

AGENDA

MEETING OF THE
HORSHAM RURAL CITY COUNCIL

To be held on
24 August 2020
at 5.30pm

**This meeting will be held online and livestreamed
on the Horsham Rural City Council website**

www.hrcc.vic.gov.au



**Horsham Rural City
Council** urban rural balance

COUNCILLORS are respectfully requested to attend the Council Meeting of the Horsham Rural City Council on 24 August 2020 at 5.30pm to be held online and livestreamed at www.hrcc.vic.gov.au

Order of Business

PRESENT

ALSO IN ATTENDANCE

1. PRAYER

Almighty God, we pledge ourselves to work in harmony for, the social, cultural and economic well-being of our Rural City. Help us to be wise in our deliberations and fair in our actions, so that prosperity and happiness shall be the lot of our people. AMEN

2. ACKNOWLEDGEMENT OF COUNTRY STATEMENT

The Horsham Rural City Council acknowledges the five Traditional Owner groups of this land; the Wotjobaluk, Wergaia, Jupagulk, Jaadwa and Jadawadjali people. We recognise the important and ongoing place that all Indigenous people hold in our community.

We pay our respects to the Elders, both past and present, and commit to working together in the spirit of mutual understanding and respect for the benefit of the broader community and future generations.

3. OPENING AND WELCOME

Welcome to Councillors, staff, members of the public and the media. The Council meeting will be recorded to maintain an audio archive, which will be available on the Horsham Rural City Council website as soon as possible.

Please note that this meeting is being streamed live on the internet.

This meeting is being held online and Councillors are attending via electronic means. As this meeting is being held online, there will be no-one present in the public gallery. The meeting will be conducted in accordance with Council's existing Local Law No 1 Governance (2016) Meeting Procedure, noting that, as indicated, in some parts of the agenda, procedures have been slightly modified to ensure the meeting remains compliant but can run effectively in the online environment.

Disclosure of conflicts of interest and rules relating to conflicts of interest remain. Councillors will be removed from the proceedings where required using the available technology.

Voting in relation to motions for decision will be taken by show of hands. If a division is requested, the Mayor will call for a show of hands by those Councillors voting for the motion, and then those Councillors opposed to the motion.

Where Council experiences technical difficulties and there is a disconnection in Council's livestreaming of the meeting, the meeting will be adjourned. If the livestream connection is working within 30 minutes, the meeting will recommence. If the livestream is not available for a period of longer than 30 minutes, the meeting will be postponed to another time and date.

Councillors participating in this meeting by electronic means will be taken to be present and part of the quorum for the meeting, provided that they can hear proceedings, they can see and be seen by other members in attendance, and they are able to speak and be heard by those in attendance. The audio-visual link with each Councillor will be monitored and any disconnection immediately identified for both quorum and participation purposes. If the disconnection is longer than five minutes, the Councillor will be identified as absent from the meeting and will not be counted for quorum purposes. This absence will be reflected in the minutes. If the number of Councillors connected to the livestream falls below the minimum required for the quorum, the meeting will be suspended. If the quorum is not achieved within 30 minutes of the suspension, the meeting will be posted to another time and date.

4. APOLOGIES

5. LEAVE OF ABSENCE REQUESTS

6. CONFIRMATION OF MINUTES

Recommendation

That the minutes emanating from the Council Meeting of the Horsham Rural City Council held online and livestreamed at 5.30pm on 27 July 2020 and 3 August 2020 be adopted.

7. CONFLICTS OF INTEREST

Disclosure of Interest and Declarations of Conflict of Interest.

A Councillor who has a conflict of interest and is attending the Council meeting must make a full disclosure of that interest.

(a) by either –

- (i) advising the Council at the meeting of the details required under paragraphs (b) and (c) immediately before the matter is considered at the meeting; or
- (ii) advising the Chief Executive Officer in writing of the details required under paragraphs (b) and (c) before the meeting; and

(b) classifying the type of interest that has given rise to the conflict as either –

- (i) a direct interest under 77B; or
- (ii) an indirect interest and specifying the particular kind of indirect interest under:
Section 78 – close association
Section 78A – financial interest
Section 78B – conflicting duties
Section 78C – receipt of an applicable gift
Section 78D – consequence of becoming an interested party
Section 78E – impact on residential amenity; and

(c) describing the nature of the interest; and

(d) if the Councillor advised the Chief Executive Officer of the details under paragraph (a)(ii), the Councillor must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.

Members of Staff

Under Section 80C of the *Local Government Act 1989*, officers or people engaged under contract to the Council providing a report or advice to Council must disclose any conflicts of interests in the matter, including the type of interest.

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CLOSE



SUNIL BHALLA
Chief Executive Officer

9. OFFICERS REPORTS

9.1 ECONOMIC DEVELOPMENT REPORT

Author's Name:	Joel Hastings	Director:	Kevin O'Brien
Author's Title:	Acting Manager Investment, Attraction and Growth	Directorate:	Communities and Place
Department:	Investment, Attraction and Growth	File Number:	F15/A06/000001

Officer Direct or indirect Conflict of Interest

In accordance with *Local Government Act 1989* – Section 80C:

Yes No

Reason: Nil

Status

Information classified confidential in accordance with *Local Government Act 2020 – Section 3(1)*:

Yes No

Reason: Nil

Appendix

Nil

Purpose

To receive and note the Economic Development Report for July 2020.

Summary

The Economic Development Report provides a summary of economic development activities in the municipality during the reporting period.

Recommendation

That Council receive and note the Economic Development Report for July 2020.

REPORT

Background

At the Ordinary Meeting of Council on 26 August 2019, it was resolved that a regular Economic Development Report be tabled on the Ordinary Council Meeting agenda.

Discussion

The work undertaken across Investment Attraction and Growth includes Business, Tourism and Visitor Services, Strategic Planning, Statutory Planning and Building Services.

The focus has been dominated by the Covid-19 Pandemic and the Health and Economic impact of restrictions and flow on effect the economy over the past five months, with team currently working the Business Support and the implementation of Business and Community Assistance Package recently approved by Council as part of the 2020/2021 Budget.

Development services of Planning and Building continues to be strong and progress across strategic planning and projects has been maintained to ensure the long term growth of the municipality.

