our Public Interest Disclosure Coordinator agrees that your complaint **IS** a public interest disclosure, **they will immediately refer the matter to IBAC.** Any relevant information found by the Coordinator during their investigation and assessment will be forwarded to IBAC.

You will be informed of when this is done both in writing and verbally to ensure you are kept informed of the progress of your disclosure at all times.

If your complaint has been assessed as **NOT** being a public interest disclosure, our Public Interest Disclosure Coordinator will discuss alternate courses of action open to you for the issues you raise to be dealt with. Again, this will be done both verbally and in writing.

Once the matter has been referred to IBAC, they will review your disclosure and determine if they believe it is a public interest disclosure.  
IBAC will investigate the matter further if they agree that it is a public interest disclosure.

IBAC may contact you either through Council's Public Interest Disclosure Coordinator or directly.

Our Public Interest Disclosure Coordinator will keep in contact with you to ensure you have the information you need and that your welfare is assessed on an ongoing basis.

Should you have any questions or concerns throughout the process, even if the matter is referred to IBAC, our Public Interest Disclosure Coordinator will assist you as much as they can.

## **20. INITIAL ASSESSMENT OF THE DISCLOSURE**

### **20.1 Has the disclosure been made correctly?**

The Public Interest Disclosure Coordinator must firstly ensure that:

- the disclosure has been made by a person or group of people (i.e. not a company or authority)
- it has been made verbally (in private) or confidentially in writing
- the disclosure relates to Strathbogie Shire Council, a Council employee, Councillor or member of a Council appointed committee that is affecting, or may affect in the future, the honest performance of a body or public officer's official function.

If the answer to one or more of these questions is NO, then the matter is probably not a public interest disclosure.

### **20.2 Is there evidence of improper conduct or detrimental action?**

The Public Interest Disclosure Coordinator must then assess whether the information disclosed shows, or tends to show, that there is improper conduct or detrimental action that has been taken, is being taken or about to be taken by either a person, public officer or public body. The seriousness of the conduct and its consequences must also be considered.

The definitions of improper conduct and detrimental action under the Act must be met and the Coordinator will review the information provided by the complainant to decide whether these definitions are met or whether any exemptions under the Act apply.

In undertaking this initial assessment, the Coordinator may seek further information from the complainant and undertake a discrete and confidential initial investigation.

Some of the questions that need to be considered during this process include:

- What is the discloser's connection to the alleged conduct – are they a victim, a witness or a participant?
- How did the person become aware of the conduct? Were they involved? Did they witness the conduct or were they told second or third hand about it?
- How detailed is the information provided? Is there enough information for an initial assessment of the disclosure to be undertaken?
- How reliable is the information? Is there other supporting information?

Should the Coordinator believe that there is information to satisfy the requirements of the Act, then the matter will be referred to IBAC within the prescribed 28-day notification period. The person making the disclosure will also be notified verbally and in writing that this referral has taken place.

If the Coordinator does not believe that there is information to satisfy the requirements of the Act, they must make an assessment under section 20.5.

### **20.3 Are there reasonable grounds?**

A matter can be considered to be a public interest disclosure if the person making it believes, on reasonable grounds, that the factual information disclosed shows, or tends to show, that there is improper conduct or detrimental action that has been taken, is being taken or about to be taken by either a person, public officer or public body.

This means that a reasonable person, if presented the information, would conclude that the allegations were probable.

The information provided by the disclosure does not have to provide undisputed evidence of the improper conduct or detrimental action, but it must be more than just suspicion.

However, simply stating that improper conduct or detrimental action has, is or is going to take place is not enough for a matter to be considered a public interest disclosure – there has to be some factual information either provided by the complainant or that is uncovered in the initial assessment of the matter.

Should the Public Interest Disclosure Coordinator believe that there is sufficient evidence to satisfy the requirements of the Act, then the matter will be referred to IBAC within the prescribed 28-day notification period.

#### **20.4 Seeking advice from IBAC**

If the Coordinator is in any doubt during their initial assessment, they must contact IBAC for advice before making a conclusion as to whether the matter is a public interest disclosure that requires referral to either IBAC or another investigative entity.

#### **20.5 Conclusion that the matter is not a public interest disclosure**

If the Public Interest Disclosure Coordinator believes that, after undertaking the steps outlined in sections 20.1 to 20.3, that the matter does not meet the tests set out in the Act, and therefore it cannot be classified as a public interest disclosure, the person making the disclosure will also be notified verbally and in writing of this decision.

The notification will outline the reasons why the disclosure does not show or tend to show that improper conduct or detrimental action has, is or may occur and provide alternative courses of action to have their matter dealt with by Council or another appropriate body.

The complainant will also be notified that the protections around their identity and the complaint under Part 6 of the Act still apply even though the matter is not considered to be a public interest disclosure if the person making the complaint has asked for the protections of the Act.

This decision and correspondence must be made within 28 days of the receipt of the disclosure under section 24(4)(b) of the Act.

### **21. PROTECTION FOR THE PERSON MAKING THE PUBLIC INTEREST DISCLOSURE**

Part 6 of the Act outlines the protections to be given to the person making the complaint if it has been made in a way that meets Division 2, Part 2 of the Act or if it is a misdirected disclosure. The protections also apply to any further information provided by the person after making the initial complaint.

Generally speaking, the protections provided by the Act include:

- immunity from civil or criminal liability for making the disclosure
- release from confidentiality requirements, an oath, affirmation or agreement to restrict the disclosure of information
- protection from defamation action
- protection from reprisals following the disclosure.

These protections also relate to other people involved in an investigation undertaken by IBAC or an investigative entity.

## 22. CONFIDENTIALITY

Part 7 of the Act outlines confidentiality provisions for disclosures which relates to the identity of the person making the initial disclosure and the information/details of the disclosure itself.

The provisions apply to a person or body:

- that receives a disclosure in the performance of their duties under the Act (such as the Public Interest Disclosure Coordinator)
- to whom an investigating authority provides information about the content of a disclosure to determine if it is a public interest complaint
- identified under section 52 of the Act.

Please note there are exemptions outlined under section 54, such as the release of information to an investigating entity so that it can undertake its functions under the Act or the commissioning of legal advice.

The Public Interest Disclosure Coordinator, or the person who has received the initial complaint must ensure that all details relating to the matter are kept confidential, only informing the Public Interest Disclosure Coordinator if the Coordinator was not the person who received the initial complaint.

The Chief Executive Officer will be informed of the matter should the Public Interest Disclosure Coordinator decide that the disclosure needs to be referred to IBAC or another investigating agency.

No other party is to be informed of the matter, even while a discrete initial assessment of the complaint is being undertaken to determine whether the matter is a public interest disclosure that requires referral to IBAC.

It must be noted that significant penalties, including imprisonment, can apply if the confidentiality provisions of the Act are not met.

Section 78 of the Act also ensures that the *Freedom of Information Act 1982* does not apply to a document that is in the possession of any person or body so far as it relates to a disclosure or will lead to the identification of a person who made a disclosure.

## 23. WELFARE OF THOSE INVOLVED IN THE MATTER

As outlined in the Policy, the Public Interest Disclosures Coordinator will undertake a welfare risk analysis for both the complainant and those potentially involved in the matter upon the receipt of a disclosure.

This assessment will include whether a dedicated Welfare Coordinator is required to be appointed for the person making the disclosure and any other party involved, including other people (whether internal to Council or external) that are cooperating with any inquiry undertaken by IBAC or another investigative entity.

Generally speaking, a Welfare Coordinator will only be appointed:

- if there is a real risk of detrimental action
- if IBAC directs Council to appoint one should a disclosure lead to further investigations
- if it is considered the welfare of those named or involved in the disclosure or any investigation requires the support of specialist welfare experts.

The Public Interest Disclosures Coordinator will provide ongoing welfare analysis and support throughout the process by:

- assuring the complainant and anyone cooperating with an investigation that they are doing the right thing
- assuring those involved that all reasonable steps to provide them with the protections required under the Act will be taken
- ensuring the complainant and those cooperating with any investigation understand that they must not reveal themselves or any information that would enable an independent person to identify them or that a disclosure has been made
- ensuring all parties have up to date information both verbally and in writing
- ensuring that any queries from any involved parties are answered expeditiously
- continuously monitoring the workplace, anticipating problems that may heighten the risk of detrimental action being taken in reprisal for making or cooperating with a disclosure
- listening and promptly responding to any concerns those involved in the matter have about harassment, intimidation or victimisation.

## **24. RESPONDING TO REPORTS OF DETRIMENTAL ACTION**

If a report is made of harassment, discrimination or adverse treatment that may amount to detrimental action apparently taken in reprisal for a disclosure, the Public Interest Disclosure Coordinator or Welfare Manager (if one has been appointed and the report is made to them) must record details of the incident and advise the person of their rights under the Act.

Detrimental action is considered to have been taken:

- the person takes, or threatens to take, detrimental action against the other person because, or in the belief that:
  - the other person or anyone else has made, or intends to make, the disclosure; or
  - the other person or anyone else has cooperated, or intends to cooperate, with an investigation of the disclosure; or
  - for either of the reasons above, the person incites or permits someone else to take or threaten to take detrimental action against the other person.

It is a criminal offence to take detrimental action against another person in reprisal for a public interest disclosure under the Act. The penalty for this offence is a fine, two years imprisonment or both.

The Public Interest Disclosure Coordinator will be careful about making preliminary enquiries or gathering information concerning this type of allegation so that, to the extent it is reasonably able to, it protects the integrity of any evidence that might be later relied upon in a criminal prosecution.

Furthermore, the taking of detrimental action in reprisal for making a disclosure can be grounds for a person to make a further disclosure with respect to that conduct.

The disclosure of this allegation will then be assessed as a new disclosure under Part 2 of the Act.

Where the detrimental action is of a serious nature likely to amount to a criminal offence, the Council will also consider reporting the matter immediately to the Police or IBAC (if the matter was not already the subject of a disclosure notified to IBAC).

The person who has made the public interest disclosure may also:

- take civil action against the person who took detrimental action against the discloser and seek damages;
- take civil action against Council and severally to seek damages if the person who took detrimental action against the discloser took that action in the course of employment with, or while acting as an agent of Council; and
- apply for an order or an injunction from the Supreme Court.

## **25. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 AND THE EQUAL OPPORTUNITY ACT 2010**

The Council acknowledges the legal responsibility to comply with the Charter of *Human Rights and Responsibilities Act 2006 and the Equal Opportunity Act 2010*. The Charter of Human Rights and Responsibilities Act 2006 is designed to protect the fundamental rights and freedoms of citizens. The Charter gives legal protection to 20 fundamental human rights under four key values that include freedom, respect, equality and dignity.

## 26. FORMS



# PRIVATE AND CONFIDENTIAL

### **PUBLIC INTEREST DISCLOSURE FORM**

Council can receive public interest disclosures relating to Council employees, Councillors, contractors, Council registered volunteers and members appointed by Council to committees.

A public interest disclosure can be made about something that has already happened, that is happening now or that you believe is likely to happen in the future.

This form has been created to make it as easy as possible for you to make a disclosure under the *Public Interest Disclosures Act 2012*.

Please provide as much information as possible and be clear about what you are alleging has happened, is happening or you believe may happen.

### **Need help?**

If you are vision impaired and want to submit a verbal complaint instead, please contact David Roff, Protected Disclosure Coordinator, on 1800 065 993.

If you have any questions relating to this process, please also contact David on the above number.

---

**Do you wish to make an anonymous complaint?** YES  NO

*Please note that if you do make an anonymous complaint this will impact on our ability to seek further information and investigate the matter. It will also make it impossible for us to contact you with the outcome of our consideration of the issues you raise.*

**Are you making this complaint as an individual?** YES  NO

**Are you making this complaint as a group of people?** YES  NO

### 1. Your name

Title Choose an item.  
Surname Click or tap here to enter text.  
Given name Click or tap here to enter text.  
Middle name Click or tap here to enter text.

### 2. Your residential address

Unit/House number and street name Click or tap here to enter text.  
Town/suburb Click or tap here to enter text.  
Postcode Click or tap here to enter text.  
State Click or tap here to enter text.

### 3. Your postal address

Is your postal address the same as above? YES  NO   
If no, please provide your postal address: Click or tap here to enter text.

### 4. Your contact details

Phone number Click or tap here to enter text.  
Email Click or tap here to enter text.

### 5. What is the best way for us to contact you?

Phone   
Email   
Letter/Post

6. Do you need an interpreter? YES  NO

7. Do you need a communication aid? YES  NO

---

## THE DISCLOSURE OR ALLEGATIONS YOU WISH TO MAKE

### 8. Are you making this disclosure on behalf of another person?

If YES  please go to question 9 If NO  please go to question 13

You can make a disclosure on behalf of someone else, but you must have their written consent.

Please note that the confidentiality provisions under the *Public Interest Disclosures Act 2012* relate to the person who makes the disclosure. If you are lodging the disclosure on behalf of someone else, they will only have the protection afforded to people cooperating with any investigation while you, as the discloser, will have wider protections on your identity provided by the Act.



- 9. Does the person you are making the disclosure on behalf of know that you are lodging it on their behalf?** YES  NO

If you are lodging the disclosure on behalf of someone else, you must have their written consent to do so by completing the form at Attachment 1.

Council and any investigating authority, such as the Independent Broad-based Anti-Corruption Commission, will require a copy of this consent as part of the information provided by you.

- 10. If you have answered yes to questions 8 and 9, please provide the information required below.**

**Their name**

Title Choose an item.  
Surname Click or tap here to enter text.  
Given name Click or tap here to enter text.  
Middle name Click or tap here to enter text.

**Their residential address**

Unit/House number and street name Click or tap here to enter text.  
Town/suburb Click or tap here to enter text.  
Postcode Click or tap here to enter text.  
State Click or tap here to enter text.

- 11. What is your relationship with the person whom you are making the disclosure on behalf of?**

I am a:

Parent	<input type="checkbox"/>	Child	<input type="checkbox"/>
Sibling	<input type="checkbox"/>	Partner	<input type="checkbox"/>
Friend	<input type="checkbox"/>	Work colleague	<input type="checkbox"/>
Other	<input type="checkbox"/>		

- 12. Please explain why you are making this disclosure on behalf of another person.**

- 13. Who does your disclosure relate to in Council?**

Staff member	<input type="checkbox"/>	Councillor	<input type="checkbox"/>
Council contractor	<input type="checkbox"/>	Council registered volunteer	<input type="checkbox"/>

Member of a Council committee  
(please identify the Committee if you can) Click or tap here to enter text.

I am not sure

#### 14. What is the nature of your disclosure?

##### Improper conduct

This means suspected corrupt conduct, criminal offences, serious professional misconduct, dishonest performance of public functions, internal or reckless breach of public trust, intentional or reckless misuse of information, substantial mismanagement of public resources, substantial risk to the health or safety of a person, substantial risk to the environment, conduct of any person that affects the honest performance or effective performance of a public officer.

##### Detrimental action

This means any form of harassment, intimidation, discrimination, actions causing injury or loss or damage or any other action taken against a person who has made, or is thinking of making, a public interest disclosure. It includes any detrimental action against anyone who may or is cooperating with the investigation of a public interest disclosure. A threat to take detrimental action may also be disclosed.

#### 15. How did you become aware of the alleged behavior?

I witnessed it firsthand  I was told about it   
I was involved in it  I am a victim of the behavior   
Other (please specify)  [Click or tap here to enter text.](#)

#### 16. Do you have any documents to support your disclosure?

Yes  No

Please attach the documents to your email or post them to Council marked 'Private and Confidential'.

#### 17. When did the alleged behaviour occur?

If you don't know an exact time or date please provide an approximate date or time, for example October 2019. If the alleged behaviour occurred more than once, please list all of the dates.

### 18. Details of the public interest disclosure

Please provide as much information as possible in relation to:

- ✓ who the allegations relate to (ie was it one person or a group of people)?
- ✓ dates and times the alleged behavior occurred
- ✓ whether there were any other witnesses (and any information you can provide to identify them)
- ✓ where the alleged behaviour occur (eg in Council's office, on site)
- ✓ any other information such as identity badge of the person(s), car registration number.

### 19. Did anyone else witness the behaviour you are making a disclosure about?

Yes  No

**If yes, please provide as much detail about the other witness(es) as you can:**

### 20. What was the impact of the behaviour you are making a disclosure about?

For example, personal injury, financial loss/gain, personal or professional loss, public safety risk, environmental risk.

## DECLARATION

**Please make sure you complete this section before you submit your public interest disclosure.**

- To the best of my knowledge, the information I have provided in my public interest disclosure is correct.
- I understand it is an offence to make a false disclosure or provide false information.
- I understand that the information provided on this form may need to be referred to an investigating authority such as the Independent Broad-based Anti-Corruption Commission (IBAC).
- I am making this public interest disclosure on behalf of someone else and have completed Attachment 1.

