



SCOPE

This assessment tool is to be used when preparing any new Council Policy or amending/updating an existing policy. It also applies to any new or updated CEO Directive.

WHY DO WE NEED AN ASSESSMENT TOOL?

The Charter of Human Rights and Responsibilities Act 2006 and the Gender Equity Act 2020 both require Council to consider the impacts on rights and responsibilities when making decisions, preparing or updating a new local law, when making changes to council services and when preparing/updating new policies and procedures. Council is also required to consider climate change mitigation and planning in its decisions under section 9 of the Local Government Act 2020. This same act also outlines strategic principles that must be considered when developing or updating policies and directives.

This tool is to guide you through how to complete such an assessment to ensure that Council is meeting its legislative obligations, as well as ensuring there is no unconscious bias or inadvertent adverse implications for peoples' rights when preparing policies and CEO Directives.

HOW DO I USE THIS TOOL?

You must use this tool whenever updating or preparing a new Council Policy or CEO Directive. This assessment will form part of the documentation provide to ELT and Council to inform their consideration of the proposed policy or directive.

All sections of the tool need to be completed – if there are no apparent implications, then please write something along the lines of '*It is considered there are no implications at the time of preparing this document.*' For the Local Government Act 2020 principles, you may include the text '*Not applicable*' if it is irrelevant to the policy or directive.

CONSIDERATION OF PRINCIPLES OUTLINED BY THE LOCAL GOVERNMENT ACT 2020

Principle	Comment
Governance and Strategic Principles (section 9)	
Council decisions are to be made and actions taken in accordance with the relevant law	Charter of Human Rights and Responsibilities Act 2006 Equal Opportunity Act 2010 Copyright Act 1968
Priority is to be given to achieving the best outcomes for the municipal community, including future generations	Policy purpose: To provide a clear and transparent process for assessing and making decisions about the design, placement, and preservation of art in public spaces in the Strathbogie Shire, with the aims of: <ul style="list-style-type: none"> • Enhancing new and existing public spaces • Growing a public art collection that demonstrates strong contemporary art practice • Reflecting stories, themes, and issues relevant to our community • Providing opportunities for place-making and community engagement
The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted	Public art commissions, acquisitions, transfers (including those that are works created as a result of a community grant) and donations of works will be assessed against the following six criteria: <ol style="list-style-type: none"> 1. Evidence of high quality, contemporary arts practice. The artist or artists have experience and skills to deliver strong public art outcomes 2. Suitability of the work to the site. The public art piece or proposal considers existing/planned urban design, public safety and risk implications, public use, environmental and physical impact. 3. Relevance of the work to local stories, themes or issues. The public art piece is relevant to residents and/or includes plans for community engagement. 4. Expected durability and required maintenance of the work (i.e. whole of life costings). 5. Adequate budget and resources to deliver proposed work. 6. Consistency with Council's current planning, heritage, environmental and social policies.
The municipal community is to be engaged in strategic planning and strategic decision making	The guiding principles when considering public artwork for the shire, Strathbogie Shire Council (Council) includes:

	<ul style="list-style-type: none"> • Sense of community – The community will inform the development, selection and acquisition of public art, where appropriate. <p>Process for commissioning or acquiring Permanent or Temporary Works by Council:</p> <p>Stage 1: All proposed public art pieces commissioned by Council will be considered by a range of stakeholders that may include local community members, relevant Council Departments, Council and the appropriate landowner/land manager if not Council.</p> <p>Stage 2: A consultative panel will be utilised to assess the artistic merit of the proposed public art piece. The panel will be made up of three to five members including Council's Art and Culture Officer, at least one local community representative, and at least one independent art professional.</p>
Innovation and continuous improvement is to be pursued	Council will review this policy a minimum of every two years.
Collaboration with other Councils and Governments and statutory bodies is to be sought	n/a
The ongoing financial viability of the Council is to be ensured	<p>All public art commissioned by Council must be approved through the annual Council budget process</p> <p>Every year, Council will allocate the necessary budget to facilitate the ongoing maintenance of all works in the public art collection, as recommended in the maintenance plan.</p>
Regional, state and national plans and policies are to be taken into account in strategic planning and decision making	n/a
The transparency of Council decisions, actions and information is to be ensured	<p>Process for commissioning or acquiring Permanent or Temporary Works by Council: Stage 3 Final review and decision procedure –</p> <p>Council Officers will draft a report in relation to the outcomes of the assessment and review of the public artwork for consideration. Reports will be considered and/ or authorised by either Executive Leadership or Council. If the public artwork or project is consistent with this Policy and within existing budget allocation the report will be considered by the Executive Leadership Team. If the public artwork is inconsistent with this policy or outside of the annual budget allocation, it may be considered by Council for decision. The report and recommendations will draw on feedback provided by stakeholders at each stage as well as the results of the public voting process (if applicable) and landowner approval and copies of other required</p>