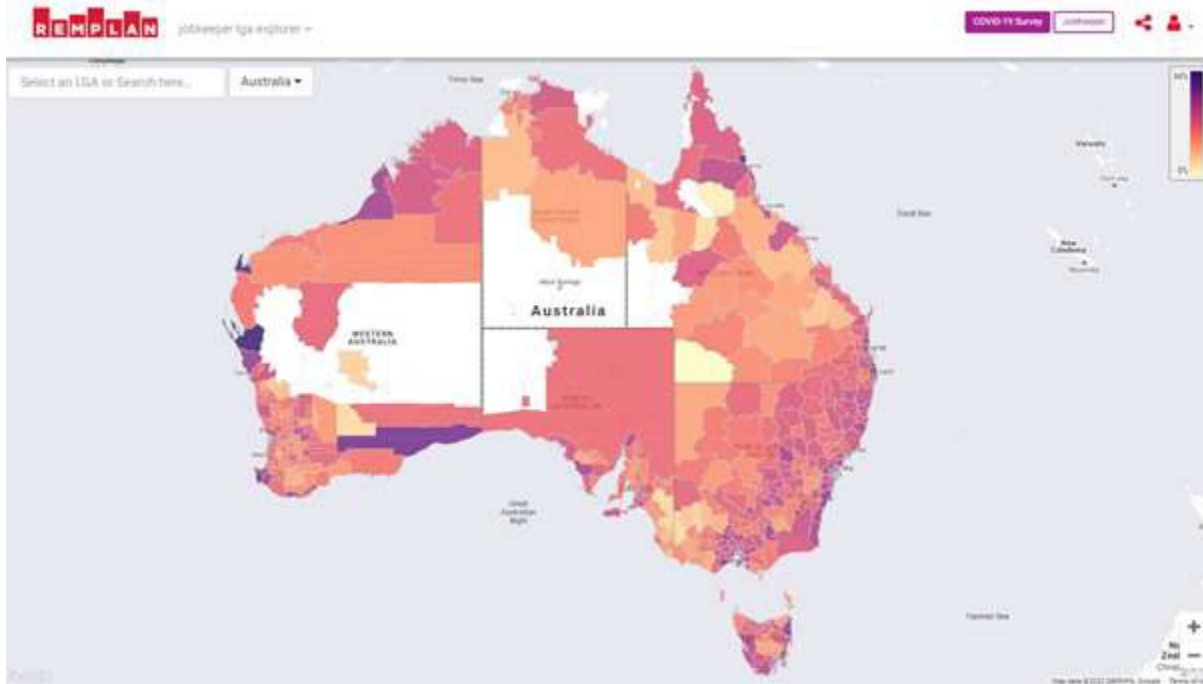
The return to stage 3 restrictions in Regional Victoria and stage 4 restrictions for Melbourne are a significant shock to the economy and it is anticipated there will be flow on effects to many parts of the region. However the restrictions are clearly aimed at controlling the significant health impacts Covid-19 can have and hopefully a strong six week lockdown can achieve a reduction to allow the community and business to function more freely and Council will be heavily focused on promoting the #togetherwearestonger messaging.

Economic Benchmarks and Data Unemployment

Unemployment may be significantly affected by Covid-19, but programs like Job Keeper and Working for Victoria recruitment currently being undertaken, other industries will have limited this impact.

Most significantly Department of Treasury Data suggests that over 400 businesses have taken up JobKeeper in the Horsham Rural City municipality. - <https://treasury.gov.au/coronavirus/jobkeeper/data>

Remplan have also recently released modelling for the uptake of JobKeeper across Australia which demonstrates the economic impact has been very region and industry specific with an estimate of 23% of businesses in our municipality taking up JobKeeper whilst many government and agricultural jobs appear to have been unaffected. - <https://www.remplan.com.au/blog/2020/08/jobkeeper-hotspot-analysis-and-mapping/>



ABS Labour Force, Australia – May 2020

There is currently a delay in Small Area Unemployment data which dates to December 2019, however Victorian data shows a 6.9% unemployment which does not take into account the take up of JobKeeper but is has been estimated the ‘effective unemployment’ could be as high as 11%.

Statutory Planning and Building

Planning and Building Permits have been consistent with previous years and both services have adapted to online and remote delivery to ensure development and construction projects can continue to be delivered.

Planning Applications Determined

	Number	Cost	YTD	YTD cost of development
July 2020	7	\$1,790,716.00	7	\$1,790,716.00
July 2019	8	\$608,817.00	8	\$608,817.00
Change	-1	+\$1,181,899	-1	+\$1,181,899

Building Permits Issued

	Number	Total cost of development	YTD	YTD cost of development
Council	5	\$158,648.00	5	\$158,648.00
Private surveyors	-	Data unavailable		Data unavailable
Total	-	-	-	-

Business Support

The Business Support team have focused on communications with businesses across retail, tourism, events, construction, agriculture and hospitality to give local businesses the best opportunity to respond to the current challenges.

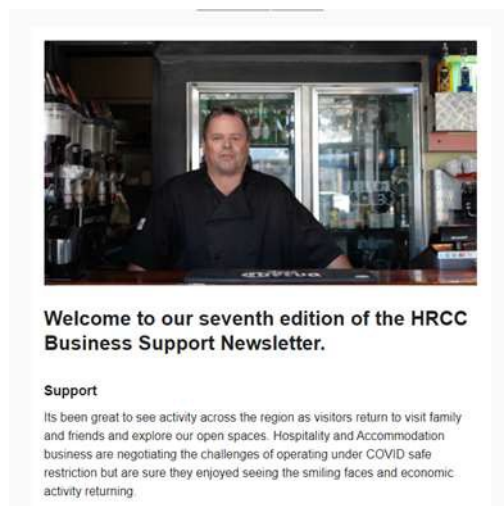
The introduction of stage 3 restrictions has included significant changes for travel, essential supplies, work from home, takeaway only, events, gyms, theatre, etc. together with the introduction of face masks has required business reassess their trading positions.

The announcement of the extension of JobKeeper and Jobseeker have provided essential support to those business and employees affected by the Covid-19 Pandemic. The announcement of Victorian Business support grant for those businesses forced to close, or change operations, as part of the August to September restriction is likely to be taken up strongly by the hospitality, a ccommodation and other industries and will be promoted widely.

Business support has focused on the following measures over the past four months:

- Direct contact with over 300 businesses
- Business Newsletter (8 editions)
- Social Media information
- Liaison with Business Horsham, Wimmera Development Association and Grampians Tourism
- Advocacy for projects

The newsletter has been the key method of getting accurate and up to date information directly to businesses and it is intended to continue this on a monthly basis as we respond and recover from the Covid-19 impacts.



The focus of the last month has been on the development of a support package for business and the community through a combination of grants, marketing and training targeted at those industries most impacted by Covid-19 restrictions and focused around the following categories:

- Rural and Regional Travel
- Digital and Online
- City Centre Revitalisation
- Events Support
- Liveability
- Arts, Recreation and Community.

Over the next 12 months these initiatives will be rolled out to revitalise and respond to the challenges of Covid-19 with the \$234,000 Grants Program launched on 4 August.



Direct business engagement

July	Number	YTD
General business	60	60
New or expanding business	8	8
Event organisers	6	6
Total	74	74

Networking and business event breakdown

	Number	YTD
Networking and business events	0	0

Networking attended	Attendees	Details
Grampians Tourism	20	Grampians Tourism Taskforce established with CEO attendance. Commitment to Visiting Family and Friends campaign has been given and will be developed for when restrictions are forecast to change.
Wimmera Development Association	34	Participation in board meeting and executive and regular Economic Development Managers Forum established.
Business Horsham	10	Established fortnightly meeting with Business Horsham and develop collaborative approach to communications.