**Your name:** [Click or tap here to enter text.](#)

**Date:** [Click or tap to enter a date.](#)

### **HOW TO SEND THIS FORM TO COUNCIL**

Once you have completed this form, please submit it, along with any supporting documentation either by:

EMAIL: [David.Roff@strathbogie.vic.gov.au](mailto:David.Roff@strathbogie.vic.gov.au)

BY POST: Mr David Roff  
Public Interest Disclosure Coordinator  
Strathbogie Shire Council  
PO Box 177 EUROA VIC 3666

IN PERSON: Deliver this form to the Euroa Service Centre or arrange to hand it to David Roff in person.

Please ensure you mark the email or envelope PRIVATE and CONFIDENTIAL.

## 27. ATTACHMENT 1

### AUTHORITY TO MAKE A PUBLIC INTEREST DISCLOSURE ON SOMEONE'S BEHALF

I (full name) [Click or tap here to enter text.](#)

Of (full address) [Click or tap here to enter text.](#)

authorise (person's name) [Click or tap here to enter text.](#)

(if a legal representative, their business name and address) [Click or tap here to enter text.](#)

To act on my behalf in regard to the lodgment of this public interest disclosure to Council. This authorisation includes:

- receiving and submitting documentation on my behalf;
- obtaining and providing personal information relevant to the public interest disclosure; and
- corresponding with Council and any other investigative authority both verbally and in writing.

Your signature: [Click or tap here to enter text.](#)

Your name: [Click or tap here to enter text.](#)

Date: [Click or tap to enter a date.](#)

#### **Privacy statement**

Strathbogie Shire Council is committed to guarding against the misuse, loss or unauthorized disclosure of personal information in accordance with the Privacy and Data Protection Act 2014 and Council's Privacy and Data Protection Policy, which can be accessed by clicking on the following link [https://www.strathbogie.vic.gov.au/images/Plans\\_policies\\_Strategies\\_reports/2018%20Policy-Privacy%20and%20Data%20Protection%20Policy.pdf](https://www.strathbogie.vic.gov.au/images/Plans_policies_Strategies_reports/2018%20Policy-Privacy%20and%20Data%20Protection%20Policy.pdf)

### **9.7.5 Draft Audit and Risk Committee Charter**

Responsible Director: Executive Manager, Governance & Customer Service

#### ***EXECUTIVE SUMMARY***

The Local Government Act 2020, which came into force on 6 April this year, has introduced changes to the provisions relating to what is currently known as the Audit Committee. The new Act requires this committee to be named the Audit and Risk Committee and has broadened the scope and mandate of the committee. A new charter must be prepared and adopted by Council by 1 September 2020.

Once the Charter is finalised, Council will have to bring the existing Audit Committee to an end and reform it into the Audit and Risk Committee that operates under the new charter.

There are also new public reporting requirements for the Committee, it must prepare a workplan and there will be a position description/skills matrix developed when recruiting new independent community members.

While the new Charter bears strong similarities to the existing Committee charter, it reflects the new requirements around transparency and its broadened role.

Local Government Victoria (LGV) have released some limited guidance as to what changes need to be made to existing Charters or Terms of Reference and have provided an example charter, workplan and position description for the independent members of the committee.

It is recommended that, in accordance with the overarching governance principles, and supporting principles, of the Act that the draft Charter be tabled at the next Audit Committee meeting for discussion and placed on public exhibition for comment for a period of two weeks so that a final draft Charter can be considered by Council at its July 2020 meeting.

#### ***RECOMMENDATION***

***That Council note the draft Audit and Risk Committee Charter 2020 and:***

- a. place the draft Charter on the next available Audit Committee meeting agenda for review and comment***
- b. place the draft Charter on public exhibition for community review and comment for a period of 14 days, advertised through the following means:***
  - an item under 'Top News Stories' on Council's website***
  - posts on Council's Facebook page***
  - notices in the local papers.***

#### 9.7.5 Draft Audit and Risk Committee Charter (cont.)

##### **PURPOSE AND BACKGROUND**

Council must reform its existing Audit Committee into the newly termed Audit and Risk Committee, with a new charter by 1 September 2020 under the new Local Government Act.

The existing Terms of Reference was reviewed in the past year in response to the need for additional independent community and councillor members in response to recommendations from the Victorian Auditor General's Office (VAGO) report into Fraud and Corruption in Local Government, June 2019.

At its May 2020 Council Meeting, Claire Taranto's term as Chair was extended until May 2021 to provide continuity through the reformation of the committee under the new Act.

*The Committee is comprised of six members (two Councillors and four Independent and external members), appointed by Council. The Chair must be an independent member. In accordance with the Act the Members must:*

- include members who are Councillors of the Council
- consist of a majority of members who are not Councillors of the Council and who collectively have:
  - expertise in financial management and risk
  - experience in public sector management
- not be a member of Council staff.

##### **ISSUES, OPTIONS AND DISCUSSION**

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

The reformation of the existing committee into an Audit and Risk Committee with a new, broadened charter and remit of responsibilities is a good outcome for our community as it ensures there is a highly skilled 'watchdog' reviewing the following Council activities:

- monitor compliance of Council policies and procedures with the overarching governance principles the Act, its regulations and any Ministerial directions, other relevant laws and regulations
- monitor Council financial and performance reporting
- monitor and provide advice on risk management and fraud prevention systems and controls
- oversee internal and external audit functions
- monitor the achievement of the highest standards of corporate governance including monitoring compliance with Council's Code of Conduct
- monitor internal controls
- monitor compliance with various laws and regulations.

### 9.7.5 Draft Audit and Risk Committee Charter (cont.)

#### **COMMUNITY ENGAGEMENT**

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

Although the Charter is largely operational in nature, it is considered appropriate to provide both the Audit Committee and our community with the opportunity to review and comment on the draft charter.

The draft Charter has been circulated for internal comment to the Finance Department and the Executive Leadership Team for review and comment.

#### **POLICY CONSIDERATIONS**

##### Council Plans and Policies

Our Values and Council Plan highlight the need for openness, the highest ethical standards and transparency.

Our Community Engagement Strategy 2019 – 22 identifies the form of public consultation proposed for the draft policy as Consultation and is the second level of public participation on the IAP 2 Public Participation Spectrum.

##### Regional, State and National Plans and Policies

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be considered in strategic planning and decision-making.

The State government has mandated the requirements for these changes to the existing Committee and its broadened remit is consistent with recommendations from audits and investigations undertaken by VAGO, the Victorian Ombudsman, Local Government Inspectorate and the Independent Broad-Based Anti-Corruption Commission.

#### **LEGAL CONSIDERATIONS**

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

The charter has been drafted in accordance with the provisions of the Act.

##### Conflict of Interest Declaration

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

##### Transparency

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.



#### 9.7.5 Draft Audit and Risk Committee Charter (cont.)

Transparency is achieved through the public exhibition of the draft Charter for community comment. The Committee itself has more comprehensive requirements around public reporting of its activities under the new Act and charter through:

- the tabling of an annual Audit & Risk Committee Performance Report at a Council meeting
- the requirement for the Chief Executive Officer to conduct a 360 degree review of the Committee every three years
- the review of the performance of independent members should they seek additional terms on the Committee
- twice yearly (biannual) reports at a Council meeting outlining its activities, recommendations and related actions.

Representatives from VAGO and Council's independent internal auditors will continue to participate in the Audit and Risk Committee as a means of providing additional external oversight and advice around Council activities.

The current practice of reporting the recommendations of the Audit Committee to Council for review and noting will continue.

#### **FINANCIAL VIABILITY CONSIDERATIONS**

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

One of the main functions of the Audit & Risk Committee under the new Act is to review Council planning, decision making and actions around short and long term financial planning and asset management. This is the Committee's key contribution the Shire's ongoing financial viability.

The Committee is required to review the Annual Statements, which are also reviewed by VAGO, and recommend to Council whether or not those statements should be approved and included in Council's Annual Report.

#### **SUSTAINABILITY CONSIDERATIONS**

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

The Audit and Risk Committee's new remit is a broad one and an integral way in which Council decisions, actions, operations and responses to internal and external audits are managed to ensure Council is in a position to support economic, social and environmental programs and objectives.

The Committee is also responsible for ensuring Council complies with its own policies, as well as the sustainability principles of the Act.

#### **INNOVATION AND CONTINUOUS IMPROVEMENT**

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is the pursuit of innovation and continuous improvement.

#### 9.7.5 Draft Audit and Risk Committee Charter (cont.)

##### **COLLABORATION**

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that collaboration with other councils, levels of government and statutory bodies is to be sought.

Officers have been involved in workshops held by both Local Government Victoria (LGV) and the North East Governance Officer's Networks (which has recently reformed in response to the demands of the new Act) as a means of sharing ideas and templates for the new charter. Charters from Campaspe and Moira Shires have been reviewed in the creation of the new charter, along with a review of the example posted on LGV's website.

##### **HUMAN RIGHTS CONSIDERATIONS**

This policy has been reviewed against and complies with the rights and protections outlined by the *Charter of Human Rights and Responsibilities Act 2006*.

##### **CONCLUSION**

The draft Audit and Risk Committee Charter has been drafted to ensure Council complies with new statutory requirements under the *Local Government Act 2020* and commences the process to reform the existing committee into a body that meets these new legislated requirements.

As per our Community Engagement Strategy and community engagement principles of the Act, the draft policy should be exhibited for public review and comment, along with providing the existing Audit Committee an opportunity to have input.

##### **ATTACHMENTS**

Attachment 1: Draft Audit Committee Charter

**ATTACHMENT 1:**



# **AUDIT & RISK COMMITTEE CHARTER**

**Adopted by Council .....2020**

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**Strathbogie Shire Council has established an Audit and Risk Committee (the Committee) in compliance with section 53(1) of the *Local Government Act 2020* (the Act).**

---

## **1 Purpose**

*Council is committed to good governance, public transparency and accountability to its community. The Audit and Risk Committee is established to achieve the Overarching Governance Principles of the Local Government Act 2020 (the Act) and has a focus on strengthening Council's governance and risk management frameworks, monitoring the organisation's financial management and to help drive continuous improvement.*

*The Committee is designated as an advisory committee under section 53(2) of the Act and does not have any delegated powers, executive powers, management functions or delegated financial responsibilities.*

The Committee's role is to:

- monitor compliance of Council policies and procedures with the overarching governance principles the Act, its regulations and any Ministerial directions, other relevant laws and regulations
- monitor Council financial and performance reporting
- monitor and provide advice on risk management and fraud prevention systems and controls
- oversee internal and external audit functions
- monitor the achievement of the highest standards of corporate governance including monitoring compliance with Council's Code of Conduct.

*The Committee will engage with management in a constructive and professional manner in discharging its responsibilities and formulating its advice to the Council.*

*The Committee operates to advise the Council on how best to fulfil its responsibilities and facilitate decision making by providing a forum for improving communication between the Council members and senior management, finance, risk and compliance managers, internal auditors and external auditors.*

## **2 Authority**

The Council authorises the Committee, within its responsibilities, to:

- perform its activities within the scope of this Charter
- obtain any information it requires from any Council, management or other external party (subject to any legal obligation to protect information)
- discuss any matters with the Victorian Auditor General's Office (VAGO), or other external parties (subject to confidentiality considerations)
- request the attendance of any official, including Councillors and Council Officers, at Committee meetings
- obtain legal or other professional advice at the entity's expense, as considered necessary to meet its responsibilities
- seek resolution on any disagreements between management and the external auditors on financial reporting
- seek resolution of any disagreement between management and the internal auditors on internal audit recommendations.

### **3 Membership**

*The Committee is comprised of six members (two Councillors and four Independent and external members), appointed by Council. In accordance with the Act the Members must:*

- include members who are Councillors of the Council
- consist of a majority of members who are not Councillors of the Council and who collectively have:
  - expertise in financial management and risk
  - experience in public sector management
- not be a member of Council staff.

*The Council will appoint the Chair of the Committee, who in accordance with section 53 of the Act:*

- must not be a Councillor
- must not be a member of Council staff.

*In the absence of the Chair, the Committee will elect a temporary Chair for the meeting from the remaining independent members who are present.*

#### **3.1 Other Committee attendees**

*The Council or Council Officers, Chief Executive Officer, Director Corporate Operations, Executive Manager Governance & Customer Service, Manager Finance, Risk Coordinator or other management representatives may attend meetings as advisers or observers but will not be members of the committee.*

*A representative(s) of the VAGO will be invited to attend meetings of the Committee as an observer and to build a constructive and open relationship with the Office. Such a representative will be required to act in accordance with the governance principles in addition to the obligations of confidentiality (Section 125) and conflict of interest (Part 6, Division 2) as outlined within this Charter and the Act.*

*A representative(s) of the appointed internal audit contractor will be invited to attend meetings of the Committee, as an observer. Such a representative will be required to act in accordance with the governance principles in addition to the obligations of confidentiality (Section 125) and conflict of interest (Part 6, Division 2) as outlined within the Act.*

*The Mayor of Council or Chief Executive Officer of Council and other Council Officers may attend committee meetings, and when they elect to do so, will require copies of committee papers.*

#### **3.2 Term of membership**

*Membership of the committee will be reviewed at least every three years by the Council with the aim of ensuring an appropriate balance between continuity of membership, the contribution of fresh perspectives and a suitable mix of qualifications, knowledge, skills and experience.*

*Councillor members will be appointed for a one-year term of office.*

*The initial appointment of independent Committee members shall be for a three-year period.*

*The position for an independent member(s) will be publicly advertised at the end of each term. This does not preclude existing members from being re-appointed through a*

*competitive process.*

*Council may reappoint current external members if exceptional circumstances are considered to exist.*

*Where possible, the end of the terms of Independent Members will be staggered to avoid losing continuity in the Committee's membership.*

### **3.3 Induction and training**

*The Committee will adopt and maintain a program of induction, training and awareness-raising for its members, with the objective of enabling the Committee to keep abreast of contemporary developments and leading practices in relation to its functions.*

### **3.4 Payment of a stipend**

*Pursuant to section 53(6) of the Act, the Council will pay a stipend to independent committee members. This stipend will be based on a per annum amount, determined by the Council, which will be indexed in alignment with the rate cap % each 1 July.*

*Payment will be made each quarter following receipt of a Tax Invoice after each meeting.*

*Once every three years the Chief Executive Officer will benchmark the stipend paid to Independent Members against other small rural councils in the Hume region to inform the review of stipend amounts by the Council.*

### **3.5 Termination of a Committee member**

*Council must give written notice to the member of its intention to propose to remove them from the Committee and provide that member with the opportunity to be heard at a Council meeting which is open to the public, if that member so requests.*

## **4 Functions**

In accordance with section 54(2) of the Act, the functions and responsibilities of the Committee include:

### **4.1 Monitor the compliance of Council policies and procedures with the overarching governance principles and the Local Government Act 2020 and the regulations and any ministerial directions (section 54(2a))**

- 4.1.1 Monitor Council processes for compliance of Council policies and procedures.
- 4.1.2 Assess the Council's procurement framework with a focus on the probity and transparency of policies and procedures/processes.
- 4.1.3 Assess the Council's policy framework and procedures to ensure the embedding of the governance principles.
- 4.1.4 Monitor the implementation of financial management policies, including they are aligned with the achievement of the Act's financial management principles.
- 4.1.5 Participate in the annual review the CEO Employment and Remuneration Policy Employment Matters Policy as per section 45 to ensure compliance with the Act.
- 4.1.6 Monitor work by the council to mitigate and plan for climate change risk.
- 4.1.7 Monitor the achievement of the highest standards of corporate governance including monitoring compliance with Council's Code of Conduct,



- 4.1.8 Review issues relating to national competition policy and Local Government Performance Reporting Framework.

**4.2 Monitor Council financial and performance reporting (section 54(2b))**

- 4.2.1 Review the appropriateness of the systems and procedures in place for collecting and analysing information and data for the purposes of measuring the performance of individual programs and activities to monitor progress in implementing the Council Plan and Community Vision.
- 4.2.2 Review management's processes for ensuring and monitoring compliance with legislation and other requirements on the external reporting by the Council of financial and non-financial information, performance reporting under the Act, and other relevant legislation.
- 4.2.3 Assess whether a comprehensive process has been established for the purposes of legislative disclosure reporting requirements.
- 4.2.4 Assess internal control systems covering the public release of information.
- 4.2.5 Assess any changes to Council's accounting policies and procedures and the methods of applying them, with the input of management, external and internal auditors, ensuring that they are in accordance with the stated financial reporting framework.
- 4.2.6 Review the appropriateness of accounting policies and disclosures to present a true and fair view.
- 4.2.7 Review the financial reporting provided to Council and monitor the financial performance and sustainability of Council.
- 4.2.8 Assess reports from internal and external auditors that make recommendations about the quality of financial reports such as actual and potential material audit adjustments, financial report disclosures, non-compliance with legislation and regulations, internal control issues.
- 4.2.9 Recommend to the Council whether the financial report including the performance statement section of the Annual Report should be approved based on the Committee's assessment of them.