	permits/approvals (where appropriate). Community and artists will be informed of the outcome.
Community Engagement Principles (section 56)	
A community engagement process must have a clearly defined objective and scope	All proposed public art pieces commissioned by Council will be considered by a range of stakeholders that may include local community members, relevant Council Departments, Council and the appropriate landowner/land manager if not Council. The community engagement process will be task appropriate depending on the artwork up for consideration. The community will be given the opportunity to be a community representative on the consultative panel that is utilised to assess the artistic merit of the proposed public art piece.
Participants in community engagement must have access to objective, relevant and timely information to inform their participation	This will be incorporated into the community engagement process
Participants in community engagement must be representative of the persons and groups affected by the matter that is the subject of the community engagement	a/a
Participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement;	a/a
Principle	Comment
Participants in community engagement are informed of the ways in which the community engagement process will influence Council decision making	a/a
Public Transparency Principles (section 58)	
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	All decision making processes and information dissemination will be conducted as per the Community Engagement Policy
Council information must be publicly available unless— (i) the information is confidential by virtue of this Act or any other Act; or (ii) public availability of the information would be contrary to the public interest	a/a
Council information must be understandable and accessible to members of the municipal community	a/a

Public awareness of the availability of Council information must be facilitated	a/a
Strategic Planning Principles (section 89)	
A Council must undertake the preparation of its Council Plan and other strategic plans in accordance with the strategic planning principles	Refer to responses to the 5 strategic planning principles below
An integrated approach to planning, monitoring and performance reporting is to be adopted	<p>The following Council plans and policies are relevant to this policy under each subtitle.</p> <p>Strathbogie Shire Council Plan 2021-2025</p> <p>Strathbogie Shire Arts and Culture Policy</p> <p>Strathbogie Shire Arts and Culture Strategy 2019-2023</p> <p>Strathbogie Shire Arts and Culture Strategy Action Plan 2019-2023</p> <p>Strathbogie Shire Council Procurement Policy</p> <p>Strathbogie Shire Community Engagement Policy - adopted February 2021</p> <p>Strathbogie Shire Community Engagement Strategy 2019-2022</p> <p>Strathbogie Shire Asset Management Plan</p> <p>Strathbogie Shire Disposal of Council Assets Policy</p>
Strategic planning must address the Community Vision	<p>This Policy aligns strategically and responds to the 2021-2025 Strathbogie Shire Council Plan</p> <p>Community Vision</p> <p>The Strathbogie Shire is a region of natural beauty with vibrant communities who are respectful, optimistic and inclusive. We have a strong sense of belonging and of our collective history. We care deeply for Country and First Nations people. We are bold. We embrace opportunities. We welcome you.</p> <ul style="list-style-type: none"> • Strategic focus area 1: Engage. Create. Unite. • Strategic focus area 4: Inclusive. Productive. Balanced. • Strategic focus area 5: Strong. Healthy. Safe
Strategic planning must take into account the resources needed for effective implementation	<p>All public art commissioned by Council must be approved through the annual Council budget process</p> <p>Every five years Council will commission an assessment of the maintenance needs of Council and allocate specific maintenance and conservation works for collection maintenance as required. Every year, Council will allocate the necessary budget to facilitate the ongoing maintenance of all works in the public art collection, as recommended in the maintenance plan</p>