Regional Development	4	Monthly Economic Development liaison meeting established to progress current projects and review priority list.
Total	68	

Tourism and Events

With the allowance of Victorian domestic travel and visitors back in the region the Horsham and Grampians Visitor Information Centre reopened for two days per week over the school holidays, however the extension of stage 3 restrictions particularly on travel the Centre has closed for the six weeks or until restriction are lifted.

It is hoped the Grampians and Wimmera will be well placed to take advantage of the return of visitors and there will be strong focus on Visiting Family and Friends (VFF) and destination marketing will be developed over this period.

	Number	YTD
Notice of intention to hold an event applications	-	
Visitor Information Centre visits	311	311
Visithorsham.com web visits	2952	2952

Strategic Planning

Strategic Planning and Projects provides a long term view to managed growth and development of the municipality and it has been essential to progress these projects via online, mail and remote working.

Horsham South Structure Plan	<ul style="list-style-type: none"> Development scenarios, used to realise the vision and strategic directions are currently on community consultation which has been extended until September 2020 and with the recruitment of the Strategic Planning Co-ordinator Stephanie Harder a range of webinars and direct landholder contact is proposed to progress the project
City to River Strategy	<ul style="list-style-type: none"> City to River Masterplan has been developed together with an implementation and action plan that will be broken into precincts and projects to allow for delivery over the next 10-15 years.
Horsham City Urban Renewal	<ul style="list-style-type: none"> A project brief has been prepared to undertake further planning and feasibility to inform the future development of key Urban Development Sites and is awaiting funding opportunities with VPA to open for streamlining for growth.

Infrastructure Development

Horsham Regional Livestock Exchange roofing	<ul style="list-style-type: none"> The project is currently under construction and balancing the operational requirements of the Livestock Exchange as part of the process.
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Projects and Programs

Electrical Vehicle Charging Stations	<ul style="list-style-type: none"> HRCC is also a part of the Central Victorian Greenhouse Alliance project, charging the Regionals to guide investment and implementation across Victoria.
Wimmera Business Centre	<ul style="list-style-type: none"> A review of the Centre and its operations has been undertaken to look at the current offerings from the Business Centre, review practices in other centres and to identify start up trends.
Horsham and Grampians Visitor Information Centre	<ul style="list-style-type: none"> The VIC review has been completed association with Grampians Tourism as part of a Grampians wide Visitor Servicing review. The final report has been completed and an internal project group has been established to implement the move over the next 6-9 months
Resident Attraction	<ul style="list-style-type: none"> Grampians Tourism, Ararat Rural City, Horsham Rural City, Northern Grampians Shire and Southern Grampians Shire Council are partnering together to address a key economic and social challenge facing the region: the poor retention and lack of growth in new residents and workforce. The draft Strategy has been developed and initial marketing and new resident management system is being developed.

Business Development, Tourism and Events

Major Sporting Events	<ul style="list-style-type: none"> All major events are being cancelled until further notice.
Localised	<ul style="list-style-type: none"> Localised now has 91 profiles across the Wimmera.
Tourism	<ul style="list-style-type: none"> Visit Victoria tourism review is looking at revising the number of regional tourism boards across Victoria.

Financial Implications

Not applicable

Links to Council Plans, Strategies, Policies

2020-2024 Council Plan

Goal 2 – Sustaining the Economy

Consultation/Communication

Not applicable

Risk Implications

Not applicable

Environmental Implications

Not applicable

Human Rights Implications

This report complies with the rights listed in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Conclusion

The current Economic Impact of Covid-19 has been significant particularly on hospitality, accommodation and retail, whilst other areas of the local economy involving agricultural, construction and manufacturing are currently managing any disruptions. It is hoped that there will be an opportunity for rebuilding and recovery together over the next 12 months as part to the Business and Community Assistance Package adopted in the 2020/2021 Budget.

The Economic Development report for July 2020 is provided for the information of Councillors.

9.2 RURAL AND URBAN ROADS RECONSTRUCTION CONTRACTS

Author's Name:	Mazen Aldaghstani	Director:	John Martin
Author's Title:	Manager Engineering Services	Directorate:	Infrastructure
Department:	Engineering Services	File Number:	2020- 0728

Officer Direct or indirect Conflict of Interest

In accordance with *Local Government Act 1989* – Section 80C:

Yes No

Reason: *Nil*

Status

Defined as confidential information in accordance with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendices

Nil (refer to confidential report on this subject)

Purpose

- To award the contracts for the reconstruction of the following urban and rural roads:
 - part of Albert Street and Rodda Place, Horsham (in one contract)
 - part of West Wail Road, Pimpinio.

Summary

- The four urban roads reconstruction projects were bundled into two tenders aiming to get a better financial outcome compared to other recent tenders for similar projects.
- The two rural road construction projects were tendered out as two separate contracts so that the evaluation panel can determine each applicant's capacity/workload and score accordingly.
- Public tenders were sought through Council's normal procurement processes.
- A good response was received, and preferred tenderers have been identified to conduct the works through the normal evaluation process.
- Two of the contracts have been awarded as they were within the CEO's delegation.

Recommendation

That Council:

- Accept the tender submitted by Terfo PTY Ltd TA Mintern Civil for the lump sum of \$325,124.00 ex GST for the reconstruction of part of Albert Street (Hennessy Street to Jones Street) and Rodda Place.
- Accept the tender submitted by M.F. & J.L. Willmore Contractors of \$299,677 ex GST for the reconstruction of part of West Wail Road (1.21 kilometre).

REPORT

Background

The reconstruction of the following urban and rural roads are all part of the 2020-2021 roads reconstruction program;

The roads are:

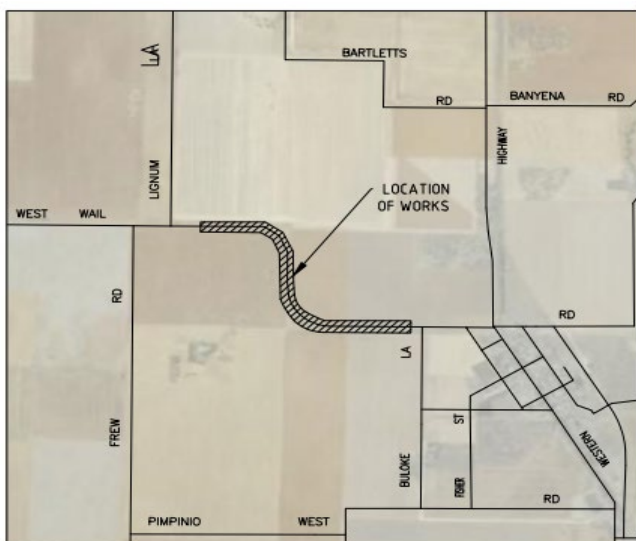
- part of Albert Street (from Hennessy Street to Jones Street), Rodda Place and
- a 1.2 kilometre section of West Wail Road, Pimpinio

The diagrams below show the sites of the works (hatched in each diagram).