**4.3 Monitor and provide advice on risk management and fraud prevention systems and controls (section 54(2c))**

- 4.3.1 Monitor the implementation of the Risk Management Strategy and progress in managing risk identified on the Risk Register priorities. The progress against these documents will be reported to the Committee at each meeting.
- 4.3.2 Review and recommend enhancements to Council's policy for the oversight and management of business risks.
- 4.3.3 Review management's overall risk profile, risk management framework and implementation strategy and advise Council of any concerns regarding the appropriate resourcing of the required actions.
- 4.3.4 Receive regular risk reports, which:
- provide an overview of management of each strategic risk by strategic risk owners
  - identify key risks, the status and the effectiveness of the risk management systems to ensure that identified risks are monitored

and new risks are identified, mitigated and reported.

- 4.3.5 Assess Council processes for management's identification and control of material risks, including business, financial and legal compliance risks in accordance with Council's identified tolerance for risk particularly in the following areas:
- potential non-compliance with legislation regulations and standards and Council's policies
  - important accounting judgements or estimates that prove to be wrong
  - litigation and claims
  - fraud and theft
  - significant business risks recognising that responsibility for general or specific risk areas, for example, environmental risk, occupational health and safety, and how they are managed by the Council.
- 4.3.6 Assess adequacy of Council process to manage insurable risks.
- 4.3.7 Review whether the Council has a current and active business continuity plan and disaster recovery plan which is tested periodically.
- 4.3.8 Ascertain whether fraud risks have been:
- identified, analysed, evaluated, have an appropriate treatment plan which has been implemented, communicated, monitored and there is regular reporting and ongoing management of fraud risks
  - included in the assessment of the risk profile of the Council and have been appropriately addressed.
- 4.3.9 Receive summary reports from management on all suspected and actual frauds, thefts and material breaches of legislation, ensuring reporting to the Council and/or relevant authorities.
- 4.3.10 Monitor the Council's fraud prevention and detection framework, including any action taken with respect to actual and suspected instances of fraud.
- 4.3.11 Monitor management's efforts to create and maintain a strong internal control environment, including the design and implementation of anti-fraud strategies and programs, conduct of fraud awareness seminars or training courses to increase staff awareness of activities that amount to fraud.

#### **4.4 *Oversee internal audit function (section 54(2d))***

- 4.4.1 Recommend to Council the appropriate method for the provision of the internal audit function including the evaluation criteria and the appointment of the contractor.
- 4.4.2 Monitor the performance and ongoing effectiveness of the contractor, which can include making a recommendation to Council to terminate the contractor should performance meet the standards set out in the contract.
- 4.4.3 Monitor the implementation of a three-year internal audit improvement plan. The progress against this plan will be reported to the Committee at each meeting.
- 4.4.4 Review the allocation of internal audit resources through the Strategic Annual Internal Audit Plan, against Council's Audit Universe, 3-year Audit Plan, Assurance Map and Council's strategic risks.

- 4.4.5 Assess if there has been any obstruction to the work reported through to the Committee.
- 4.4.6 Review the planning and scope for each internal audit to ensure that the audit objectives and scope are fit for purpose.
- 4.4.7 Provide the opportunity for Committee members to meet with the internal auditors without management being present.
- 4.4.8 Review the reporting on completed internal audits, seeking clarification through critical analysis to assure the Committee that management is responding adequately to the findings and key risks are mitigated.
- 4.4.9 Monitor the progress of the strategic annual internal audit plan and work program and consider the implications of internal audit findings for the control and operating environment.
- 4.4.10 Monitor the implementation of internal audit's findings and recommendations.
- 4.4.11 Require Internal Audit contractor to conduct periodic testing of whether audit actions reported as completed by management have been effectively implemented.

#### **4.5 *Oversee external audit function (section 54(2d))***

- 4.5.1 Seek information from the external auditor to outline the external audit plan including proposed audit strategies and how they might relate to identified risk areas, discuss audit results and consider the implications of the external audit findings for the control environment.
- 4.5.2 Ask the external auditor if there have been any significant resolved or unresolved disagreements with management.
- 4.5.3 Monitor and critique management's response to the external auditor's findings and recommendations.
- 4.5.4 Sight all representation letters signed by management and consider the completeness and appropriateness of the information provided.
- 4.5.5 Provide the opportunity for committee members to meet with the external auditor as the need arises without management being present.
- 4.5.6 Maintain an awareness of local government performance audits undertaken by the VAGO and ensure recommendations are brought to the attention of the Council for action/implementation where appropriate
- 4.5.7 Provide advice to management on action to be taken on significant issues raised in relevant VAGO reports or better practice guides.
- 4.5.8 Provide feedback to the VAGO on draft strategies, reports and opportunities for improvements

#### **4.6 *Monitor internal controls***

- 4.6.1 Review the effectiveness of the Council's internal control system with management and the internal and external auditors.
- 4.6.2 Assess whether management has controls in place for unusual types of transactions and/or any potential transactions that might carry more than an acceptable degree of risk.
- 4.6.3 Should the need arise, meet periodically with key management, **internal**

and external auditors, and compliance staff, to understand and discuss any changes in the Council's control environment.

#### **4.7 Monitor compliance with relevant laws and regulations**

- 4.7.1 Monitor Council's processes regarding compliance with legislation and regulations.
- 4.7.2 Comply with legislative and regulatory requirements imposed on audit committee members, including not misusing their position (section 123 of the Act) to gain an advantage for themselves or another or to cause detriment to the Council and disclosing conflicts of interest (section 125 of the Act)
- 4.7.3 Monitor ethical standards and related party transactions by determining whether the systems of control are adequate.

## **5 Authority of the Committee**

The Committee does not have any delegated powers from Council or any delegated financial responsibilities.

All recommendations of the Committee shall be referred to the Council for review and noting, other than the:

- three-year Internal Audit Plan
- planning and terms of reference for internal audits that do not require the approval of the Council
- management responses to audit recommendations arising from Internal Audit Reports.

The Committee has the authority to review the Annual Financial Statements and Performance Statement and provide advice to the Council. The Committee can recommend to Council its approval 'in principal', the signing of the Annual Financial Statements and Performance Statement.

## **6 Evaluating the Committee's Performance**

### **6.1 Annual Committee Performance Report**

The Committee will undertake an annual assessment of its own performance against the Audit and Risk Committee Charter in accordance with section 54(4a) of the Act. This assessment will be reported in accordance with section 8 of this Charter.

The Chief Executive Officer will assist the Committee in undertaking a broader 360 degree self-assessment of its performance every three years. This review will invite feedback from the Council, each Committee member, Council's Executive Leadership Team, Council's appointed Internal Auditors, the VAGO, and any other relevant stakeholders. The self-assessment will be reported through the Annual Committee Performance Report.

### **6.2 Review of Independent Member's performance if seeking additional terms**

The Chair, in conjunction with the Chief Executive Officer, will undertake formal reviews of the performance and independence of Independent Members in the event that the member wishes to seek reappointment for an additional terms in response to

expressions of interest being called from the wider community for the Committee vacancy.

## **7 Reporting**

### **7.1 Annual Committee Performance Report**

The Committee will prepare an Annual Committee Performance Report that includes an assessment of the Committee's performance against the Audit and Risk Committee Charter in accordance with Section 54(4a) of the Act. This report will be provided to the Chief Executive Officer for presentation to Council in accordance with Section 54(4b) of the Act. This report will be made available to the public via Council's website.

The Chair of the Committee, or a representative on behalf of the Committee, will present this Annual Committee Performance Report to an informal Councillor briefing prior to the report being presented to Council.

### **7.2 Biannual Audit and Risk Report**

The Committee will prepare a biannual audit and risk report that describes the activities of the Audit and Risk Committee and includes the Committee's findings and recommendations in accordance with section 54(5a) of the Act, along with the agreed actions. This report will be provided to the Chief Executive Officer for reporting to Council biannually in July and January.

The Chair of the Committee, or a representative on behalf of the Committee, will present the Annual Internal Audit Plan to a Councillor Briefing prior to commencement of the financial year.

## **8 Administrative Arrangements**

### **8.1 Meetings**

The Committee must meet at least every quarter. One or more additional meetings may be held to review the Council's annual financial statements and performance statement, or to meet other responsibilities of the committee.

All committee members are expected to attend each meeting, in person or via tele-or-video conference. Failure to attend a meeting may result in non-payment of members fees for the associated quarter but this will be at the discretion of the Chief Executive Officer and Committee Chair.

The Chair is required to call a meeting if asked to do so by a Council resolution and has the discretion to decide if a meeting will be held following the receipt of a request by another Independent Member, internal auditor or the VAGO.

### **9.1 Planning**

The Committee will develop a forward meeting schedule that includes the dates and location for each meeting for the forthcoming year.

In accordance with section 54(3) of the Act the Committee will develop an annual work program that includes the timing of reporting for all of the responsibilities outlined in this Charter.

### **9.2 Quorum**

A quorum will consist of a majority of Committee members, with a minimum of 2 independent members and 1 Councillor. The quorum must be in attendance at all times during the meeting.

## **8.2 Minutes and Agendas**

In accordance with section 54(6a) of the Act, the CEO will appoint a Council Officer to provide support to the Committee to ensure:

- the agenda for each meeting is approved by the Chief Executive in consultation with the Committee Chair
- the agenda and supporting papers are circulated, at least one week before the meeting
- the minutes of the meetings are prepared and maintained.

Minutes must be reviewed by both the Chief Executive Officer of Council and the Committee Chair and circulated within two weeks of the meeting to each member and committee observers, as appropriate.

In alignment with the Meeting Procedure Local Law (to be replaced by the Governance Rules by 1 September 2020), Public Transparency principles and Governance principles in the Act, summary minutes from each Committee meeting are to be presented to Council for review and noting after each Committee meeting summarising progress, matters discussed and any issues the Committee wishes to share with all Councillors.

Internal audit reports and external audit reports will not be made public unless a recommendation from the Committee is passed by Council to do so.

Pursuant to section 54(6b) of the Act, the Chief Executive Officer is required to table reports upon request by the chairperson of the Audit and Risk Committee.

## **10 Conflicts of Interest**

Committee recommendations must be transparent and accountable, protect the public interest, maintain the integrity of the Committee and Council and enable the public to be confident that the Committee is performing its duties properly.

If a conflict of interest exists, it must be declared and managed.

Division 2 of Part 6 of the Local Government Act 2020 applies to Independent Members in the same way it does to members of any delegated Committee. An independent member has a conflict of interest if they have:

- a general conflict of interest within the meaning of section 127 of the Act
- a material conflict of interest within the meaning of section 128 of the Act.

Committee members are required to provide written declarations relating to their material personal interests to the Chair by completing Council's Conflict of Interest Form. This declaration and information will be forwarded by the Chair to the Executive Manager, Governance & Customer Service for review and recording.

External members should consider past employment, consultancy arrangements and related party issues in making these declarations and the Council, in consultation with the Chair, should be satisfied that there are sufficient processes in place to manage any real or perceived conflict.

At the beginning of each committee meeting, members will be required to declare any material personal interests that may apply to specific matters on the meeting agenda.

Where the Independent member believes, after consultation with the Chair, that the conflict cannot be appropriately managed the member must leave the meeting prior to any discussion or debate on the matter in which they have declared an interest.

The time of exit will be noted in the minutes, along with the reason for the Independent Member's temporary absence from the meeting. The Chair will ask for the Independent Member to re-join the meeting when the matter has been finalised. The time of re-entry to the meeting will be noted in the minutes.

The Chair is also responsible for deciding if he/she should excuse themselves from the meeting or from the committee's consideration of the relevant agenda item(s).

## 11 Misuse of Position

Section 123 of the *Local Government Act 2019* applies to Independent Members in that the Independent Member must not intentionally misuse their position -

- a to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person
- b to cause, or attempt to cause, detriment to the Council or another person.

## 12 Confidential Information

Section 125 of the *Local Government Act 2019* applies to Independent Members and the requirements include:

- (1) Unless subsection (2) or (3) applies, a person who is, or has been, an Independent Member must not intentionally or recklessly disclose information that the person knows, or should reasonably know, is confidential information.
- (2) Subsection (1) does not apply if the information that is disclosed is information that the Council has determined should be publicly available.
- (3) A person who is, or has been, an Independent Member may disclose information that the person knows, or should reasonably know, is confidential information in the following circumstances—
  - (a) for the purposes of any legal proceedings arising out of this Act
  - (b) to a court or tribunal in the course of legal proceedings
  - (c) pursuant to an order of a court or tribunal
  - (d) in the course of an internal arbitration and for the purposes of the internal arbitration process
  - (e) in the course of a Councillor Conduct Panel hearing and for the purposes of the hearing
  - (f) to a Municipal Monitor to the extent reasonably required by the Municipal Monitor
  - (g) to the Chief Municipal Inspector to the extent reasonably required by the Chief Municipal Inspector
  - (h) to a Commission of Inquiry to the extent reasonably required by the Commission of Inquiry
  - (i) to the extent reasonably required by a law enforcement agency.

## 13 Recruitment

A position description for independent members will be established and maintained for each of the four independent member positions. The position description will include a matrix skills assessment that identifies the particular blend of skills and experience required for each particular role.

## 14 Induction

New members will receive relevant information and briefings on their appointment to assist them to meet their committee responsibilities.

## 15 Review of the Committee Charter

At least once a year the Committee will review this charter. This review will include consultation with the Council.

Any substantive changes to the charter will be recommended by the Committee and must be formally considered and adopted by the Council.

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Chair

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Independent Member

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Independent Member

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Independent Member

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Councillor Member

---

Councillor Member

---

Councillor Member



**9.7.6 Tender for 2019-20 Supply and Delivery of 2, 10.4Tonne Patrol Trucks:  
Contract No. 19-20-29**

Responsible Director: Director Corporate Operations

**EXECUTIVE SUMMARY**

As part of the Strathbogie Shire Council's approved 2019/20 plant replacement program Council invited tenders through the Tender search Vendor Panel for the supply of two 10.4 T GVM Patrol Trucks with body build specifications suited to their specific roles within the Shire's Operations Department's programs.

One tender was received and has been assessed and evaluated by Council Officers with the results summarised in the table below.

**RECOMMENDATION**

1. ***That Council award the tender received from Whitehorse Truck Centre/ FUSO Port Melbourne, for Contract 19-20-29 for the supply and delivery of two 10.4 tonne GVM Patrol trucks using the Preferred Body Builder Brenmark for a total cost \$289,824.04 excluding GST (\$318,806.44 including GST) as follows:***
  - 1) ***Truck A fitted with a crane and post borer at a cost of \$158,219.52 excluding GST (\$174,041.47 including GST); and***
  - 2) ***Truck B fitted with tipper body and cabinets at a cost of \$131,604.52 excluding GST (\$144,764.97 including GST);***
2. ***Authorise officers to advise the unsuccessful tenderers; and***
3. ***Authorises the Chief Executive Officer to execute the contract agreement by signing and affixing with the Common Seal of Strathbogie Shire Council.***

**BACKGROUND**

The new trucks are part of the Council's 2019/20 plant replacement program to replace Plant No 42 – A 2008 Nissan UD MK240 11T GVM truck and Plant 45 – a 2009 Isuzu FRR500 tipping truck and hoist 10.7T GVM which are well due for replacement.

The existing trucks are owned by Council and have become unreliable over the last twenty-four months incurring high maintenance costs and replacement hire vehicle costs. This has caused disruption and delays to works programs and essential services hindering Council's ability to deliver them promptly and efficiently to our community.

9.7.6 Tender for 2019-20 Supply and Delivery of 2, 10.4Tonne Patrol Trucks: Contract No. 19-20-29 (cont.)

**DISCUSSION**

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that Priority is to be given to achieving the best outcomes for the municipal community, including future generations. In light of this to ensure services are provided to the community in a timely and acceptable manner as part of Council's approved 5-year replacement plan Tender specifications were prepared by Council officers (including plant operators) in conjunction with Council's specialist plant consultant for two Patrol trucks. One truck fitted with a crane capable of lifting concrete drain covers and trees etc and a post borer to replace signs is to be based at the Nagambie depot and the other with a suitable tipping tray and cabinetry for use in road and bridge maintenance is to be based at Euroa.

Tender Process

The tender specifications for the two trucks were finalised on the 31<sup>st</sup> of January 2020.

The tenders to be considered in this report were sought on the 18<sup>th</sup> February 2020 via the Tendersearch e-tender portal and advertised on the Council website.

By close of tender at 4.00pm on 6th March 2020, one tender had been received which contained three options for the body builder utilised to fit out the trucks.