<p>Strategic planning must identify and address the risks to effective implementation</p>	<p>All public art commissioned by Council must be approved through the annual Council budget process.</p> <p>Council's Statutory Planning Unit must be consulted to determine what, if any, permits are required and whether other authorities need to be consulted (e.g. Heritage Victoria); other relevant Council Units include Asset Management, Economic Development and Tourism, Engineering, Finance, Local Laws, Operations, Risk Management, Strategic Planning and Environment.</p> <p>In cases where the site for the proposed public art piece encompasses spaces owned/managed by Council or by another party, the applicant or Council may also need to separately negotiate permission with that owner/manager. The applicant must obtain written evidence of 'in-principle' support from the landowner before proceeding further with the public art request. Should the site for the proposed artwork be Council owned/managed space leased to another party, the applicant will also need to separately negotiate permission with that lessee. If the proposed artwork is on Crown land, landowner's consent from the state government and assessment of Native Title requirements will be required; a cultural heritage site assessment may also be required. State government policy will apply to proposals.</p>
<p>Strategic planning must provide for ongoing monitoring of progress and regular reviews to identify and address changing circumstances.</p>	<p>Council will review this policy a minimum of every two years.</p>

Principle	Comment
Financial Management Principles (section 101)	
<p>revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with a Council's financial policies and strategic plans</p>	<p>All public art commissioned by Council must be approved through the annual Council budget process</p> <p>Every five years Council will commission an assessment of the maintenance needs of Council and allocate specific maintenance and conservation works for collection maintenance as required. Every year, Council will allocate the necessary budget to facilitate the ongoing maintenance of all works in the public art collection, as recommended in the maintenance plan</p>
<p>Financial risks must be monitored and managed prudently having regard to economic circumstances</p> <p>For the purposes of the financial management principles, financial risk includes any risk relating to the following—</p> <ul style="list-style-type: none"> (a) the financial viability of the Council (b) the management of current and future liabilities of the Council (c) the beneficial enterprises of the Council 	<p>a/a</p>
<p>Financial policies and strategic plans, including the Revenue and Rating Plan, must seek to provide stability and predictability in the financial impact on the municipal community</p>	<p>a/a</p>
<p>Accounts and records that explain the financial operations and financial position of the Council must be kept</p>	<p>a/a</p>
Service Performance Principles (section 106)	
<p>Services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community</p>	<p>In considering public artwork for the shire, Strathbogie Shire Council (Council) will follow these guiding principles:</p> <ul style="list-style-type: none"> • Respect and integrity – The artwork design will respect all parts of the community. Art is subjective; while not everyone may agree with the outcome, the clear and documented process for assessing and selecting public art will respect both artists and the community. • Sense of place – The design and placement of public art will respect Indigenous heritage, local history, express the local identity, enhance people's experience of the shire's public space and will not interfere with its intended purposes, amenity or environment. • Sense of community – The community will inform the development, selection and acquisition of public art, where appropriate.

	<ul style="list-style-type: none"> Quality outcomes – The product is the result of a well-planned process, of excellent workmanship and of high aesthetic value.
Services should be accessible to the members of the municipal community for whom the services are intended	<p>Public art can form an integral part of the public domain enhancing people's experiences of, and encouraging greater interaction with, public spaces.</p> <p>Public art is the unique association of how it is made, where it is, and what it means. Public art can express community values, enhance our environment, transform a landscape, heighten our awareness, or question our assumptions. Placed in public sites, this art is there for everyone, a form of collective community expression.</p>
Quality and costs standards for services set by the Council should provide good value to the municipal community	<p>In considering public artwork for the shire, Strathbogie Shire Council (Council) will follow these guiding principles:</p> <ul style="list-style-type: none"> Respect and integrity – The artwork design will respect all parts of the community. Art is subjective; while not everyone may agree with the outcome, the clear and documented process for assessing and selecting public art will respect both artists and the community. Sense of place – The design and placement of public art will respect Indigenous heritage, local history, express the local identity, enhance people's experience of the shire's public space and will not interfere with its intended purposes, amenity or environment. Sense of community – The community will inform the development, selection and acquisition of public art, where appropriate. Quality outcomes – The product is the result of a well-planned process, of excellent workmanship and of high aesthetic value. <p>All public art commissioned by Council must be approved through the annual Council budget process</p> <p>Every five years Council will commission an assessment of the maintenance needs of Council and allocate specific maintenance and conservation works for collection maintenance as required. Every year, Council will allocate the necessary budget to facilitate the ongoing maintenance of all works in the public art collection, as recommended in the maintenance plan</p>
A Council should seek to continuously improve service delivery to the municipal community in response to performance monitoring	Council will review this policy a minimum of every two years.
Service delivery must include a fair and effective process for considering and responding to complaints about service provision	<p>Council Officers may require and will review the piece [of art] with specific reference to:</p> <ul style="list-style-type: none"> Site proposal and concept design, lifespan and budget including ongoing maintenance responsibilities