Albert Street & Rodda Place



West Wail Road



Discussion

Detailed tender evaluation reports are provided in the appendix to the confidential report on this subject. Key aspects include:

- Four tenders were received for the reconstruction of Albert Street and Rodda place, and eight tenders were received for the reconstruction of West Wail Road.
- The evaluation of tenders was based on the criteria as presented in the tender documents.

The availability of contractors has been a significant issue for the overall program in the past. The size and location of the projects were considered in bundling them into tenders. The road work tenders were advertised earlier this year into packages that are easy to quote on by the contractors with consideration of their current workload.

Financial Implications

The projects are part of Council's 2020-2021 urban and rural roads program. There are sufficient funds available to award the two contracts

Links To Council Plans, Strategies, Policies

2020-2024 Council Plan

Goal 3 – Asset management - 3.4 Deliver works to develop and maintain Council's physical assets for long term sustainability, amenity and safety

Consultation/Communication

The key communication aspect with these projects will be the interaction between the appointed contractors, Council's project supervisor and the adjacent landowners. Council has standard arrangements in place for this communication.

Risk Implications

Standard construction risks will apply. Supervision of works will be conducted by Council officers to manage these risks.

Council officers will be asking the successful contractors to provide their work methodology and progressively update their OH&S plan to address Covid-19 requirements and identify their risk control measures.

Environmental Implications

Standard construction management practices will minimise environmental risks. There are no native vegetation or waterway issues associated with these works.

Human Rights Implications

Nil

Conclusion

The preferred tenders provide the best value to Council.

9.3 REQUEST FOR INCLUSION ON COUNCIL'S STREET NAME LIST - TREACEY

Author's Name:	Kylie Fischer	Director:	Graeme Harrison
Author's Title:	Co-ordinator Rates and Valuations	Directorate:	Corporate Services
Department:	Finance	File Number:	F27/A15/000001

Officer Direct or indirect Conflict of Interest

In accordance with *Local Government Act 1989* –
Section 80C:

Yes No

Reason: Nil

Status

Defined as confidential information in accordance
with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendix

Nil

Purpose

To endorse inclusion of the name Treacey to Council's Street Naming list.

Summary

- Margaret Treacey has requested that the name Treacey be added to Council's Street Naming list to honour the late Frank and Dorothy Treacey.
- Mr Treacey served the Wimmera as a radiator repair specialist, and a life member of the Horsham Rotary Club.
- Mrs Treacey was a life member of the Red Cross volunteering with Horsham Hospital Blood Bank, and she also volunteered at a local primary school as part of a reading program.

Recommendation

That Council endorse the inclusion of the name Treacey to Council's Street Naming list.

REPORT

Background

Frank and Dorothy Treacey originally moved to Horsham in 1953 with their children when the company that Mr Treacey worked for, Motor Radiators, opened a radiator repair specialist factory in Alfred Street behind the current Subway/BP site. After the 1956 floods the factory (which is now known as Natrad) was moved to O'Callaghans Parade.

Mr Treacey built and repaired all types of radiators, and also supplied and fitted batteries. Much of his work came from mechanics in small country towns who sent radiators to him by rail and road, and he also serviced many of the local farmers travelling out to assist them when their machinery failed. He had a space set aside in the factory for providing medical cover which he managed himself, and he was also a life member of Horsham Rotary Club.

Mrs Treacey often volunteered her time to help with the organisation of Horsham Rotary Club activities. She was a life member of the Red Cross volunteering at the Horsham Hospital Blood Bank to assist with taking blood donations, and she also volunteered as part of a reading program at a local primary school.

Discussion

Council has over 60 names on the street naming list and it can be some time before a developer may choose to use a particular name from the list.

Financial Implications

This proposal has no financial implications.

Links To Council Plans, Strategies, Policies

2020-2024 Council Plan

Goal 4 – Governance and Business Excellence

Horsham Rural City Council Street Naming Policy

Naming Rules for Places in Victoria – Statutory requirements for naming roads, features and localities 2016

Consultation/Communication

Not applicable

Risk Implications

Not applicable

Environmental Implications

Not applicable

Human Rights Implications

This report complies with the rights listed in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Conclusion

The name Treacey conforms to the principles in the Naming rules for places in Victoria – Statutory requirements for roads, features and localities 2016, and therefore may be added to Council’s street name list.

9.4 AUDIT & RISK CHARTER AND COMMITTEE

Author's Name:	Diana McDonald	Director:	Graeme Harrison
Author's Title:	Co-ordinator Governance	Directorate:	Corporate Services
Department:	Governance and Information	File Number:	F18/A13/000001

Officer Direct or indirect Conflict of Interest

In accordance with *Local Government Act 1989* –
Section 80C:

Yes No

Reason: Nil

Status

Defined as confidential information in accordance
with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendix

Audit & Risk Committee Charter (**Appendix "9.4A"**)
Annual Work Program (**Appendix "9.4B"**)

Purpose

To adopt a new Audit & Risk Committee Charter as required by the *Local Government Act 2020* and to appoint the existing members of the current Audit & Risk Committee to the new Committee.

Summary

- The Audit and Risk Committee Charter sets out the appropriate authority, composition, meeting requirements and responsibilities of the Audit and Risk Committee to ensure good practice and compliance with the requirements of the *Local Government Act 2020*.
- Council must approve the first Audit and Risk Committee Charter and establish the first Audit and Risk Committee on or before 1 September 2020. (Division 8 (s53) (s54).
A stronger emphasis on the key role that internal control environment plays and how Committees can monitor this area of Council's performance more effectively. This change includes references to the impact of the new Governing Principles on Council's policies and procedures and is captured in the new Charter and Annual Work Program.

Recommendation

That Council:

1. Discontinue the current Audit & Risk Committee's Charter established under the Local Government Act 1989 and adopt a new Audit & Risk Committee Charter as per the Local Government Act 2020 attached as **Appendix "9.4A"**
2. Appoint the following independent members to the Audit & Risk Committee recognising their prior service noted in their Letters of Appointment:
 - Richard Trigg
 - Vito Giudice
 - Mark Knights

REPORT

Background

The Local Government Act 2020 is a principles-based Act, removing the unnecessary regulatory and legislative prescription. Sections 53 and 54 of the Act has expanded the scope of the Audit Committee required by Section 139 of the Local Government Act 1989, introducing the requirement for a Risk and Audit Committee with a Charter needing to be in place by 1 September 2020.

These new arrangements cover both the structure and function of the Committee and effectively mandate the requirement for an Internal Audit Function.

The Audit & Risk Charter and Committee re-establishment is one of several key deliverables that requires adoption by Council on or before 1 September 2020 under the requirements of the Act.

Discussion

The Audit & Risk Committee (the Committee) is an independent advisory committee to Council established under section 53 of the *Local Government Act 2020* (the Act).