In accordance with the Procurement Policy, the evaluation panel and evaluation criteria weightings were nominated prior to opening. The panel signed 'Conflict of interest' and 'Confidentiality' statements prior to the evaluation panel viewing the submitted tender. The tender evaluation panel consisted of the following Strathbogie Shire Council staff members:

- Plant and Fleet Officer
- Manager Operations
- Works Assistant
- Works Assistant (initially by phone due to COVID-19 who declined from further involvement in the evaluation panel as they were unable to complete the conflict of interest and confidentiality declarations required)

Tenderers were invited to submit quotations for the following:

- lump sum supply and delivery of Truck A fitted with crane and post borer
- lump sum supply and delivery of Truck B not fitted with crane and post borer
- trade in of existing trucks (No offer given)

9.7.6 Tender for 2019-20 Supply and Delivery of 2, 10.4Tonne Patrol Trucks: Contract No. 19-20-29 (cont.)

The Panel assessed responses considering the selection criteria and best value for money principles as detailed below.

**Selection Criteria**

<b>Criteria</b>	<b>Weighting %</b>
Price	40
Capability of the respondent and proven track record	10
Compliance with specification	30
Stability for Duty, Operator comfort and Safety	15
Environmental impact and Sustainability	5

**Panel Assessment Summary**

The tender panel had a general overview of the tender documents submitted, and the body builds on offer and then compared all the specifications in detail.

The truck cab Chassis offered in the tender the 'Fuso Fighter 1124 Auto's' were deemed to be suitable for purpose and met with all of the specifications.

The three options of companies building and fitting the truck bodies were then discussed and scored in detail against the selection criteria.

The Evaluation Panels conclusion was that Whitehorse Truck Centre's – Fuso products complied with the Specification, they answered all questions in relation to Council's requirements and meet all specifications. It was the evaluation panel's recommendation that the Quotation from Whitehorse Truck Centre with Brenmark as the preferred Body Builder be accepted.

**COMMUNITY ENGAGEMENT**

Independent Plant Consultant Rod Williams was engaged to draw up the specifications for the required vehicles in line with Councils requirements and in consultation with Council staff (including operators) as part of Councils approved 2019/20 plant replacement program.

As essential work vehicles to enable the carrying out of Councils essential services and part of the replacement program the author of this report considers that the matter under consideration did not warrant any further community engagement.

**POLICY CONSIDERATIONS**

Council Plans and Policies

The recommendation is consistent with the fleet replacement program to support works within the Council's Operations Departments programs.

9.7.6 Tender for 2019-20 Supply and Delivery of 2, 10.4Tonne Patrol Trucks: Contract No. 19-20-29 (cont.)

**LEGAL CONSIDERATIONS**

The tender and tender evaluation was undertaken in accordance with Councils procurement policy. For all future fleet replacement tenders, the evaluation criteria for price will be set fat 60%.

Conflict of Interest Declaration

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

**FINANCIAL CONSIDERATIONS**

The combined lump sum purchase costs are within the overall budget allowances for Plant and Fleet replacement in the 2019-20 Capital Budget. The two trucks are proposed at a total cost of \$289,824.04 (excluding GST) as follows:

- Truck A fitted with a crane and post borer at a cost of \$158,219.52 excluding GST; and
- Truck B fitted with tipper body and cabinets at a cost of \$131,604.52 excluding GST.

**SUSTAINABILITY CONSIDERATIONS**

This recommendation ensures that Council has efficient fleet to ensure that work are undertaken to support the needs of the community and maintain Councils infrastructure.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

The addition of a 1.5T crane and post borer to the Nagambie works truck offers significant improvements in the way works crews can manage routine tasks, attend to registered defects and approach call outs. These additions mean that one less driver and vehicle need to attend works where drain covers or other heavy items need to be lifted (previously lifted with a separate machine and loaded into trucks for removal) and enable the work crews to safely lift larger items and replace signs without needing to return to the Depot to retrieve further equipment or assistance.

**HUMAN RIGHTS CONSIDERATIONS**

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

**CONCLUSION**

As part of Strathbogrie Shire Council's approved 2019/20 plant replacement program Council invited tenders for the supply of two 10.4 T GVM Patrol Truck with body build specifications suited to their specific roles. The submitted Tenders were sought and evaluated strictly in accordance with the Council's Procurement Policy. It is proposed that Council endorses the recommended purchase for fleet replacement.

**ATTACHMENTS**

Nil

### **9.7.7 Licence Agreement for Land to Accommodate new Strathbogie Fire Station**

Responsible Director: Director Corporate Operations

#### ***EXECUTIVE SUMMARY***

This report seeks Council support to enter into a Licence agreement with the Country Fire Authority to occupy land at Strathbogie Recreation Reserve to enable construction of a new Fire Station.

#### ***RECOMMENDATION***

##### ***That Council:***

- 1. Consent to the entering into of a licence agreement with the Country Fire Authority to enable the construction of a new Strathbogie Fire Station; and***
- 2. Authorise the Chief Executive officer to execute the necessary documentation.***

#### ***PURPOSE AND BACKGROUND***

Council is currently Committee of Management of the Strathbogie Recreation Reserve on which is situated several facilities including two tennis courts. The reserve is managed on behalf of Council by the Strathbogie Recreation Reserve Committee of Management.

Currently the existing Country Fire Authority (CFA) facility is no longer able to suitably meet the needs of the community and the Strathbogie CFA. Discussions have been ongoing for some years to secure the disused tennis courts site for a new facility, but it appears there may not have been formal correspondence and approval granted for that use.

CFA District 22 has the replacement of the Station as one of its priorities for this to progress, as a new larger site is required. The proposal has the support of the Recreation Reserve Committee of Management and the local CFA.

#### ***ISSUES, OPTIONS AND DISCUSSION***

The current Fire Station is no longer able to meet the needs of the community, Strathbogie Fire Brigade or CFA. It can only accommodate 2 of 3 vehicles, has no toilet or shower facilities and storage space for equipment is extremely limited. As such, there is a need for an upgraded facility that is unable to be achieved on the current location. The new facility will comprise a motor room with 3 bays, a meeting/multi-function room, kitchenette, office, change area and toilet facilities.

Under its role as Land Manager, Council has the ability to issue tenure under the Crown Land (Reserves) Act 1978. This would subject to Ministerial approval and be for a maximum ten-year period and will continue as an annual arrangement thereafter, which is consistent with similar projects elsewhere.

### 9.7.7 Licence Agreement for Land to Accommodate new Strathbogie Fire Station (cont.)

The standard licence agreement would require CFA to keep the premises in good order and condition and have no financial implications for Council or the community.

#### **COMMUNITY ENGAGEMENT**

A petition in support of the proposal containing over 1,000 signatures has been collected and presented to State Parliament on 17 March 2020. The Strathbogie Recreation Reserve Committee of Management has previously provided a letter of support for the project.

#### **POLICY CONSIDERATIONS**

##### Council Plans and Policies

The proposal supports the Council Plan Goal “Enhance community resilience including “Enhance community resilience, including supporting and increasing participation of volunteers.”

##### Regional, State and National Plans and Policies

The proposal supports the priorities of State Government through the Country Fire Authority

#### **LEGAL CONSIDERATIONS**

Advice from the Department of Environment Land Water and Planning indicates that Council as the Committee of Management can issue a tenure under the Crown Land (Reserves) Act 1978. Normally where the area is managed by Council, they issue a Section 17B licence for Emergency Services Use for a period of 10 years (maximum allowed under this section of the Act) and then it continues as an annual arrangement thereafter. The licence is between the CFA and Committee and requires the consent of the Minister’s delegate.

The Country Fire Authority are satisfied with this process.

##### Conflict of Interest Declaration

No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law

##### Transparency

The matter is being discussed in a Council meeting open to the public.

#### **FINANCIAL VIABILITY CONSIDERATIONS**

Funding for the development will be provided by State Government. The licence agreement will be conditional upon stipulating that there are no financial implications for the construction or ongoing maintenance and future upgrades of the Fire Station for Council and the community.

9.7.7 Licence Agreement for Land to Accommodate new Strathbogie Fire Station (cont.)

**SUSTAINABILITY CONSIDERATIONS**

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Social

If funded the project will assist in strengthening a sense of community and lead to improved community safety through enhanced capacity

Climate change

There are no Climate Change implications associated with this report. Whilst design is not commenced, it is expected that the new facility will encompass water tank and possibly solar power.

**COLLABORATION**

This project represents a collaboration between Council, the community and State Government.

**HUMAN RIGHTS CONSIDERATIONS**

There are no Human Rights considerations associated with this report.

**CONCLUSION**

This proposal will provide an outcome that the Strathbogie community are supporting.

**ATTACHMENTS**

**Attachment 1:** Plan of site

**Attachment 2:** Letter from CFA

**Attachment 3:** Letter of support from Strathbogie CFA Fire Captain

**Attachment 4:** Letter of support from Strathbogie Recreation Reserve Committee of Management

**ATTACHMENT 1:**





## ATTACHMENT 2:

Patron: Her Excellency the Honourable Linda Dessau AC, Governor of Victoria



13<sup>th</sup> March 2020

Ms Julie Salomon  
Chief Executive Officer  
Strathbogie Shire Council  
109a Binney Street  
Euroa Victoria 3666

Dear Ms Salomon,

**RE: Land for New Strathbogie Fire Station**

I'm writing to you on behalf of CFA District 22 Operations Manager, Tony Owen and myself as the Catchment Officer, for Fire Brigades in the Strathbogie Shire. The purpose of this letter is to seek Council support and hopefully formal endorsement to grant CFA access to a parcel of land in the township of Strathbogie.

As Council would be aware the current Fire Station in Strathbogie has served the Community and CFA for many years, however this facility is no longer able to suitably meet the needs of the Community, Strathbogie Fire Brigade or CFA.

Although discussions regarding land for a new Strathbogie Fire Station commenced around four (4) years ago. We have only recently found out that there may not have been formal correspondence and approval granted regarding the proposed site, with Strathbogie Shire Council, the Public Land Manager, hence this letter.

At a local level over the past 4 years there have been numerous correspondences between CFA and Council representatives in relation to the proposed site, which covers the lower tennis courts at the Strathbogie Recreational Reserve, Spring Creek Road Strathbogie (see attached map).

The Strathbogie Recreational Reserve Committee of Management have formally advised us in writing of their unanimous support for the above mentioned site at the Strathbogie Recreation Reserve (refer attached letter).

CFA District 22 has the replacement of this Station as one of our priorities and for this to progress we need to secure a new, larger, site, which would be suitable for a substantially upgraded facility. This enhanced facility would be a significant benefit to the Strathbogie Community, the Brigade and CFA.

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Protecting lives and property

### North East Region

**Seymour**  
D12 Headquarters  
39 McIntyre Street  
Seymour Vic 3660  
PO Box 369  
Seymour Vic 3661  
T: 03 5735 3100  
F: 03 5792 3266

**Lllydale**  
D13 Headquarters  
272 Maroonah Hwy  
Chimside Park VIC 3116  
T: 03 8739 1300  
F: 03 8739 1382

**Shepparton**  
D22 Headquarters  
205 Numurkah Road  
PO Box 932  
Shepparton Vic 3630  
T: 03 5833 2400  
F: 03 5833 2482

**Wangaratta**  
D23 Headquarters  
1 Ely Street  
Wangaratta Vic 3677  
PO Box 565  
Wangaratta Vic 3676  
T: 03 5720 2300  
F: 03 5721 3497

**Wodonga**  
D24 Headquarters  
55 Moorefield Park Drive  
Wodonga Vic 3690  
T: 02 6043 4400  
F: 02 6059 8250

[cfa.vic.gov.au](http://cfa.vic.gov.au)



Our plan for this new Station is to have a complex comprising a motor room with 3 bays (to house the 3 Vehicles located at Strathbogie) a meeting / multi-function room, kitchenette, Office, change area and toilet facilities.

We hope that Strathbogie Council will look favourably on our request for endorsement and approval to utilise this parcel of land, as this enhancement to the Community of Strathbogie fits within the Vision and Mission of the Council in "building flourishing communities" and supporting "effective partnerships and efficient delivery of services".

If Council endorse the use of this land, the next stage of this journey would be to have CFA's Land and Building Department work with Council to establish a licence agreement to secure the land. This will put us in a strong position to move forward in line with our infrastructure priorities as funding becomes available.

Should you have any questions or concerns, please don't hesitate to contact me.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Pete Dedman', with a long horizontal flourish extending to the right.

Pete Dedman  
Commander / Strathbogie Catchment Officer  
CFA District 22 - Shepparton  
Tel: 03 5833 2433. Mob: 0428 212 239. Email: [p.dedman@cfa.vic.gov.au](mailto:p.dedman@cfa.vic.gov.au)

att. Strathbogie Fire Station Proposed Site – Recreation Reserve Spring Creek Road  
Strathbogie Recreation Reserve Committee of Management letter.

**ATTACHMENT 3:**

SHIRE OF STRATHBOGIE	
Doc Id:	Chg:
- FEB 2020	
Refer to:	
Library:	DPV

1948 Strathbogrie Road,  
Strathbogrie, Vic. 3666

5 February 2020

The Mayor & Councillors  
Shire of Strathbogrie  
Binney Street

Euroa, Vic. 3666

Cc: Julie Salomon, CEO, Shire of Strathbogrie

Dear Mayor and Councillors,

Several years ago Council made available land at the Strathbogrie Recreation Reserve to site a new CFA fire shed however, while the State Government acknowledges the importance of the new facility, funding has still not been made available.

CFA activities are severely limited in the current shed which can only accommodate two of our three vehicles and has no toilet or shower facilities and storage space for equipment is extremely limited. It is located in the Main Street adjacent to the general store and, when trucks are away at a fire, empty vehicles can remain parked there for many hours.

The proposed new site would be adjacent to the CFA staging area in the event of a major fire, would also be close to the supply of diesel fuel and the proposed water source to be included in refurbishment of the location.

Following a visit from Steph Ryan, the community has collected over a thousand signatures (and expects to collect many more at Violet Town market in February) on a petition which Steph has agreed to present to Parliament.

We are seeking a letter of support from Council and permission for the petition to be circulated amongst Council staff.

Yours faithfully,



David Hamilton  
Strathbogrie CFA Captain

**ATTACHMENT 4:**

**STRATHBOGRIE RECREATION RESERVE  
COMMITTEE OF MANAGEMENT**

ABN 98 085 818 890  
C/- Post Office, Strathbogrie, Vic. 3666

RECEIVED AT  
DISTRICT 22  
25 OCT 2016

19 October 2016

Mr Tony Owen  
Acting Operations Manager  
CFA Region 22  
205 Numurkah Road  
Shepparton, Vic. 3630

Dear Mr Owen,

Following extensive consultation with all of the community stakeholders, including the Chief Executive Officer of the Shire of Strathbogrie, our Committee of Management unanimously supports the proposal to erect a new CFA facility on the two lower tennis courts at the Recreation Reserve.

Yours faithfully,



David Jamieson  
Secretary

Cc: Steve Crawcour, CEO Shire of Strathbogrie  
David Hamilton, CFA Captain, Strathbogrie

### **9.7.8 Low Cost Camping on Public Land**

Team Leader Building, Health and Compliance Services

Responsible Director: Director Corporate Operations

#### ***EXECUTIVE SUMMARY***

This report is to provide Councillors with an update of the use of public land in Longwood for camping which is currently occurring as well as investigating the use of other locations within the shire.

The trial at the Longwood Recreation Reserve has been restricted to a small area of the overall site towards the front around the existing clubrooms. The original consent provided by Council Officers under the local law contained 16 conditions in relation to the areas for use, duration of stay, and other specific conditions around separation of camping sites, fires, rubbish etc.

Overall compliance with these conditions has been maintained with no complaints having been received to date. One issue raised by the committee has been in relation to travellers camping too close to the coursing track located near the north western boundary of the site. Additional signage has been prepared to address this issue.

Given the apparent success of the trial at the Longwood Recreation Reserve, it is considered reasonable to now consider alternate locations.

#### ***RECOMMENDATION***

***That Council:***

- 1. Endorse the continued use of the Longwood Recreation Reserve for short term camping; and***
- 3. Support the commencement of short-term camping trial(s) in other towns throughout the shire, with a review to be conducted within four (4) months of the trial, and a report be submitted to Council after that. Additional trials must not be commenced before issues associated with risk, emergency management, landowner consent and community engagement are undertaken to the satisfaction of officers.***

#### ***PURPOSE AND BACKGROUND***

This report is to provide Councillors with an update of the use of public land in Longwood for camping which is currently occurring as well as investigating the use of other locations within the shire.

### 9.7.8 Low Cost Camping on Public Land (cont.)

At its Ordinary Meeting on 15 October 2019, Council resolved the following:

*That, subject to Officers being satisfied with issues related to risk and emergency management, local laws and landowner consent, a trial of camping be permitted at the Longwood Recreation Reserve, with a review to be conducted in March 2020, and a report to be submitted to Council after that.*

Having all issues identified being satisfactory to Council Officers, camping at the Longwood Recreation Reserve was approved by officers to commence in December 2019.