	<ul style="list-style-type: none">• <i>Community engagement</i>• Technical and engineering report• Maintenance plan and interpretation.
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CONSIDERATION OF CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 IMPACTS

Council can limit human rights when those limitations can be justified. This means that Council can continue to make decisions on behalf of the community about how best to balance rights, ensure community safety, and use limited funding for competing public interest challenges.

Are there any human rights implications arising from this policy or directive in relation to the 20 substantive rights? Note: some rights have been excluded that do not apply to local government (eg deprivation of liberty)	Analysis
Recognition and equality before the law (section 8)	n/a
Right to life (section 9)	n/a
Protection from torture and cruel, inhuman or degrading treatment (section 10)	n/a
Freedom from forced work (section 11)	n/a
Freedom of movement (section 12)	n/a
Privacy and reputation (section 13)	n/a
Freedom of thought, conscience, religion and belief (section 14)	n/a
Freedom of expression (section 15)	n/a
Peaceful assembly and freedom of association (section 16)	n/a
Protection of families and children (section 17)	n/a
Right to take part in public life (section 18)	n/a
Cultural rights (section 19)	If the proposed artwork is on Crown land, landowner's consent from the state government and assessment of Native Title requirements will be required; a cultural heritage site assessment may also be required. State government policy will apply to proposals.
Property rights (section 20)	In cases where the site for the proposed public art piece encompasses spaces owned/managed by Council or by another party, the applicant or Council may also need to separately negotiate permission with that owner/manager. The applicant must obtain written evidence of 'in-principle' support from the landowner before proceeding further with the public art request. Should the site for the proposed artwork be Council owned/managed space leased to another party, the applicant will also need to separately negotiate permission with that lessee. If

	the proposed artwork is on Crown land, landowner's consent from the state government and assessment of Native Title requirements will be required; a cultural heritage site assessment may also be required. State government policy will apply to proposals.
Liberty and security of person (section 21)	n/a
Fair hearing (section 24)	n/a
Rights in criminal proceedings (section 25)	n/a
Overall, does the policy, local law or decision raise human rights issues?	no
Are there any human rights implications arising from this policy or directive in relation to the 20 substantive rights? Note: some rights have been excluded that do not apply to local government (eg deprivation of liberty)	Analysis
Overall, does the policy, local law or directive restrict or interfere with the scope of the human right/s identified?	No
If yes, are the limitations or restrictions reasonably and demonstrably justified under Section 7 of the Human Rights Charter?	
Are there any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve?	n/a

GENDER EQUITY IMPACT ASSESSMENT

Gender impact assessments (GIAs) are designed to help organisations think critically about how policies, programs and services will meet the different needs of women, men and gender diverse people. The purpose GIAs is to create better and fairer outcomes, and make sure all people have equal access to opportunities and resources.

Your gender can affect your needs and experiences. This means that policies, programs and services can affect people of different genders in different ways. If we don't think about how their work affects different people, they might unintentionally reinforce inequalities.

A gender impact assessment must:

- assess the effects that the policy, program or service may have on people of different genders
- explain how the policy, program or service will be changed to better support Victorians of all genders and promote gender equality
- where practical, apply an intersectional approach to consider how gender inequality can be compounded by disadvantage or discrimination that a person may experience on the basis of other factors such as age, disability or ethnicity.