The Audit & Risk Committee Charter (the Charter) has been developed with regard to '*Audit Committees – A Guide to Good Practice for Local Government*', January 2011 issued by the Minister for Local Government and Victorian Auditor-General's report on *Audit Committee Governance* issued in August 2016 and under section 54 of the Act.

The Charter sets out the Committee's objectives, authority, composition and tenure, roles and responsibilities and reporting, administrative and governance arrangements.

The Committee's objective is to provide appropriate independent advice and recommendations to Council on matters relevant to the Committee's Charter in order to facilitate decision-making by Council in relation to the discharge of Council's accountability requirements.

The Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibility. The Committee does not have any management functions and is therefore independent of management.

The Committee will provide oversight and guidance on the following matters:

- Council financial performance reporting;
- Compliance of Council policies and procedures with the *Local Government Act 2020*, particularly the governance principles;
- The effectiveness of the management and reporting of Council's risk management and fraud and corruption prevention;
- The effectiveness of Council's system of internal controls;
- The effectiveness of the internal and external audit functions; and
- The provision of an effective means of communication between the external auditor, internal audit, management and the Council.

The Committees has an established Annual Work Program (**Appendix “9.4B”**) to enable it to discharge its responsibilities effectively pursuant to the requirements of the Charter and reviews the Annual Work Program at least annually.

Financial Implications

Sitting fees are paid to independent members and internal audit functions are undertaken throughout the year. All costs are covered within the 2020-2021 operational budget allocation.

Links To Council Plans, Strategies, Policies

2020-2024 Council Plan

Goal 4 – Governance and Business Excellence

Four-Year Priorities, 4.2 Manage risk to the organisation and 4.4 Achieve high standards of organisational performance.

Consultation/Communication

The Audit & Risk Committee Charter has been developed with regard to ‘*Audit Committees – A Guide to Good Practice for Local Government*’, January 2011 issued by the Minister for Local Government and Victorian Auditor-General’s report on *Audit Committee Governance* issued in August 2016 and under section 54 of the Act.

The draft Charter was circulated to the Audit & Risk Committee members and endorsed at the Special Audit & Risk Committee meeting on 30 July 2020, and was considered at the Council Briefing Meeting on 10 August 2020. As the role of the committee is to provide advice to Council its relationship is directly with Council and as such there is no specific legislative requirement for broader community engagement on the development of Committee’s Charter.

Risk Implications

The Audit and Risk Committee is an important committee of council required under the *Local Government Act 2020*. To not have a properly functioning or constituted committee would be in breach of the requirements of the Act. The committee has an important role in monitoring Council’s financial governance and risks, to not have such a committee could increase Council’s to potential for fraud and corruption to occur.

Environmental Implications

Not applicable

Human Rights Implications

It is considered that this report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

Conclusion

Council to approve the first Audit and Risk Committee Charter and establish the first Audit and Risk Committee of the new Local Government Act 2020, on or before 1 September 2020. (Division 8 (s53) (s54).

9.5 COUNCIL EXPENSES POLICY

Author's Name:	Sue Frankham, Diana McDonald	Director:	Graeme Harrison
Author's Title:	Governance Officer, Co-ordinator Governance	Directorate:	Corporate Services
Department:	Governance and Information	File Number:	F19/A10/000001

Officer Direct or indirect Conflict of Interest

In accordance with *Local Government Act 1989* –
Section 80C:

Yes No

Reason: Nil

Status

Defined as confidential information in accordance
with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendix

Draft Council Expenses Policy (**Appendix “9.5A”**)

Purpose

To adopt the Council Expenses policy.

Summary

- Council is required to adopt a Council Expenses policy.
- The Council Expenses policy is one of several policies that require adoption by Council on or before 1 September 2020 under the requirements of the new *Local Government Act 2020* (the Act).
- The Council Expenses policy will replace the existing Councillor Expense, Reimbursement and Support policy.
- The revised policy has been expanded to include members of delegated committees and reimbursement of carer and dependent-related expenses.
- Community feedback on the draft policy was sought over a 21-day period from 8 to 29 July 2020, with one submission received.

Recommendation

That Council adopt the Council Expenses policy attached as **Appendix “9.5A”**.

REPORT

Background

The Council Expenses policy is one of several policies that require adoption by Council on or before 1 September 2020 under the requirements of the Act.

Under Section 40 of the Act, Councillors and members of delegated committees are entitled to reimbursement of expenses reasonably incurred in the performance of their duties.

Members of delegated committees exercise the powers, duties or functions delegated by Council and therefore many of the provisions of the Act that apply to Councillors, apply equally to delegated committee members.

The Council Expenses policy will replace the Councillor Expense, Reimbursement and Support policy.

Discussion

To meet the requirements of the new legislation, the updated policy has been expanded to include members of delegated committees, reimbursement of childcare costs and costs incurred by those who are carers as defined in Section 4 of the *Carers Recognition Act 2012*.

The updated policy provides advice and an operational framework for the reimbursement of out-of-pocket expenses for Councillors and delegated committee members where Council is satisfied that:

- The claim is for bona fide expenses
- The expenses have been reasonably incurred in the performance of their role
- The expenses are reasonably necessary for the Councillor or delegated committee member to perform that role.

In reviewing this policy, consideration was given to the *Gender Equity Act 2020*, which requires Councils to take positive and effective steps to improve gender equity outcomes both as a workplace and a deliverer of services. The updated policy ensures that people of all genders are supported to take up roles as Councillors and committee members and that no-one is disadvantaged.

The five primary principles that guide the Act (Community Engagement, Strategic Planning, Financial Management, Public Transparency and Service Performance) were also considered as part of the policy review. Details of how Council expenses will be reported to ensure that the principles of public transparency, achieving the best outcomes for the municipal community and ensuring the ongoing financial viability of Council are met, are included in the policy as follows:

4.12 Monitoring, Evaluation and Review

Quarterly reports of all Councillor and delegated committee member expenses will be provided as part of the Quarterly Performance Report to Council and the Audit and Risk Committee. Details will also be published in the Annual Report. These reports will include:

- *Expenses incurred by Councillors and delegated committee members during the quarter*
- *Reimbursement claims made by Councillor and delegated committee members during the quarter*
- *Reimbursements made by Councillors and delegated committee members during the quarter.*

Financial Implications

The Council budget includes provision for the reimbursement of expenses relating to Councillors and delegated committee members as defined in this policy.

Details of how Council expenses will be reported to ensure that that the principle of ongoing financial viability of Council is met is included in the policy.

Links To Council Plans, Strategies, Policies

2020-2024 Council Plan

Goal 4 – Governance and Business Excellence

Four-Year Priority 4.4.08 – Manage the implementation of the major revision to the *Local Government Act 1989*

Consultation/Communication

The Council Expenses policy has been reviewed in accordance with recommendations, guidelines and a draft template provided by the Victorian Local Governance Association.