As per the resolution of Council, a review of the camping use of the land was undertaken over March 2020. It should be noted that there were five weekends over March. Only two weekends were free of any event or holiday as follows:

- 29 February and 1 March 2020 – Longwood Beer Wine & Cider Festival
- 7-8 March 2020 – Normal weekend
- 14-15 March 2020 – Labour Day weekend
- 21-22 March 2020 – Normal Weekend
- 25 March 2020 – All Public Camping Facilities closed as a result of the State of Emergency declared as a result of COVID-19.

It should be noted that the review month was affected by the Coronavirus pandemic, despite the actual use being officially banned for only one week. As such, the committee has included the previous two (2) months as part of their review in order to give a more detailed review under typical use circumstances.

A review has been undertaken by the committee of management and is attached to this report. The review has been undertaken for the first three months of the year.

#### **ISSUES, OPTIONS AND DISCUSSION**

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

The trial at the Longwood Recreation Reserve has been restricted to a small area of the overall site towards the front around the existing clubrooms. The original consent provided by Council Officers under the local law contained 16 conditions in relation to the areas for use, duration of stay, and other specific conditions around separation of camping sites, fires, rubbish and the like.

Overall compliance with these conditions has been maintained with no complaints having been received to date. One issue raised by the committee has been in relation to travellers camping too close to the coursing track located near the north western boundary of the site. Additional signage was subsequently prepared to address this issue.

### 9.7.8 Low Cost Camping on Public Land (cont.)

Given the apparent success of the trial at the Longwood Recreation Reserve, it is considered reasonable to now consider alternate locations. The consideration of any further sites should be consistent with the approach of the Longwood site as outlined in the October report. Additionally, further community and stakeholder engagement should be undertaken as part of supporting any additional site/s.

#### **COMMUNITY ENGAGEMENT**

A Community Engagement Strategy will need to be prepared by officers as part of the consideration of any additional sites. The requirements of any engagement strategy associated with any location will vary depending the location, proximity, and economic implications, particularly for existing accommodation businesses.

#### **POLICY CONSIDERATIONS**

##### Council Plans and Policies

The investigation into the use of the Longwood Recreation Reserve and other sites throughout the shire is listed as a Key Strategy in the Council Plan 2017-2021 (2019 Review) which states:

- 'Develop options to facilitate camping at appropriate locations within the Shire'

At the time of the October report, Longwood had been identified as a priority and would be used to guide consideration for additional sites into the near future. Additional trials have been flagged for both Violet Town and the Strathbogie Township.

##### Regional, State and National Plans and Policies

Consideration of any future trial sites, as with the Longwood site will have consideration for the relevant policies of the governing body in charge of management of the site as well as any other relevant regional, state or national plan or policy.

#### **LEGAL CONSIDERATIONS**

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

##### Conflict of Interest Declaration

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

#### **FINANCIAL VIABILITY CONSIDERATIONS**

The costs of the Longwood trial to Council have been approximately \$3000 which included risk management, signage and external advice. Grants may be available for the preparation of other sites which could reduce the direct cost to Council.

#### **SUSTAINABILITY CONSIDERATIONS**

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

### 9.7.8 Low Cost Camping on Public Land (cont.)

#### Economic

The provision of camping at the throughout the shire will provide additional accommodation options for travellers who would otherwise stop at other camping sites located outside of the municipal area. In addition to any donations to the community, it is anticipated those using the site will spend money within the local and wider communities which will be of economic benefit to the town.

#### Social

There are no significant community or social implications for Council or the broader community.

#### Environmental

There are no significant environmental implications for Council or the broader community.

#### **HUMAN RIGHTS CONSIDERATIONS**

The proposed recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

#### **CONCLUSION**

The trial of low-cost camping at the Longwood Recreation Reserve has been successful and provided a range of benefits to the local community as well as the travelling public. It is considered appropriate that consideration be given to further trial sites throughout the shire with Violet Town to be considered the next preferred site.

#### **ATTACHMENTS**

**Attachment 1:** Review by Longwood Recreation Reserve Committee of Management



## **ATTACHMENT 1:**

### **CAMPING AT THE LONGWOOD RECREATION RESERVE 1 January 2020 – 31 March 2020**

#### **Report by the Longwood Action Group April 2020**

#### **Background:**

The reinstatement of 'free camping'<sup>1</sup> at the Longwood Recreation Reserve was identified as a key priority of the Longwood Community Plan<sup>2</sup> in June 2018.

After considerable lobbying and negotiation, the Longwood Action Group and the Longwood Community Centre Committee of Management<sup>3</sup> secured the support of the Shire of Strathbogie for a free camping trial to take place at the Longwood Recreation Reserve. The camping trial is scheduled to run between 1 January 2020 -31 December 2020.

This report provides an overview of free camping at Longwood Recreation Reserve between 1 January 2020 and 31 March 2020. Please also note that camping ceased at the Recreation Reserve on 26 March 2020 due to the impact of COVID-19 and at the time of preparation of this report it is not considered likely that it will resume in the foreseeable future.

#### **Overview:**

Campers used the Recreation Reserve for a total of 212 nights during the first three months of the trial period as follows:

<b>Month</b>	<b>No. of Nights</b>	<b>Donations</b>
January	61	\$174.70
February	54	\$176.95
March	97	\$299.30
<b>Total</b>	<b>212</b>	<b>\$650.95</b>

These figures are for total nights (not unique visits or people numbers) and have been ascertained by daily visual inspections undertaken by members of the Longwood Action Group. A number of return visitations (e.g. on way north and again on way south) have also been identified.

The Longwood Action Group elected to take a 'soft launch' approach to promotion of the camping trial to ensure that any potential issues could be identified and resolved early if action was required. There have been no major issues identified.

As part of the soft launch promotion has been limited to key websites such as WikiCamps. Anecdotal evidence suggests that WikiCamps is the key driver of visitation, with visitation to Longwood for other events or activities and word of mouth also solid contributors.

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<sup>1</sup> 'Free camping' refers to the ability to stay overnight at the Recreation Reserve without paying a prescribed fee or charge. Donations are encouraged but not required. Camping for the context of this trial includes all recreational vehicles (self-contained or otherwise) including caravans, motor homes, camper trailers, fifth wheelers, buses and tents.

<sup>2</sup> Prepared by the Longwood Action Group June 2018

<sup>3</sup> The Longwood Community Centre Committee of Management is the responsible body for the management of the Longwood Recreation Reserve.

### **Donations:**

Campers are encouraged to provide a donation during their stay towards the upkeep and improvement of the Recreation Reserve. Signs encouraging donations are provided at the entrance to the Recreation Reserve, on the toilet facility available to campers and on the Community Centre building.

Donation 'caravans' boxes are located at the White Hart Hotel, the Longwood General Store and Post Office and The Rockery Longwood.

A fourth donation caravan is located inside the toilet facility but is not publicised on the signage to minimise the likelihood of external vandalism or theft. It does however provide the source of the majority of the donations.

A total of \$650.95 has been received in donations during the first three months of the trial. This money has been banked by the Longwood Action Group and by agreement will either be remitted to the Longwood Community Centre Committee of Management or expended directly by the Action Group on camping related improvements to the Recreation Reserve.

### **Campers Feedback:**

The majority of camper's feedback has been received via WikiCamps or other similar sites. Overwhelmingly the feedback has been very positive with reference being made to the proximity to Melbourne, the cleanliness of the toilet facility, the amount of flat space available for all types of rigs, closeness to the pub and the friendliness of the locals (described in one post as 'progressive forward thinkers').

### **Local Business Feedback:**

The three customer facing businesses in Longwood – the White Hart Hotel, Longwood General Store and Post Office and The Rockery have all indicated that they have benefited from campers at the Recreation Reserve. While none of the three businesses are able to directly quantify economic impact, feedback has been provided as follows:

- General Store: increased use of post office, take-away meals, newspapers and coffee
- Hotel: initially little impact but picked up during February/March with campers coming into hotel for drinks and meals and commenting on how they loved the camping area
- Rockery: a number of visitors identified that they were campers when visiting.

Whilst not a commercial business, feedback from the Longwood Football Netball Club in relation to the Longwood Beer, Wine and Cider Festival indicates that camping was well received by many attendees and helped to drive visitation to the event.

### **Local Community Feedback:**

The Action Group has received many positive comments from Longwood residents who are embracing 'sharing' their recreation reserve and town with visitors. The Longwood Action Group has received no negative feedback from residents.

One issue has been identified by the Longwood Coursing Club, with a request for campers not to park beside the Coursing track fence. A request to Shire for signage (just prior to the cessation of the trial and yet to be actioned) should remedy this issue to the satisfaction of all concerned.

**Priorities Going Forward:**

Three months in the trial is considered to be very successful and no major concerns have arisen. With COVID-19 restrictions prohibiting camping for the foreseeable future it is unknown when the trial can re-commence.

The Longwood Action Group has identified the following as priorities going forward and will work with the Longwood Community Centre Committee of Management, the Shire of Strathbogie and the local community to address:

- Improved 'Camping Rules' signage – More prominent signage is needed so that expectations and rules are clearer for campers to read.
- No camping signage – Required for Community Centre car park areas and Coursing Track immediate surrounds.
- Marketing Strategy - To further promote the Recreation Reserve as a destination for campers
- Donation Strategy – To identify priority for expenditure of funds.
- Celebration – As a community celebrate our achievements.

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### **9.7.9 Sale of the Longwood Units, 1-5/10 Jean Street, Longwood**

Responsible Director: Director Community & Planning

#### ***EXECUTIVE SUMMARY***

The purpose of the report is to finalise the sale of the Longwood Units, which are surplus to Council's needs. The subject property has been owned by Council and its predecessors for some time which has been the subject of a lease agreement between Council and the former Housing Commission for the land and units, dated 20 May 1981. The lease period was to be for 55 years; however, it was terminated in 2012. Hence, the land and improvements have been fully resumed by Council.

At its Ordinary Meeting 18 December 2018, Council resolved to:

1. Authorise an "Expression of Interest" process for the disposal of the Longwood Units at 1-5/10 Jean St, Longwood as outlined in this report;
2. Direct the Chief Executive Officer or his delegate to obtain a review of the current valuation by a professional and qualified property Valuer; and
3. Continue to work with the Longwood Community Representatives to ensure the final option for the site is compatible with Council and Community expectations.

The Expression of Interest was conducted as follows:

<b>Advertising</b>	Wednesday 13 March 2019
<b>Open/Inspection Day</b>	Friday 22 March 2019 (Between 10.00am and 1.00pm)
<b>Closing date and time</b>	Friday 12 April 2019 5.00pm

The Expression of Interest resulted in two submissions:

1. Private party to purchase the land and buildings for \$250,000; and
2. A representative of Believe Inspire & Grow ~ Community Arts & Tourism Spaces ('BIG CATS') for a community arts space in partnership with Council.

In consultation with the community (Longwood Action Group) and submitters, it is recommended to sell the units to the private party for the price of \$250,000. The second submission was deemed to be a worthy project possibly at another site for which the Council could investigate through the Tourism, Arts and Culture Committee. The units in their current condition are not suitable for the "Big CATS" project.

The current valuation, which is over six months old (21/01/2019), values the land and buildings at \$350,000. Council has never received an offer close to this valuation since the property went on the market in 2014. This included a public auction that failed with no bidders reaching close to the reserve price. The valuation is currently being updated with initial indications that the value will remain static (or may go down). The sale is subject to the valuation not increasing by 2 per cent.

The recommended sale and price offer are consistent with Council's "Disposal or Sale of Council Assets Policy" and the *Local Government Act 1989 (as the disposal of land provisions under the new 2020 Act do not come into play until 1 July 2021)*. The Land Disposal Evaluation Form and attachment to the Land Disposal Evaluation Form (as attached) support the recommendation to sell the asset to the proposed purchaser at the offer of \$250,000.

#### 9.7.9 Sale of the Longwood Units, 1-5/10 Jean Street, Longwood (cont.)

Due to the protracted period of the property being on the market (since 2014), the site has deteriorated, especially with saplings and tree roots causing damage to the buildings and associated infrastructure. Therefore, part of the negotiations with the preferred purchaser is to tidy up the site and remove the unwanted trees. These trees do not require a planning permit. The purchaser, if successful, is planning to increase the native vegetation of the site and improve the amenity of the block consistent with previous consultation meetings with the Longwood community and Council representatives.

#### **RECOMMENDATION**

##### ***That Council:***

1. ***In accordance with section 189 of the Local Government Act 1989, publish a notice of intention to sell the land, known as 1-5/10 Jean Street, Longwood, by Private Treaty to the private party and stating that a person has the right to make a written submission under section 223 of the Local Government Act 1989, and may also make a verbal submission to Council on the matter.***
2. ***Seek public comment for a period of 28 days in relation to the notice of intention to sell by way of private treaty.***
3. ***Will meet at 5.00 p.m. on Tuesday 11 August 2020 to receive written submissions and hear any supporting verbal submissions.***
4. ***Proceed with the sale of the land by private treaty to the successful submitter for the price of \$250,000 if no submissions are received, subject to;***
  - a) ***the updated valuation not increasing the value of the asset by 2%.***
  - b) ***Council removing the trees on the subject land that are causing damage to the asset and that don't require a planning permit.***

#### **PURPOSE AND BACKGROUND**

The purpose of the report is to finalise the sale of the Longwood Units (known as the "Flats" to the locals), which are surplus to Council's needs, before they become a liability to Council, e.g. the asset deteriorates further and is not marketable without capital improvements.

The subject property has been owned by the Council and its predecessors for some time which has been the subject of a lease agreement between Council and the former Housing Commission for the land and units, dated 20 May 1981. The lease period was to be for 55 years; however, it was terminated in 2012. Hence, the land and improvements have been fully resumed by Council.

#### 9.7.9 Sale of the Longwood Units, 1-5/10 Jean Street, Longwood (cont.)

Council had been working closely with community representatives from Longwood to develop the options that were adopted by Council in May 2014. This included a re-subdivision (consolidation) of the existing titles and the preparation of a Section 173 Agreement (*Local Government Act 1989*) to become a restrictive covenant on the new title post sale. The latter requiring the new owner to construct and new waste treatment system and other relevant construction standards to ensure the property meets community and Council's objectives with the sale.

In 2014 Council resolved to:

1. *Obtain a current land valuation for the property at 1-5/10 Jean St, Longwood (Lot 1, 4, 5 & 6 TP867790) from a Certified Practising Valuer.*
2. *Subdivide the property as per attached proposed Plan of Subdivision, subject to consideration of submissions under Section 223 of the Local Government Act 1989.*
3. *Enter into a Section 173 Agreement of the Local Government Act 1989 with conditions relating to the waste treatment system and other conditions deemed appropriate by the Chief Executive Officer that protect the environment and amenity of the area.*
4. *Sell 1-5/10 Jean St, Longwood by Public Auction, subject to consideration of submissions under Section 223 of the Local Government Act 1989.*
5. *Invite submissions under Section 223 of the Local Government Act 1989 for both the proposed sale and subdivision concurrently.*
6. *Proceed with sale and subdivision if no submissions are received under Section 223 of the Local Government Act 1989.*

The property went to auction and was passed in. The auction process highlighted some issues relating to future development options that may be inconsistent with Council's and the Community's agreed objectives of sale, i.e. that the site becomes a valued asset for Longwood (private and/or public), and does not conflict with the adjacent public open space.

Representatives from the Longwood presented to Council with their concerns and alternative options that could be investigated that would result in a "win-win" situation for Council and the Community.

At the Ordinary Meeting of Council, 16 October 2018, Council resolved to:

1. *Withdraw the public sale of the Longwood Units, 1-5/10 Jean St, Longwood until further options are explored with representatives of the Longwood Community and ratified by Council.*
2. *Direct the Chief Executive Officer or his delegate to work with the Longwood Community Representatives to formulate further options for the Longwood Units for formal consideration at a future Council Meeting.*
3. *Authorise the Director of Innovation & Performance to amend the Section 173 Agreement to restrict development in the area set aside for wastewater disposal and any other minor amendments that are consistent with the objectives of disposal/transfer of the Units.*

9.7.9 Sale of the Longwood Units, 1-5/10 Jean Street, Longwood (cont.)

At its Ordinary Meeting 18 December 2018, Council resolved to:

1. Authorise an “Expression of Interest” process for the disposal of the Longwood Units at 1-5/10 Jean St, Longwood as outlined in this report;
2. Direct the Chief Executive Officer or his delegate to obtain a review of the current valuation by a professional and qualified property Valuer; and
3. Continue to work with the Longwood Community Representatives to ensure the final option for the site is compatible with Council and Community expectations

The Expression of Interest was conducted as follows:

<b>Advertising</b>	Wednesday 13 March 2019
<b>Open/Inspection Day</b>	Friday 22 March 2019 (Between 10.00am and 1.00pm)
<b>Closing date and time</b>	Friday 12 April 2019 5.00pm

Representatives from the Longwood community and Council officers conducted interviews with the submitters in late April. The conclusion by the community and officers is to recommend selling the property to the private party. The lapse in time between the close of the Expression of Interest and this report to Council was due to the negotiations around the wastewater disposal options (which is part of the Section 173 requirements of sale).