Step 1 – Defining the issues and challenge your assumptions	
What is the issue the policy or directive is aiming to address (think about why it is needed)?	Public spaces are important community resources and public art should be carefully considered to ensure a positive impact is achieved. This policy aims to provide a clear and transparent process for assessing and making decisions about the design, placement, and preservation of art in public spaces in the Strathbogie Shire, with the aims of: <ul style="list-style-type: none"> • Enhancing new and existing public spaces • Growing a public art collection that demonstrates strong contemporary art practice • Reflecting stories, themes, and issues relevant to our community • Providing opportunities for place-making and community engagement
Are the people who are targeted and impacted by the policy or directive included in the decision-making?	The community will inform the development, selection and acquisition of public art, where appropriate
Do you think that people of different genders access this policy or directive at the same rate?	This policy is gender inclusive
Do the different social roles and responsibilities that people take on affect the way people access and use this policy or directive?	This is an inclusive policy
Do you think that everyone who accesses this policy or directive has the same needs from it?	This is an inclusive policy

What additional needs might there be for people with disabilities, or from different cultural identities, ages, gender identities, sexual orientations or religions?

All proposed public art pieces commissioned by Council will be considered by a range of stakeholders

Step 2 – Understanding the policy context	
What information is available to understand who is likely to be affected by the policy or directive?	This is an inclusive policy
Do you already have this information?	Yes No
How will you find the further information you need? Think about internal data, research, consultation.	
What did the research and evidence tell you? List key points and references/evidence	
Have you consulted with affected stakeholders on this aspect? State if it was formal or informal consultation. What were the key issues/outcomes/views?	
What information is available to understand the lived experiences of the diverse groups who will be affected?	This is an inclusive policy
Do you already have this information?	Yes No
How will you find the further information you need? Think about internal data, research, consultation.	
What did the research and evidence tell you? List key points and references/evidence	
Have you consulted with affected stakeholders on this aspect? State if it was formal or informal consultation. What were the key issues/outcomes/views?	
How is this policy or directive likely to have different impacts for different people?	This is an inclusive policy
Do you already have this information?	Yes No
How will you find the further information you need? Think about internal data, research, consultation.	
What did the research and evidence tell you? List key points and references/evidence	

<p>Have you consulted with affected stakeholders on this aspect? State if it was formal or informal consultation. What were the key issues/outcomes/views?</p>	
Step 3 – Options analysis	
<p>What are the policy options? For each option describe the proposed policy solution. Provide a brief description of the proposed strategies, activities or service design elements and how they will meet the needs and create benefit for the target audience.</p>	<p>This is an inclusive policy</p>
<p>What are the potential policy options and what gendered impact might they have?</p>	
<p>What are the gendered costs and risks?</p> <ul style="list-style-type: none"> • Who is likely to be negatively impacted by this? How are the most vulnerable groups likely to be impacted? • Will this reduce a certain group's access to economic resources or opportunities? If so, are they already disadvantaged? • Does it reinforce harmful gender stereotypes, for example, further promoting men in a male dominated industry? 	<ul style="list-style-type: none"> • Nobody • No • No
<p>What are the gendered benefits?</p> <ul style="list-style-type: none"> • Will some people benefit more because they have greater access, or does this policy, program or service do everything it can to ensure resources are distributed and used equally? • Will it contribute to transforming gender norms in a positive way? Eg will it contribute to a more balanced distribution of unpaid care labour and family responsibilities between women and men? • Will it make women and children safer in public or private spaces? 	<p>This is a gender impact neutral policy</p>
<p>Will some people benefit more because they have greater access, or does this policy, program or service do everything it can to make sure resources are distributed and used equally?</p>	<p>It is not anticipated that anyone will benefit more because they have greater access in relation to this Policy</p>
<p>Will it contribute to transforming gender norms in a positive way?</p>	<p>This is a gender impact neutral policy</p>
<p>Does your policy, program or service potentially have negative unintended consequences for certain groups of people?</p>	<p>It is not anticipated that this Policy will have any negative unintended consequences for any groups of people</p>