The draft policy was circulated to the Leadership Team and other relevant Council Officers for feedback. It was endorsed by the Executive Management Team on 23 June 2020 and considered at the Council Briefing Meeting on 6 July 2020 and 10 August 2020.

The draft policy was placed on the Horsham Rural City Council website and promoted in Council's Public Notices pages in the Horsham Times and Weekly Advertiser newspapers on 10 and 15 July 2020. Community feedback was sought over a 21-day period from 8 to 29 July 2020. One submission was received stating that the policy should be more concise and less based on approval of the Chief Executive Officer. This feedback was taken into consideration, however, no changes were made to the policy as it is considered good governance to clearly set out the various Councillor and delegated committee member entitlements in accordance with Section 40 of the Act, along with the approval process that must be followed when claiming reimbursement. For efficiency, these operational decisions should be made by the Chief Executive Officer or relevant Director as delegated.

Quarterly reports of all Councillor and delegated committee member expenses will be provided as part of the Quarterly Performance Report to Council and the Audit and Risk Committee. Details will also be published in the Annual Report. This will ensure that the principles of public transparency, achieving the best outcomes for the municipal community and ensuring the ongoing financial viability of Council are met.

Risk Implications

Not applicable

Environmental Implications

Not applicable

Human Rights Implications

This report complies with the rights listed in the *Victorian Charter of Human Rights and Responsibilities Act 2006*. "Your right to taking part in public life" is one of the 20 fundamental human rights contained in the Charter. The draft Council Expenses policy addresses that right.

Conclusion

The Council Expenses policy is presented to Council for endorsement.

9.6 NEW LOCAL GOVERNMENT ACT 2020 – DELEGATED COMMITTEES

Author's Name:	Mandy Kirsopp	Director:	Graeme Harrison
Author's Title:	Co-ordinator Rec & Open space	Directorate:	Corporate Services
Department:	Communities & Place	File Number:	F06/A01/000001

Officer Direct or indirect Conflict of Interest

In accordance with *Local Government Act 1989* –
Section 80C:

Yes No

Reason: Nil

Status

Defined as confidential information in accordance
with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendix

Proposed Instrument of Delegation from the CEO to the Community Halls Asset Committee
(Appendix "9.6A")

Purpose

To note the changes to Council Committees arising from the new Local Government Act 2020, to create a Community Asset Committee for all Council Halls and appoint the initial members.

Summary

- The legislated program for the new Local Government Act 2020 (The Act) saw the previous Act's Section 86 "Special Committees" repealed, effective 1 May 2020
- Council currently has two Section 86 Committees: Kannamaroo Festival Committee of Management and Community Halls' Committee of Management
- Under The Act, Section 47 (8) all existing Delegations remain in force until 1 September 2020 whereupon they will cease so there is no need for these to be revoked at this point in time
- The Community Halls' Committee of Management will become a Community Asset Committee and a new Instrument of Delegation will be put in place from the CEO
- The Kannamaroo Committee is currently not an Incorporated Association and will need to become incorporated; this is being discussed with the committee
- An agreement will be developed with the Kannamaroo Committee to formalise council support of and input to the Kannamaroo Festival into the future.

Recommendation

That Council:

From the date of this resolution, establish as a Community Asset Committee, the Community Halls Asset Committee (Committee) and endorse that:

- a. The purpose of the Committee is to manage the day to day operations of council's community halls, including, Dadswell's Bridge Hall, Hamilton Lamb Memorial Hall, Jung Hall, Laharum Hall, Mitre Hall, Natimuk Community Centre (NC2), Natimuk and District Soldiers' Memorial Hall, Sailors' Home Hall, Taylor's Lake Hall, and Telangatuk East Hall.
- b. The members of the Committee to be appointed are:
 - Dadswell's Bridge – Daryl Deutscher
 - Hamilton Lamb Memorial Hall – Susan Hogan
 - Jung Hall – David Arnott
 - Laharum Hall – Judy Berendsen
 - Mitre Hall – Clare Dunn
 - Natimuk Soldiers' Memorial hall – Glenys Fort
 - Natimuk Community Centre (NC2) – Kieran Loughran
 - Sailors' Home Hall – Robert Byrne
 - Taylor's Lake Hall – Susan Flanagan
 - Telangatuk East Hall – Luke Rees
- c. A quorum of the Committee is six, a whole number that is an absolute majority, which is greater than half the total number of members of the Committee.
- d. All members of the Committee have voting rights on the Committee.

REPORT

Background

The Act (2020) simplifies the approach to committees. The Act specifies only three types of committees, and the powers and administrative arrangements related to those committees. It is silent, however, on any other type of committee a council may wish to establish, e.g. Advisory Committees.

1. DELEGATED COMMITTEE

Is a committee formed by a council to which the council delegates “any power, duty or function of a Council under this Act or any other Act...” Section 11(1). A delegated committee exercises the powers, duties or functions of council. Therefore, these committees are subject to the same governance rules as council (Section 60). A resolution of a delegated committee holds the same weight as a resolution of council, provided it falls within the committee’s delegated powers. Section 63 of the Act requires Delegated Committees to be chaired by a Councillor or the Mayor.

Delegated committees have specific roles and powers (Delegations) and therefore the new Act is concerned with ensuring public transparency in their operations and in recognising that members of delegated committees must declare interests. Delegated committees operate under delegation of the council (albeit for limited purposes), therefore the members are subject to many of the same disclosure requirements as councillors, such as conflicts of interest, personal interest returns and standards of conduct. (Sections: 132-133). These processes can be administratively time consuming.

The Act also mentions joint delegated committees, (Section 64). A joint delegated committee is formed by resolution of two or more councils and consists of a delegated committee from each council, including at least one councillor from each council present at the meetings. This is not, in effect, a different committee as it is established by the joining of existing delegated committees.

2. COMMUNITY ASSET COMMITTEE

A community asset committee is a committee with powers of the council, established and with members appointed by council, with powers delegated by the Chief Executive Officer (CEO), subject to the terms and conditions specified by the CEO, for the purpose of managing a community asset in the municipal district, Section 65(2). Community Asset Committees do not have a requirement to include councillors or to be chaired by a Councillor or Mayor and members do not need to lodge personal interest returns under Sections 132-133.

The governance arrangements for these committees are specified by the Chief Executive Officer, Section 47(4). The terms and conditions must include the limits and purpose of any financial Delegation that can be exercised by the committee, governance arrangements and monitoring and reporting requirements.

3. AUDIT AND RISK COMMITTEE

All councils must establish an audit and risk committee and, crucially, this committee is not a delegated committee and cannot exercise statutory functions and powers of the council under Delegation. Under the Act (2020), the roles and functions of audit and risk committees are set out in Sections 53-54.

This committee will be established through a separate implementation process.

OTHER COMMITTEES

Although the Act is silent on any other type of committee, councils can establish any other committee that meets their needs, provided it has no delegated powers of council and does not manage a community asset on behalf of council.