**ISSUES, OPTIONS AND DISCUSSION**

The sale is in accordance with Council’s “Disposal or Sale of Council Assets Policy” which has the following objectives:

- implementing Council’s Asset Management Policy and asset management plans,
- ensuring the disposal or rationalisation of Council’s assets is carried out in a transparent, fair, and independent manner,
- enhancing value for the community by using competitive disposal processes,
- promoting the use of resources in an efficient, effective and ethical manner,
- ensuring decision making is consistent, fair and equitable,
- making decisions with probity, accountability and transparency,
- satisfying Council’s economic, social and environmental policies,
- appropriately managing risk, and
- compliance with all relevant legislation.

The “Land Disposal Evaluation Form” (attached to this report) supports the recommendation to sell the asset to the proposed purchaser at the offer of \$250,000.

**COMMUNITY ENGAGEMENT**

The Longwood Action Group and other interested Longwood residents have been fully engaged in the process since 2014. They have worked with Council and its officers to establish the parameters of disposal (consistent with policy and legislation) and they also have assisted in the preparation, promotion and assessment of the EOI and the submitters.

### 9.7.9 Sale of the Longwood Units, 1-5/10 Jean Street, Longwood (cont.)

In addition, the community has conducted several meetings with interested parties in partnership with Council officers and have helped in determining the post-sale development conditions that will improve the amenity of the area, environment and vegetation, and interface with the adjoining parkland.

#### **POLICY CONSIDERATIONS**

The report and recommendation are consistent with Council's "Disposal or Sale of Council Assets Policy" and the *Local Government Act 2020*.

#### **LEGAL CONSIDERATIONS**

The sale is in accordance with section 189 of the Local Government Act 1989 (Restriction on power to sell land) and section 223 of the same act (Right to make a submission).

#### Conflict of Interest Declaration

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

#### Transparency

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

As stated in the "Community Engagement" section of this report and the history contained in the "Purpose & Background" section; the community has been fully engaged in the process and all matters have been discussed openly in formal Council meetings and Community forums and meetings.

All reports to Council from 2014 to date have been discussed in open public forums at Council meetings.

#### **FINANCIAL VIABILITY CONSIDERATIONS**

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

The recommended sale price is \$250,000 and the current valuation (to be updated before any sale and the calling for public submissions) is \$350,000. The land disposal evaluation, as attached to this report, supports the recommendation to sell at the price on offer. The budgeted income is \$250,000 (general revenue).

As per the evaluation form to dispose the asset the following items (not limited to) were considered as major justification for selling under the current valuation:

- \$30,000 to upgrade the waste treatment system (septic).
- \$12,000 per annum to maintain the site.
- \$20,000 capital improvements needed.



### 9.7.9 Sale of the Longwood Units, 1-5/10 Jean Street, Longwood (cont.)

Also, non-direct financial considerations include:

- Community input in selecting the preferred developer to improve the amenity of the area.
- No offer has been greater than \$250,000.
- There are ample greenfield sites in the area that could be developed in lieu of this land.
- The proposed purchaser owns land in the local Longwood area.
- The asset is surplus to Council's needs and does not provide any service or function.

The cost of removal of the trees is estimated at \$5,000 and is included in the estimated cost of disposal.

In addition, the land is valued at \$130,000 and the buildings (site improvements) at \$220,000. Thus, the offer of \$250,000 is greater than the land value if Council was to demolish the buildings due to decline and subsequent amenity impacts into the future. Council would also incur the cost of demolition.

#### **SUSTAINABILITY CONSIDERATIONS**

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

The Longwood community representatives and Council officers believe the proposed purchaser will improve the amenity of the area and increase the native vegetation on-site. The new development proposed and the upgrade to existing units will bring more diverse housing into the Longwood area and provide stimulus to the local economy and hopefully increase social activity by increasing the Longwood population.

#### **HUMAN RIGHTS CONSIDERATIONS**

There will be a positive indirect human right initiative if the recommendation is passed and the sale proceeds to the preferred purchaser. This will be the increase in housing affordability and diversity for the Longwood Community which supports a person's right to housing and social inclusion.

#### **CONCLUSION**

Council, Council officers and the Longwood community have partnered over the last six years to dispose of the "Longwood Flats" to a purchaser who will improve the amenity, economy and social opportunities for the Longwood community by re-developing the site and upgrading the units. This report recommends proceeding to sale with such a developer Expression of Interest closure.

9.7.9 Sale of the Longwood Units, 1-5/10 Jean Street, Longwood (cont.)

Furthermore, the assessment of the proposed sale is consistent with Council's "Disposal or Sale of Council Assets Policy" and justified by the evaluation forms attached. Therefore, it is recommended to publish a notice of intention to sell 1-5/10 Jean St, Longwood by Private Treaty to the private party and stating that a person has the right to make a written submission under section 223 of the Local Government Act 1989, and may also make a verbal submission to Council on the matter.

**ATTACHMENTS**

**Attachment 1:** Land Disposal Evaluation Form

**Attachment 2:** Attachment to the Land Disposal Evaluation Form

**ATTACHMENT 1:**



**LAND DISPOSAL EVALUATION FORM**

*Completed form to be forwarded to the relevant officer or body as identified in section 17.1 of the Disposal of Assets Policy 2019. This form is to be used for land sale or exchange.*

Details of Asset			
Asset identification (Council property ID)	40002242 (Part)		
Street address	1-5 Jean Street, Longwood, VIC, 3665		
Asset description	Land and 5 circa 1982 single storey brick veneer units.		
Ownership details (e.g. any encumbrances on title)	Strathbogie Shire Council (Section 173 to be placed on title – refer Permit		
Relevant asset management plan disposal provisions	Council report 9.7.3 – Ordinary Meeting 18 December 2018		
Description of how asset is used and services it provides to the organisation and/or community	Vacant DHHS housing units transferred to Council ownership. It provides no services for Council or to the community. The community (Longwood Action Group) is encouraging Council to sell the asset for re-development as residential stock for Longwood.		
Current valuation of asset prepared by a suitably qualified Valuer (must be less than 6 months old)	\$350,000 land and buildings NB: Valuation being updated to be less than 6 months old. However, the valuation is envisaged to remain around the same or decrease slightly.		
Estimated cost of disposal	\$8,000	Total expected revenue (i.e. estimated market value minus cost of disposal)	\$242,000
Assessment of the need for disposal against factors outline in section 8.1 of the Disposal of Council	Refer attached for table of responses.		

<b>Assets Policy 2019</b>	
<b>Assessment of proposed method of disposal against the considerations of section 9 of the Disposal of Council Assets Policy</b>	The following methods have been utilized: <ul style="list-style-type: none"> <li>• Public Auction – Attempted in 2019 and failed</li> <li>• Expression of Interest – 2 submitters</li> <li>• Private treaty/sale to preferred submitter (as per the Local Government Act).</li> </ul>
<b>How the asset is going to be replaced (if replacement required)</b>	N/A Council is not a social housing provider and there is no need to replace this asset.
<b>How will the proceeds from the sale be allocated or spent?</b>	The proceeds will be treated as general revenue as per the budget.
<b>Are there any legislative requirements that need to be satisfied?</b>	The Local Government Act for sale of land and buildings, so a section 223 consultation process must be undertaken prior to the acceptance of any expression of interest.
<b>Recommendation</b>	
<i>That the asset is surplus to Council's requirements and therefore should be sold to a purchaser that will develop the site to Council's and the community's expectation.</i>	
<b>Signature, name and position of officer making the assessment</b>	Phil Howard Director Community & Planning
<b>Date:</b>	4 June 2020

**Authorisation required under section 17.1 of the Disposal of Council Assets Policy**

Council resolution

<b>Date proposal considered by EMT prior to being placed on a Council agenda (if applicable)</b>	Matter discussed on several occasions in 2019.
<b>Date of Council resolution (if applicable)</b>	
<b>Decision implemented by (officer name, position and date)</b>	

**ATTACHMENT 2:**

**Disposal of Council Assets Policy 2019 – Attachment to Asset Disposal Evaluation Form**

***Section: 8.1 - Factors to be considered when assessing if an asset is due for disposal***

1. How the disposal of the asset implements the Council Plan, Strategic Resource Plan and long-term financial objectives	Refer Council report 9.7.3 – Ordinary Meeting 18 December 2018
2. The relevant Asset Management Plan's provisions for asset renewal and disposal	N/A (due to resolution to sell)
3. Whether the asset is underutilised	The asset is not used and is non-compliant for human occupation.
4. Useability of the asset	Council has no strategy for use of the asset. Surplus to requirements.
5. The remaining useful life of the asset	The 5 units are deteriorating substantially for useable tenancy each year without proper upgrade and housing maintenance.
6. Current market value	The formal valuation is \$350,000. However, Council has not received an offer over \$250,000 in 6 years since they were deemed surplus and put out to market.
7. Any duplication of the asset that supports its disposal	N/A – Council does not provide social housing.
8. Annual maintenance costs	\$12,000 for mowing and gardening (Replacement of fencing, painting and general maintenance is estimated around \$20,000 in next few years). The onsite septic system must also be upgraded, which is estimated to be around \$30,000.
9. Cost of repair or replacement for a similar asset	See above.
10. Appropriate timing for the disposal to maximise community benefit	August 2020.
11. Any impacts, positive or negative, of the disposal of the asset on the community	Council has been working with the community (Longwood Action Group) to properly dispose of the asset to a preferred developer that will improve the asset for the Longwood community.
12. The service provided by the asset, whether it requires replacement to meet service needs and how its replacement will be funded	N/A

<p>13. Potential risk of ownership (eg contains hazardous materials), including health and safety risks for operators or the community</p>	<p>The major risk is that the unoccupied dwellings will eventually be unattractive for sale due to the deteriorating condition and the community and Council will be left with an adverse amenity issue in Longwood. In addition, if Council continues ownership it will be a cost to the ratepayers in maintenance each year.</p>
<p>14. Cultural or historical significance of the asset</p>	<p>There is no cultural or historical significance.</p>
<p>15. Any positive or negative impact on human rights and Council meeting its obligations under the Victorian Charter of Human Rights and the <i>Charter of Human Rights and Responsibilities Act 2006</i></p>	<p>N/A</p>
<p>16. The outcome of any community consultation processes</p>	<p>The Council has worked closely with the Longwood Action Group and the general Longwood community. Consultation has continued through the whole process and the outcome from the consultation is to dispose the asset to the recommended purchaser with conditions to upgrade the waste treatment system and improve the amenity of the site.</p>
<p>17. Any restrictions on the proposed asset disposal</p>	<p>A Section 173 Agreement will be placed on title as per Planning Permit P2015/002.</p>
<p>18. Any other relevant Council policies</p>	<p>Nil</p>
<p>19. Where or for what purpose the proceeds of the asset's sale will be allocated or spent.</p>	<p>The proceeds will go into general revenue as per the budget.</p>

### **9.7.10 Business Management System**

The June 2020 Business Management System Report includes reports as follows:-

- Building Department – May 2020 Statistics
- Planning Department – Planning Application Approvals – Development Cost (Capital Improved Value) - May 2020
- Customer Enquiry Analysis Report – Report for May 2020
- Waste Management Reporting ~ Year to Date - May 2020
- Actioning of Council Reports Resolutions – Council Meeting 19 May 2020
- Outstanding Actions of Council Resolutions to 31 May 2020
- Review of Council Policies and Adoption of new Policies – May/June 2020
- Record of Assemblies of Councillors
- Record of Minutes of Meetings of Special Committees of Council received in the past month

By reporting on a monthly basis, Council can effectively manage any risks that may arise. The Business Management System will also incorporate Council's corporate goals and objectives.

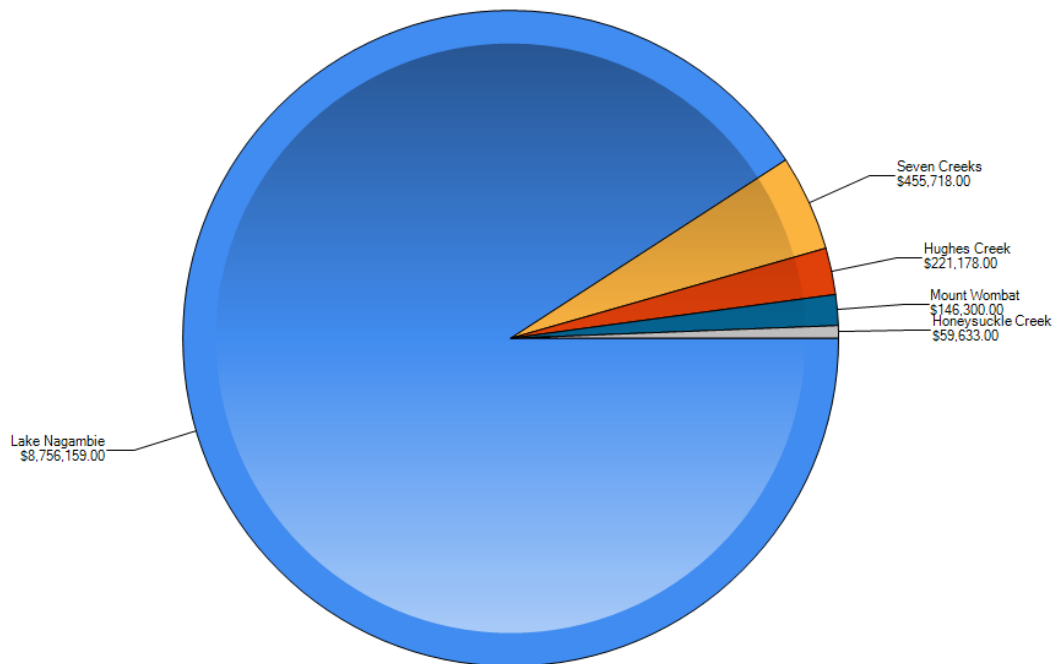
***RECOMMENDATION***

***That the report be noted.***

**BUILDING ACTIVITY**

**MAY 2020**

Twenty-seven (27) permits, with a works value of \$9,638,988.00, were lodged with Council in May. Just under half (12) of the permits lodged were for works within the Lake Nagambie ward and two of those permits have a value of over \$2mil each, which has significantly attributed to the proposed works in the ward having over 90% of the total works value. The proposed works for the remaining Council wards are sheds, with the exception of a dwelling in the Seven Creeks ward and dwelling improvement in the Hughes Creek ward.