Overall, do the benefits outweigh the costs or vice versa?	The benefits outweigh the costs
Step 4 Recommendations	
Provide the rationale for the proposed recommendation and include any mitigation strategies that could be used to avoid any harmful unintended outcome.	n/a
Include here the rationale for your recommendation as well as any mitigation strategies needed. In line with the Gender Equality Act, explain: <ul style="list-style-type: none"> • how your recommendation meets the needs of persons of different genders • how it addresses gender inequality • how it promotes gender equality. 	n/a

HANDY HINTS

The above questions have been derived from the Gender impact assessment toolkit produced by the Commission for Gender Equality in the public sector. To access the gender equity impact assessment toolkit for more information, please use this link [Gender impact assessment toolkit | Commission for Gender Equality in the Public Sector \(genderequalitycommission.vic.gov.au\)](https://www.genderequalitycommission.vic.gov.au/gender-impact-assessment-toolkit).

For Open Source gender data and research, please use the following resource – the final page is where you will find links to data and resources. [DPC 2011 CGEPS GIA-Templates & Resources FA-Web 0.pdf](#)

For Step 3 the following will assist in identifying whether an impact is a cost or a benefit for gender equity:

Negative or neutral gender impact

- Perpetuates gender inequality by reinforcing unbalanced norms, roles and relations.
- Privileges men over women and gender diverse people (or vice versa).
- Ignores differences in opportunities and resource allocation for people of different genders.
- Does not take into account issues of intersectionality.

Positive gender impact

- Considers gender norms, roles and relations for people of different genders and how they affect access to and control over resources.
- Promotes the elimination of existing gender gaps, or at least a significant reduction of them.
- Addresses the causes of gender-based health inequities, including the prevention of violence against women, girls and gender diverse people.
- Includes ways to transform harmful gender norms, roles and relations.

CLIMATE CHANGE ADAPTATION/MITIGATION AND SUSTAINABILITY CONSIDERATIONS

The Local Government Act 2020 requires council to consider climate change mitigation and adaptation measures in all its key decision making, which includes policy development.

Council is also in the process of finalising a Climate Change Action Plan after declaring a Climate Emergency in 2021.

The Victorian Climate Change Adaptation Plan 2017-2020 sets out Council's responsibilities under the Act [Victorias-Climate-Change-Adaptation-Plan-2017-2020.pdf \(climatechange.vic.gov.au\)](#). The following factors should inform your analysis statement:

- Provide leadership and good governance, represent the needs and values of local communities, and foster community cohesion
- Manage climate change risks to council community services and assets, with support from the State Government
- Identify the needs and priorities of the municipality and communicate these to State Government where needed
- Develop and deliver locally-appropriate adaptation responses
- Build the resilience of local assets and services
- Plan for emergency management at the municipal level, provide relief and recovery services, and support emergency response operations
- Help the State Government understand localised impacts and responses
- Work with the community to help people understand and get involved in climate change adaptation
- Help connect the State Government with the community.

Sustainable Strathbogie 2030 Strategy (to be updated to the Climate Change Action Plan once adopted)

Chapter 6 Climate Resilient Shire	Comment
Increasing heat	n/a
Changing rainfall patterns, drought conditions, and extreme meteorological conditions	n/a
Increased bushfire conditions and declining volunteer numbers	n/a
Increased social impacts	n/a
Chapter 7 A low carbon shire	Comment
Net Zero by 2025	n/a
Energy Efficiency	n/a
Energy Storage	n/a
Renewable Energy	n/a
Community Renewable Energy	n/a
Chapter 8 A water sensitive shire	Comment
Conserving valuable potable water	n/a
Stormwater management	n/a
Adaptive and recycled water resources	n/a
Keeping our shire green, cool and resilient	n/a
Chapter 9 A zero waste shire	Comment
Environmental impacts of landfill	n/a
Limited landfill capacity	n/a
Increased illegal dumping	n/a
Economic benefits from resource recovery	n/a

Chapter 10 An ecologically rich shire	Comment
Deforestation	n/a
Rural green infrastructure	n/a
Increasing our urban canopy	n/a
Rural roadsides	n/a
Rivers & Wetlands	n/a
Benefitting from our native forests	n/a
Chapter 11 An active and connected shire	Comment
Security of fuel supply	n/a
Transition to new fuel economy	n/a
Enabling access to the outdoors	n/a