Examples may include:

- Advisory committees – provide advice to council, but where a final decision for action or expenditure is taken by council in a council meeting. Examples of committees where councils may use a non-legislated committee may include: portfolio advisory committees that provide advice to a specific area of policy or service, (disability, transport, reconciliation action plan, environmental management, economic development, sport and recreation, public art) or project advisory committees that may be time-limited or program or grant advisory committees that advise council on the awarding of grants or program funding but are not responsible for the final decision.
- Reference committees or groups – provide input into a decision before council, or a council officer with Delegation, where members are representative of the community that will be affected by decisions or actions. Examples include: older persons, youth, and disability inclusion committees.
- Steering committees – may provide advice to inform a council decision or a council officer with Delegation, on a project or the management of an asset, without the delegated powers of a community asset committee. Examples include: activity/community centre steering committee, or committees advising on special events or sites, providing advice on reserves or parks (not directly managing them).

Discussion

The sections of the Act relating to delegated committees and community asset committees came into effect 1 May 2020. Delegations made under the Local Government Act 1989 remain in force until 1 September 2020. After this date, committees operating under existing Delegations will not have the power to exercise these Delegations until new committees are established and new Instruments of Delegation are adopted.

A Delegation can only be made to a legal entity, therefore Instruments of Delegation are made to “the members of” a committee, not to the committee itself. It is not necessary to name the members or remake the Instrument of Delegation every time membership changes.

1. COMMUNITY HALLS COMMITTEE

The revised Instrument of Delegation will be issued by the CEO utilising the same purpose, scope and intent of the previous Instrument of Delegation issued by council. **Appendix “9.6A”**.

A single Community Halls Committee of Management was established under the previous Act to manage the issue of having a large number of Section 86 Committees, (ten committees were represented within the Community Halls Committee of Management). The structure of a single halls committee has been effective in bringing the halls together, providing a means for sharing of information and increasing collaboration between hall committees.

Although individual Asset Committees could be established for each of the Halls, the current arrangement supports the effective operation of the halls and so a single Community Halls Committee involving representatives from each of the hall committees is recommended.

1. KANNAMAROO COMMITTEE

As the Kannamaroo Committee does not manage a community asset it cannot become a Community Asset Committee. The Kannamaroo committee manages an event in a way that is similar to the Art is Festival, Wimmera Machinery Field Days or Country Music Festival. However the Committee has been operating as a Section 86 Committee under the Local Government Act 1989. This has been an anomaly to the Act as the Committee has not been exercising any delegated powers from Council.

The current Instrument of Delegation will cease from 1 September. The Delegation did not establish any specific commitments from council to the committee. Support arrangements and co-commitments have been managed outside any formal arrangements. This has been long-standing and is based on historical practices. It is proposed that council officers work with the Kannamaroo Committee to become an Incorporated Association and that an agreement be developed defining shared responsibilities including council's support of and commitment to the community festival.

The details of the agreement are still being established.

Financial Implications

The costs of these changes relate to the officers' time in implementing the new arrangements.

Links To Council Plans, Strategies, Policies

2020-2024 Council Plan
Goal 4 – Governance and Business Excellence

Consultation/Communication

Discussions have been held between the Co-ordinator of Recreation and Open Space, the Kannamaroo Committee and members of the Community Halls' Committee of Management.

Risk Implications

The Act requires that council must indemnify members of community asset committees and delegated committees (including in the conduct of a role as a member of joint delegated committee). Members are to be indemnified against actions and claims arising in "respect of anything necessarily done or omitted to be done in good faith..." (Section 43) in the performance of their role.

Environmental Implications

Nil

Human Rights Implications

This report complies with the rights listed in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Conclusion

Section 86 Committees will cease to exist 1 September 2020 and new governance arrangements will need to be established for the Community Halls Committee of Management and the Kannamaroo Committee to enable them to continue to operate.

9.7 DELEGATIONS UPDATE

Author's Name:	Diana McDonald	Director:	Graeme Harrison
Author's Title:	Co-ordinator Governance	Directorate:	Corporate Services
Department:	Governance and Information	File Number:	F19/A12/000001

Officer Direct or indirect Conflict of Interest

In accordance with *Local Government Act 1989* –
Section 80C:

Yes No

Reason: *If no type* Nil

Status

Defined as confidential information in accordance
with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendix

Council to Staff Delegation (**Appendix "9.7A"**)

Purpose

To approve updates to Council's delegations to staff with changes arising from the Maddocks Lawyers delegation service and for any new and changed position titles or responsibilities that have occurred.

Summary

- Council updates its delegations every 6 months following receipt of information provided by Maddocks Lawyers.
- This update includes the Maddocks Lawyers update from July 2020.
- There are only two Acts with changes in the delegations from Council to Staff, Local Government Act 2020 and the Residential Tenancies Act 1997.
- There are a number of changes in delegation from CEO to staff & from Municipal Building Surveyor to staff, which do not require a resolution of council. Summary information is provided of these.
- The provisions of the Local Government Act 1989 re delegation remain in place until 1 September 2020, however some provisions of the 1989 Act are not to be revoked until a number of years in the future so Council will need to maintain delegations under both Acts.

Recommendation

In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Horsham Rural City Council (Council) RESOLVES THAT –

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, (**Appendix “9.7A”**) the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

REPORT

Background

A council is a statutory entity. It is able to do only those things which it is authorised by statute to do.

The sources of council authority can be summarised as:

- power to do things which a “natural person” can do - in particular, the power to enter into contracts;
- powers conferred by provisions of Acts and regulations, such as the *Local Government Act 2020* and the *Planning and Environment Act 1987*;
- powers conferred by other forms of statutory instrument.

The powers of a “natural person”- A council is given by s 14 of the *Local Government Act 2020* the power to deal with property and, more generally, the capacity to do anything which bodies corporate may by law do “which are necessary or expedient” for performing its functions and exercising its powers.

The power of a Council to act by resolution is set out in s 59 (1) of the *Local Government Act 2020* – “Where a Council is empowered to do any act, matter or thing, the decision to do the act, matter or thing is to be made by a resolution of the Council.”

However, Council cannot operate by means of passing a resolution every time that it wishes to act. So, for day-to-day operations, Council needs others to make decisions and act on its behalf. Where this is to occur, it is recommended that the appointment be formalised through written “instruments of delegation” wherever practicable.

Under the *Local Government Act 2020*, there are two sources of powers of delegation:

- s 11: delegation of Council powers to the CEO or members of a delegated committee; and
- s 47: delegation of Council powers by the CEO to Council staff or members of a Community Asset Committee, as well as delegation of CEO powers to Council staff.

The delegation powers under the *Local Government Act 2020* apply to powers under any Act. However, some other Acts also include provisions dealing with delegations relating to particular issues. There is a problem of interpretation when those Acts confer the delegation power more restrictively than the *Local Government Act 2020*. For example, a delegation under s 188 of the *Planning and Environment Act* cannot authorise a delegate to acquire land on behalf of the Council in its capacity as responsible authority. The prudent approach is to comply with the more restrictive and specific delegation rules under the specific purpose legislation.