**Honeysuckle Creek**

Permit Number	Permit Date	Works	Building Use	Town	Cost of Works
2540477694662	4/05/2020	Construction of	Shed	Tamleugh	\$22,673.00
3033001148378	21/05/2020	Construction of	Shed	Baddaginnie	\$10,000.00
5675970429013	30/04/2020	Construction of	Shed	Marroweeney	\$26,960.00

**Hughes Creek**

Permit Number	Permit Date	Works	Building Use	Town	Cost of Works
1043914835774	15/05/2020	Alterations & Additions to, Construction of	Dwelling, Carport, Pergola	Avenel	\$180,664.00
5575193670320	2/05/2020	Construction of	Verandah, Carport	Avenel	\$14,514.00
6670450566756	1/05/2020	Construction of	Shed	Avenel	\$26,000.00



## Lake Nagambie

Permit Number	Permit Date	Works	Building Use	Town	Cost of Works
1402580119196	18/05/2020	Alterations & Additions to	Dwelling	Kirwans Bridge	\$250,000.00
1910525398485	27/05/2020	Construction of	Dwelling & Garage	Nagambie	\$258,942.00
2805952034521	7/04/2020	Construction of	Office	Mangalore	\$2,850,000.00
2866876016409	14/05/2020	Construction of	Dwelling & Garage	Mitchellstown	\$395,000.00
3257518782780	22/05/2020	Alterations & Additions to	Aged Care Facility	Nagambie	\$850,000.00
4045953736267	7/05/2020	Construction of	Carport	Nagambie	\$5,000.00
4833922394136	27/05/2020	Construction of	Dwelling & Carport	Mangalore	\$314,892.00
4848155119433	7/04/2020	Construction of	Dwelling & Garage	Mitchellstown	\$2,720,000.00
5933557197986	29/03/2020	Construction of	Dwelling	Nagambie	\$490,000.00
5935359833156	20/05/2020	Construction of	Shed	Nagambie	\$14,000.00
8277330298372	4/05/2020	Construction of	Shed	Mangalore	\$298,325.00
9513157424222	14/05/2020	Construction of	Dwelling	Mitchellstown	\$310,000.00

## Mount Wombat

Permit Number	Permit Date	Works	Building Use	Town	Cost of Works
1408957580902	27/05/2020	Construction of	Shed	Ruffy	\$15,800.00
2193396611455	7/05/2020	Alterations & Additions to	Shed	Ruffy	\$50,000.00
2864653036062	13/05/2020	Construction of	Shed	Strathbogie	\$15,500.00
5474168417553	30/04/2020	Construction of	Shed	Creightons Creek	\$40,000.00
9013079205635	27/05/2020	Construction of	Shed	Euroa	\$25,000.00

## Seven Creeks

Permit Number	Permit Date	Works	Building Use	Town	Cost of Works
1964695313782	5/05/2020	Construction of	Shed	Euroa	\$12,901.00
2788569381800	21/05/2020	Construction of	Dwelling & Garage	Euroa	\$395,000.00
3710575931104	2/03/2020	Construction of	Shed	Euroa	\$23,203.00
9640643157312	31/05/2020	Construction of	Shed	Euroa	\$24,614.00

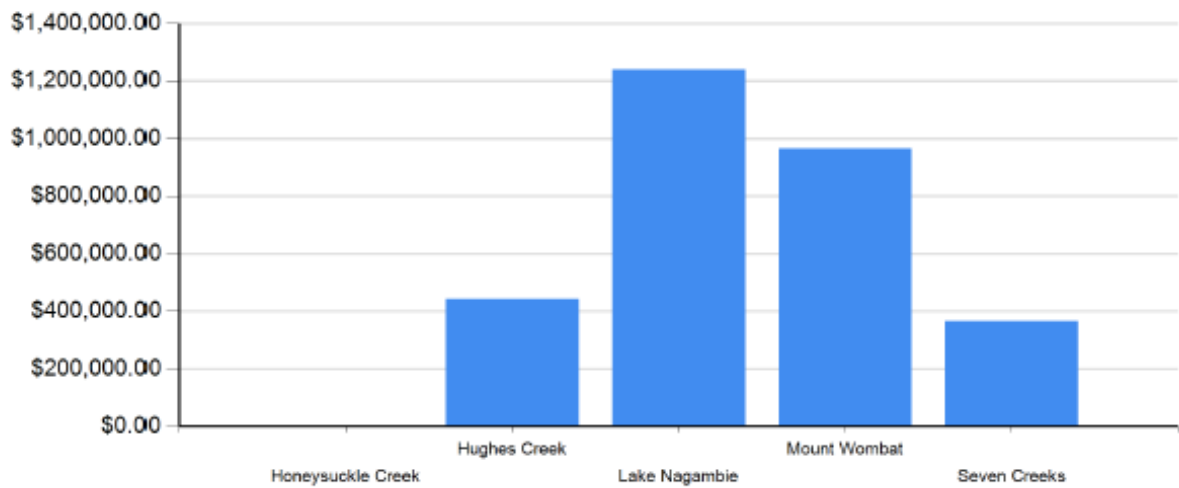
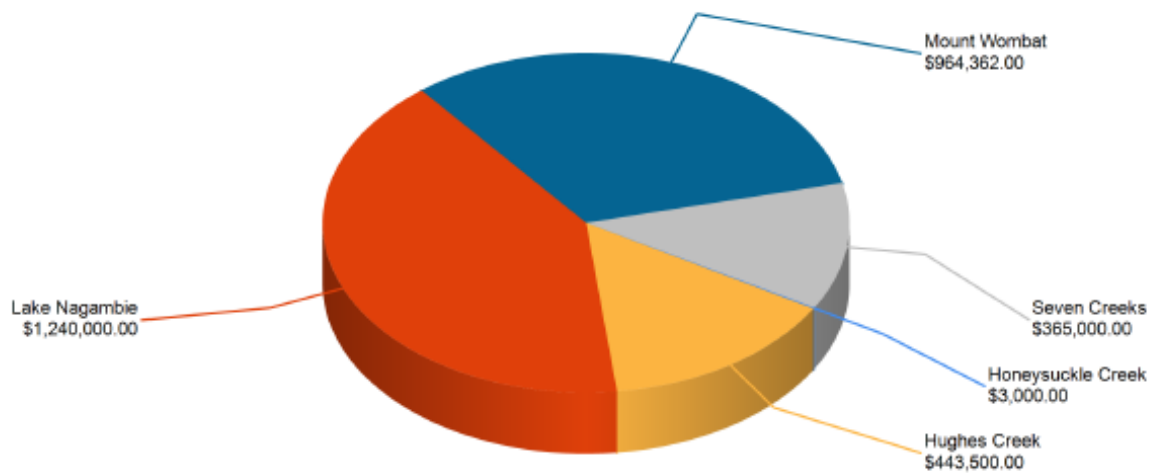
**PLANNING APPLICATION APPROVALS – DEVELOPMENT COST (CAPITAL  
IMPROVED VALUE)  
MAY 2020**



## Planning Applications Determined

May 2020

<b>Honeysuckle Creek</b>	<b>\$3,000.00</b>
Violet Town	\$3,000.00
<b>Hughes Creek</b>	<b>\$443,500.00</b>
Mangalore	\$93,500.00
Mangalore	\$350,000.00
<b>Lake Nagambie</b>	<b>\$1,240,000.00</b>
Kirwans Bridge	\$25,000.00
Nagambie	\$665,000.00
Nagambie	\$150,000.00
Nagambie	\$400,000.00
<b>Mount Wombat</b>	<b>\$964,362.00</b>
Euroa	\$26,000.00
Gooram	\$400,000.00
Kelvin View	\$470,000.00
Ruffy	\$25,000.00
Ruffy	\$25,000.00
Strathbogrie	\$18,362.00
<b>Seven Creeks</b>	<b>\$365,000.00</b>
Euroa	\$365,000.00
<b>Total Value</b>	<b>\$3,015,862.00</b>



**CUSTOMER ENQUIRY ANALYSIS REPORT**  
**- REPORT FOR MAY 2020**



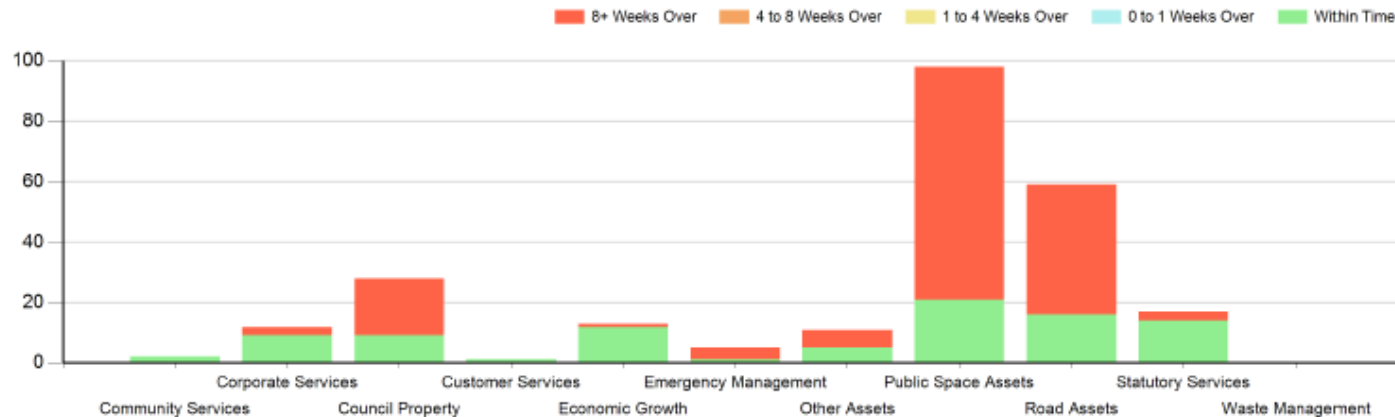
**Request Throughput Analysis**

01/05/2020 to 31/05/2020

C N	Complete / New	> 80%	50-80%	< 50%
	Overdue / Remaining	< 33%	34-70%	> 70%

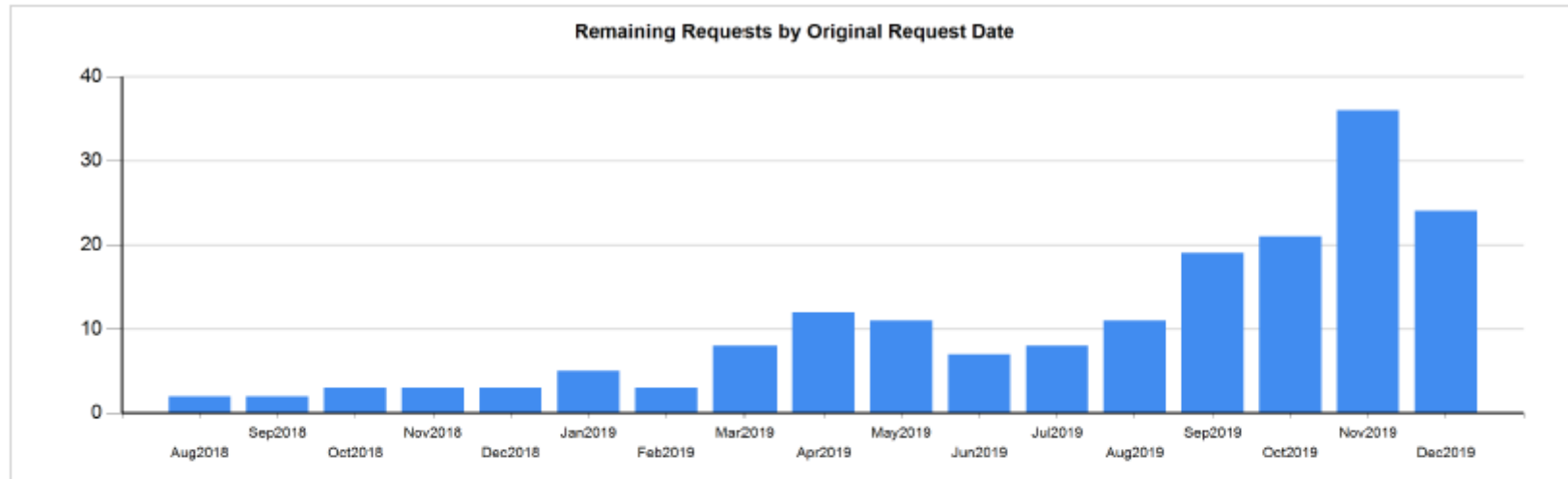
Service Area	Existing Requests	New Requests	Completed Requests	Remaining Requests	C N	Within Time	Over Time	O R	Pending Resources	Service Area Usage
Community Services	4	32	32	4	🟢	2	2	🟡	0	█
Corporate Services	18	81	73	26	🟢	9	17	🟡	0	█
Council Property	62	46	51	57	🟢	9	48	🔴	0	█
Customer Services	7	17	21	3	🟢	1	2	🟡	0	█
Economic Growth	18	240	237	21	🟢	12	9	🟡	0	█
Emergency Management	28	27	27	28	🟢	1	27	🔴	0	█
Other Assets	36	28	23	41	🟢	5	38	🔴	0	█
Public Space Assets	190	71	89	157	🟢	21	136	🔴	15	█
Road Assets	133	75	68	137	🟢	16	121	🔴	3	█
Statutory Services	30	170	170	30	🟢	14	16	🟡	0	█
Waste Management	2	9	9	2	🟢	0	2	🔴	0	█

**Request Ageing**



**Service Usage**





		Corporate Services	Council Property	Economic Growth	Emergency Management	Other Assets	Public Space Assets	Road Assets	Statutory Services
2018	August						2		
	September	1					1		
	October		1				1	1	
	November						2	1	
	December	1						2	
2019	January						3		2
	February						2	1	
	March		1				4	3	
	April						6	6	
	May	1				1	4	5	
	June						1	6	
	July		1		1	1	3	2	
	August		2				4	5	
	September		3		1	2	13		
	October		4	1		1	9	5	1

2019	November		4		2		26	4	
	December		5	1	1	1	11	5	
Total		3	21	2	5	6	92	46	3

**Definitions**

**Service Area**      Grouping of services by area of responsibility

**Existing**            Requests open prior to reporting period

**New**                  Requests made during reporting period

**Within Time**        Remaining Requests where defined deadline is after reporting period

**Pending Resources**    Requests where additional resources are required to continue. This includes labour, materials, and financial resources.

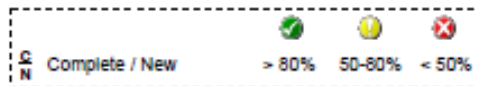
**Service**              Activities that provide value to the customer

**Remaining**          Requests incomplete at end of reporting period

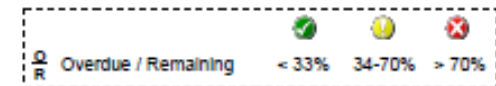
**Completed**          Requests completed during reporting period

**Over Time**            Remaining Requests where defined deadline is before the end of the reporting period

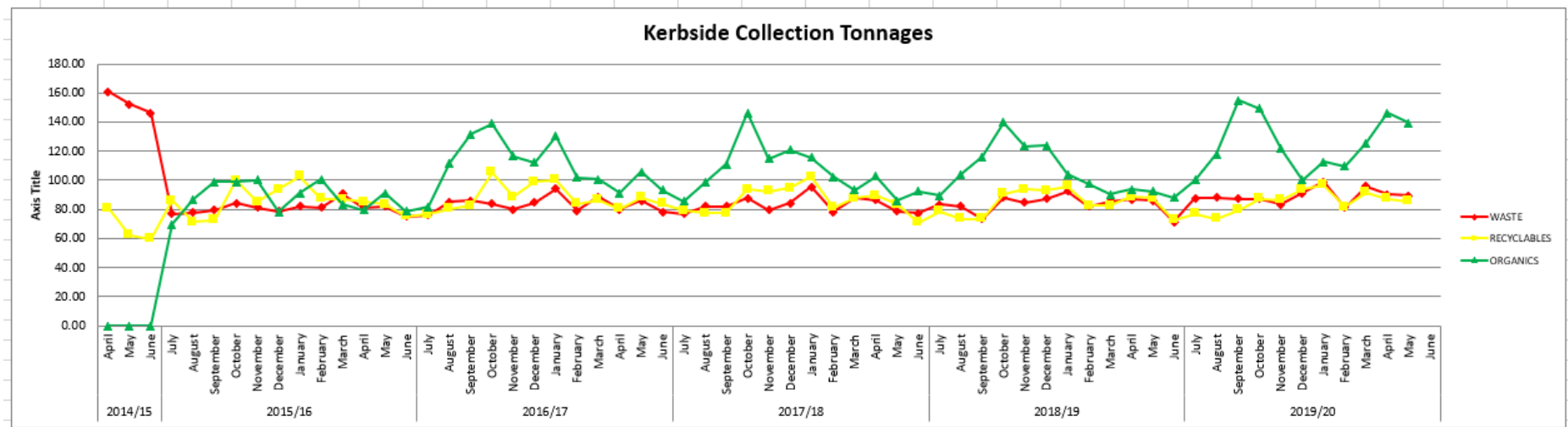
**Complete New**      An indicator showing the ratio of Completed requests and New requests. Designed to represent how well we are keeping up with the demand for a service.



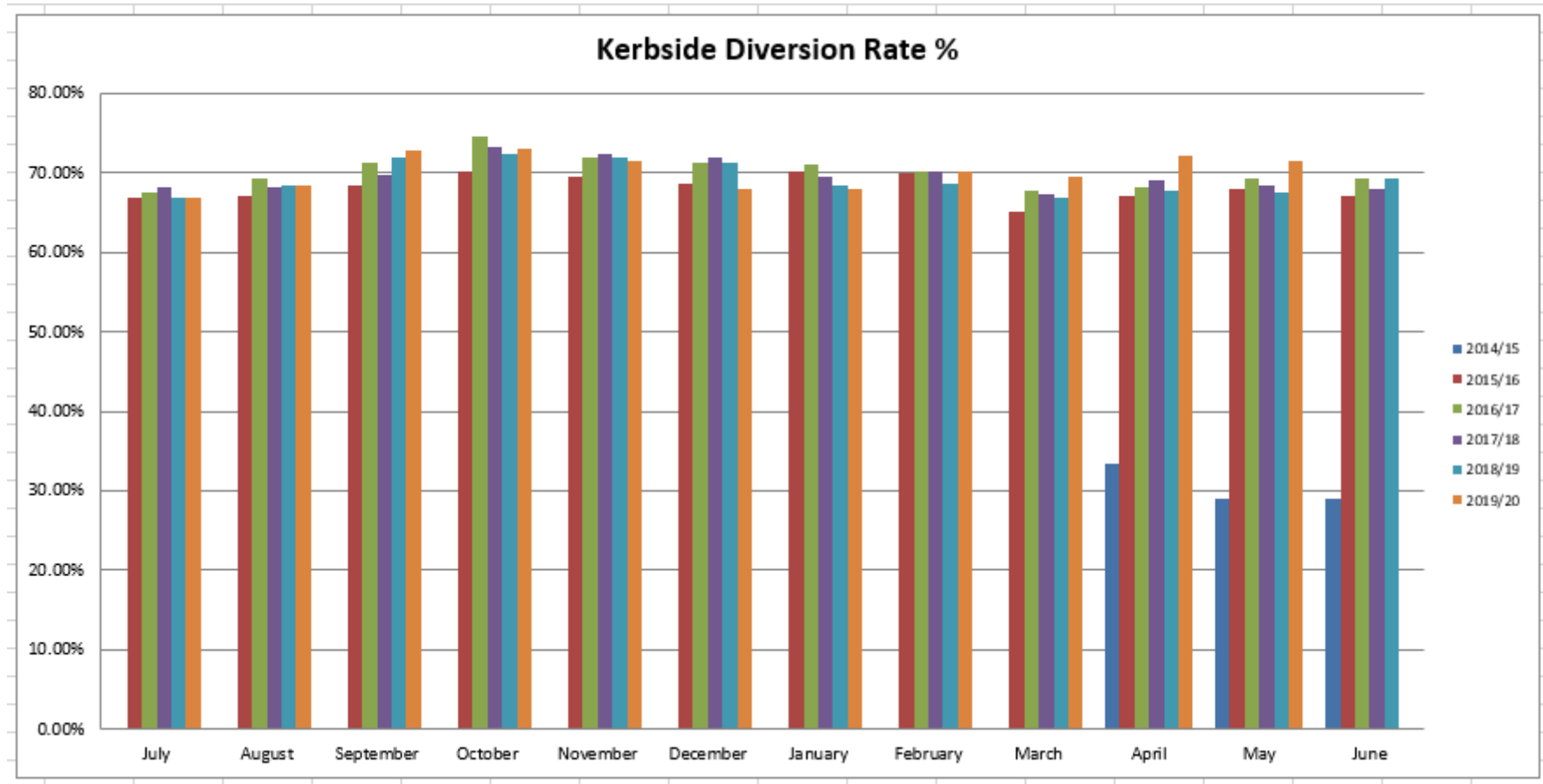
**Overdue Remaining**    An indicator showing the ratio of Overdue requests and Remaining requests. Designed to represent how well we are keeping to the defined deadlines.

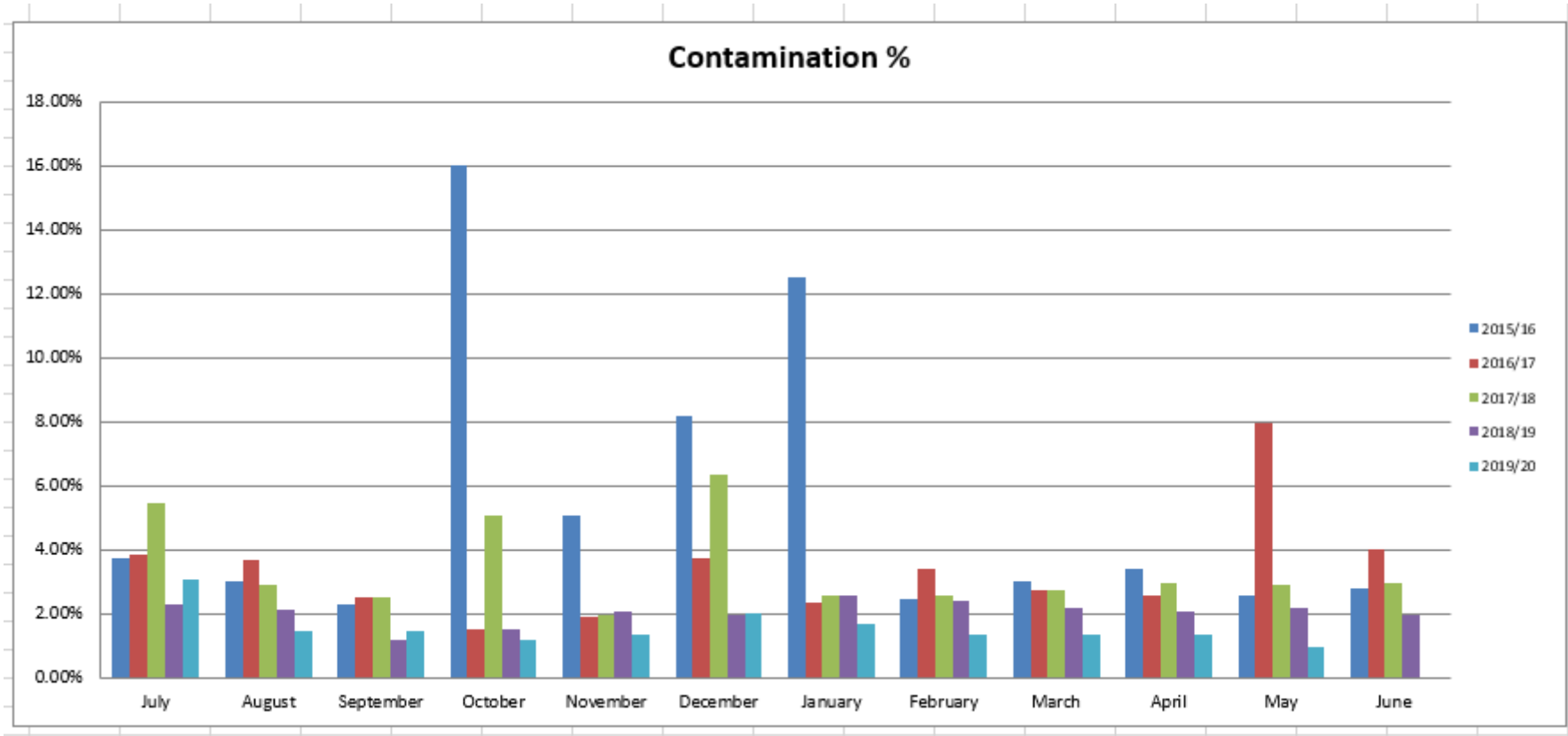


**WASTE MANAGEMENT REPORTING**  
**YEAR TO DATE - MAY 2020**

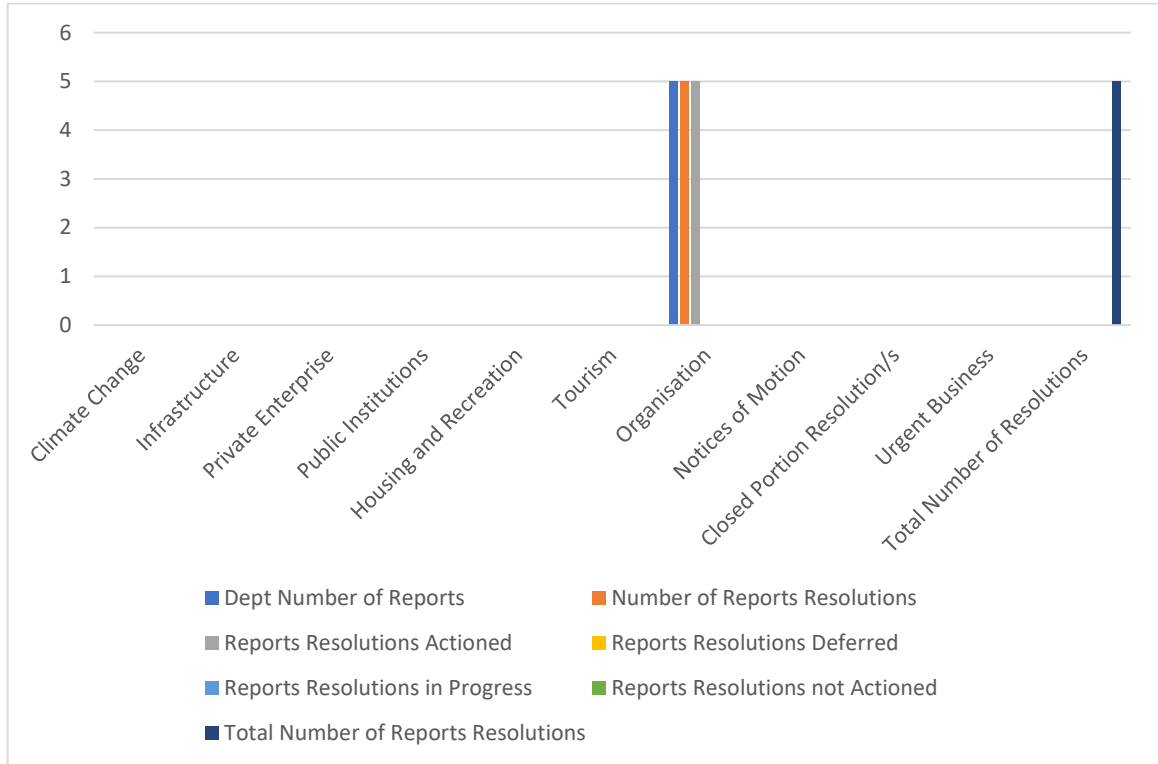








**ACTIONING OF COUNCIL REPORTS RESOLUTIONS**  
**COUNCIL MEETING – 19 MAY 2020**



**OUTSTANDING ACTIONS OF COUNCIL RESOLUTIONS TO**  
**31 MAY 2020**

*This Report is to advise the Executive Management Team, Councillors and the community of the status of previous Council resolutions which are in progress but are yet to be finalised.*

<b>Council Meeting Date</b>	<b>Item No.</b>	<b>Description</b>

**REVIEW OF EXISTING COUNCIL POLICIES**  
**AND ADOPTION OF NEW POLICIES**

<b>Review of Policy / New Policy</b>	<b>Policy Name</b>	<b>Details</b>
New Policies	Draft Public Transparency Policy	Refer to Item 9.7.2
	Draft Council Expenses Policy	Refer to Item 9.7.3
	Draft Public Interests Disclosure Policy	Refer to Item 9.7.4

## **RECORDS OF ASSEMBLIES OF COUNCILLORS**

### **For period 30 April to 27 May 2020**

Record in accordance with sections 77 and 80A(1) of the *Local Government Act 1989*

*Note: Details of matters discussed at the meeting that have been designated confidential under section 77 of the Local Government Act 1989 are described in a separate "confidential addendum" that will be reported to the next closed Council meeting]*

**Name of Meeting:** Assembly of Councillors

**Date of Meeting:** Tuesday 12 May 2020

**Time:** 12.15 p.m. to 5.00 p.m.

#### **Attendees:**

##### Councillors

Amanda McClaren  
Robert Gardner  
Malcolm Little  
John Mason  
Graeme Williams

##### Officers

Julie Salomon (Chief Executive Officer)  
Phil Howard (Director, Community and Planning)  
David Roff (Director, Corporate Operations)  
Dawn Bray (Executive Manager, Governance and Customer Service)  
Kristin Favaloro (Executive Manager, Communications and Engagement)

*\* Participated via video-conference*

##### Apologies

Councillor Chris Raeburn  
Councillor Alistair Thomson

#### Declarations of Interest

1. Councillors / ELT – 'Welcome and What's been Happening'
2. Introduction to Kristin Favaloro – Executive Manager, Communications and Engagement / Budget and Council Plan Engagement Opportunities
3. Mock Virtual Meeting
4. Project Management Framework
5. Review of Draft May Ordinary Council Meeting Agenda
6. Review of May Planning Committee Agenda and Planning Matters Update/s
7. Items for Discussion
  - 7.1 Site visits for planning matters
  - 7.2 Seven Creeks All Abilities Access Ramp – Stage 2

Councillor/s - Declaration of Interest/s / Direct or Indirect - NIL

Officer/s - Declaration of Interest/s / Direct or Indirect - NIL

## Record of Assembly of Councillors

Record in accordance with sections 77 and 80A(1) of the *Local Government Act 1989*

*Note: Details of matters discussed at the meeting that have been designated confidential under section 77 of the Local Government Act 1989 are described in a separate "confidential addendum" that will be reported to the next closed Council meeting*

**Name of Meeting:** Assembly of Councillors

**Date of Meeting:** Tuesday 19 May 2020

**Time:** 2.15 p.m. to 6.44 p.m.

### **Attendees:**

#### Councillors

Amanda McClaren  
Robert Gardner  
Malcolm Little  
John Mason  
Chris Raeburn  
Alistair Thomson  
Graeme Williams

#### Officers

Julie Salomon (Chief Executive Officer)  
Phil Howard (Director, Community and Planning)  
Dawn Bray (Executive Manager, Governance and Customer Service)  
Kristin Favaloro (Executive Manager, Communications and Engagement)

#### Apologies

David Roff (Director, Corporate Operations)

### Declarations of Interest

1. Councillors / ELT – 'Welcome and What's been Happening'
2. Roads Projects ~ update by Manager, Project Delivery – Carol Steinfort
3. Planning Matters
4. May Ordinary Council Meeting Agenda Review
5. Planning Committee Meeting
6. Business Connect and Support Proposal ~ briefing by Economic Development and Project Officer, Steve Cooper (*refer Attachments – Pages 1-3*)
7. Goulburn Valley Water Overhead Standpipe Upgrades – Euroa ~ briefing by Manager, Infrastructure – Uwe Paffrath (*refer Attached – Pages 4-10*)
8. Items for Discussion
  - 8.1 Rescheduling of Planning Committee Meeting to Tuesday 23 June 2020
  - 8.2 Joint approach to Victorian Government Priority Project Fast Track Initiative
9. May Ordinary Council Meeting

Councillor/s - Declaration of Interest/s / Direct or Indirect

Matter No.	Names of Councillor/s who disclosed interest	Did the Councillor/s leave the meeting?
Item 9 / 9.7.4	Cr Williams	No

Officer/s - Declaration of Interest/s / Direct or Indirect - NIL

## Record of Assembly of Councillors

Record in accordance with sections 77 and 80A(1) of the *Local Government Act 1989*

*Note: Details of matters discussed at the meeting that have been designated confidential under section 77 of the Local Government Act 1989 are described in a separate "confidential addendum" that will be reported to the next closed Council meeting*

**Name of Meeting:** Assembly of Councillors

**Date of Meeting:** Tuesday 2 June 2020

**Time:** 2.00 p.m. to 7.00 p.m.

### **Attendees:**

#### Councillors

Amanda McClaren  
Malcolm Little  
John Mason  
Chris Raeburn  
Alistair Thomson

#### Officers

Julie Salomon (Chief Executive Officer)  
Phil Howard (Director, Community and Planning)  
David Roff (Director, Corporate Operations)  
Dawn Bray (Executive Manager, Governance and Customer Service)  
Kristin Favaloro (Executive Manager, Communications and Engagement)

#### Apologies

Councillor Graeme Williams  
Councillor Robert Gardner  
Dawn Bray (Executive Manager, Governance and Customer Service)

### Declarations of Interest

1. MAV Membership Fees
2. Capital Works / Projects Update
3. Proposed Expenditure of Government Funding allocation
4. Community Action Group Action Plans Update
5. Youth Projects Update
6. Items for Discussion as requested by Councillors
  - Community Sports Infrastructure Stimulus Program
7. Items for Discussion
  - 7.1 Planning Matters – Nagambie
  - 7.2 Planning Permit Application – Consultation Meeting
8. Budget Online Information Session – Honeysuckle Creek Ward

Councillor/s - Declaration of Interest/s / Direct or Indirect - NIL

Officer/s - Declaration of Interest/s / Direct or Indirect - NIL



**RECORD OF MEETINGS OF SPECIAL COMMITTEES OF COUNCIL**

**Record of Minutes of Meetings received in the May / June 2020 Period**

<b>Name of Special Committee</b>	<b>Date of Meeting</b>

- 10. **NOTICES OF MOTION**
- 11. **URGENT BUSINESS**
- 12. **CLOSURE OF MEETING TO THE PUBLIC**

..... p.m.

**CRS** ..... -

That Council, in accordance with section 66(2)(a) and Part 1, Clause 3 'Definitions– Confidential Information' of the Local Government Act 2020, resolve to close the meeting to members of the public for the purpose of considering items relating to:-  
*(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs*

C.P. 1 Sale of the Longwood Units, 1-5/10 Jean Street, Longwood

..... p.m.

**CRS** ..... -

**That Council open the meeting to members of the public and resume normal business.**

- 13. **CONFIRMATION OF 'CLOSED PORTION' DECISION/S**

*Closed Portion Decision/s* -

**C.P. 1 Sale of the Longwood Units, 1-5/10 Jean Street, Longwood**

**RECOMMENDATION**

**CRS** ..... -

**That the decision/s of Council's 'Closed Portion' considerations be confirmed.**

**NEXT MEETING**

The next Ordinary Meeting of the Strathbogie Shire Council is scheduled to be held on Tuesday 21 July 2020, at the Euroa Community Conference Centre, commencing at 6.00 p.m.

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