Because it is a common feature of legislation, not all details about delegations are set out in the empowering Act - some general features of delegation are set out in the *Interpretation of Legislation Act 1984*. In particular -

- the decision, once made, is for all legal purposes a decision of the Council itself (s 42A of the *Interpretation of Legislation Act*);
- the “delegate” is in much the same position as the Council itself in terms of making the decision - for example, where the decision requires that opinion be formed, the delegate’s opinion can be the basis for the decision (s 42 of the *Interpretation of Legislation Act*);

- the fact that a delegation has been made does not affect the Council's powers in relation to the issue concerned (s 42A of the *Interpretation of Legislation Act*). This is subject, of course, to the rule that the delegate's decision (once made) is taken to be the decision of the Council itself. The Council can therefore find itself bound by a decision which it would not itself have made.

For this reason, it is important that the Council have in place appropriate policies and guidelines under which delegation should be exercised.

Some Acts contain specific powers of delegation to persons other than the Chief Executive Officer. In these cases, there is a presumption that a power of delegation cannot be sub-delegated in the absence of express authority to do so, hence, Council must delegate these items direct to individual staff members.

Under the *Building Act 1993*, Municipal Building Surveyors (MBS) may also delegate their powers to other officers. This is therefore not a delegation by Council but by the MBS to staff and is signed-off by the MBS.

Council may also delegate powers to Delegated Committees established under Section 63 of the Local Government Act 2020 or Section 188 of the *Planning and Environment Act 1987*. Each committee must have an Instrument of Delegation that clearly articulates the nature of the delegation, and any conditions or limitations under which the delegation is to be exercised.

In summary, there are six delegation types:

A. Delegations of Council:

1. Council to Chief Executive Officer
2. Council to Staff
3. Council to Delegated Committees

B. Delegations by others:

4. Chief Executive Officer to Staff*
5. Chief Executive officer to Community Asset Committees
6. Municipal Building Surveyor to Staff

*The Chief Executive Officer to Staff delegation also includes a section on Miscellaneous and Administrative powers which are best described as operational in nature and do not arise out of specific legislation.

Council has put in place detailed guidelines that help staff understand their obligations and responsibilities when it comes to exercising a delegated power. Each staff member receives a copy of their individual delegations and they are reminded to read and understand the guidelines for exercising these delegated powers.

Discussion

Council manages its delegations by subscribing to a service from Maddocks Lawyers which provides Council with amendments to existing legislation and updates on new legislation. These updates are received approximately every six months and as such, an update was received in July 2020, which takes account of legislative changes since January 2020. Changes Made in This Update:

1. From Council to Members of Council Staff

- 1.1 The Local Government Act 2020
- 1.2 The Residential Tenancies Act 1997 (Vic).

2. From Council's CEO to Staff

The following Acts have had some changes as a result of new or amended legislation:

- 2.1. ss 216D(2), 216D(5)(a) and 216(5)(b) of the *Building Act 1993* (Vic) (Building Act) have been amended by the *Building and Environment Protection Legislation Amendment Act 2020* (Vic). These amendments will commence on 1 December 2020, unless proclaimed earlier;
- 2.2. s 86B of the *Electricity Safety Act 1998* (Vic) has been substituted by the *Emergency Management Legislation Amendment Act 2018* (Vic) (EM Amendment Act) and will no longer be relevant to councils. This amendment will commence on 1 December 2020, unless proclaimed earlier;
- 2.3. the EM Amendment Act has introduced a number of new provisions into the *Emergency Management Act 2013* (Vic) (2013 EM Act) which will commence on 1 December 2020, unless proclaimed earlier;
- 2.4. the *Gender Equality Act 2020* (Vic) was assented to on 25 February 2020. A number of powers, duties and functions have been included our S7 Instrument which will commence on 31 March 2021, unless proclaimed earlier;
- 2.5. ss 7A(2), 21(10)(a), 21(10)(b) and 21(10)(c) of the *Subdivision Act 1988* (Vic) have been introduced by the *Melbourne Strategic Assessment (Environment Mitigation Levy) Act* (Vic) (MSA (EML) Act);
- 2.6. the new *Electric Safety (Electric Line Clearance) Regulations 2020* replace the previous *Electric Safety (Electric Line Clearance) Regulations 2015*;
- 2.7. the *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020* have been inserted and are in force; and
- 2.8. relevant provisions from both the *Local Government Act 2020* and *Local Government Act 1989*.

3. From the Municipal Building Surveyor

A number of changes have been picked up due to amendments in the Building Act, by the MSA (EML Act).

Financial Implications

The financial impact of the review of delegations is limited to staff time and the cost of the Maddocks Lawyers delegation service which has been included in the 2020-2021 budget.

Links To Council Plans, Strategies, Policies

2020-2024 Council Plan

Goal 4 – Governance and Business Excellence

Consultation/Communication

Whatever reporting requirements are imposed on each delegate, it is important that decisions and actions taken under delegations are properly documented. If the delegations were not in place, the exercise of functions, powers and duties of Council would be recorded in the minute book of the Council.

It is possible that decisions taken under delegation will be reviewed in other spheres (i.e. internal or management review, Council review, Ombudsman, Victorian Civil and Administrative Tribunal, Magistrates' (or higher) Court). Therefore a proper record of delegated action must be kept to ensure that the decision or action can be substantiated at a later date. The detail and method of recording will depend on the nature of the power duty or function. Proper and appropriate documentation is uppermost in the minds of all delegates. A register of delegations is required to be kept under ss 11(8) and 47(7) of the *Local Government Act 2020* and is made available for public inspection.

The attached delegations have been updated using the Maddocks Lawyers delegation service, with consultation with relevant Council Officers and from feedback from Councillors.

Risk Implications

The risk to Council of having inadequate instruments of delegation is that actions are carried out without appropriate authority and therefore are subject to be challenged in a court of law.

Also, the fact that a delegation has been made, does not affect the Council's powers in relation to the issue concerned. A delegate's decision (once made) is taken to be the decision of the Council itself. The Council can therefore find itself bound by a decision which it may not itself have made. This risk is mitigated by having in place appropriate policies and guidelines under which delegation should be exercised. Guideline G04/004 (Delegations and Authorisations to Members of Council Staff) has been put in place to address this issue and was reviewed in 2017 by the Executive Management Team.

Environmental Implications

Not applicable

Human Rights Implications

This report complies with the rights listed in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Conclusion

This update takes into account legislative changes which were assented to, or made, after January 2020, which affects Council's powers, duties and functions.

9.8 GOVERNANCE RULES

Author's Name:	Diana McDonald	Director:	Graeme Harrison
Author's Title:	Co-ordinator Governance	Directorate:	Corporate Services
Department:	Governance and Information	File Number:	F19/A10/000001

Officer Direct or indirect Conflict of Interest

In accordance with *Local Government Act 1989* –
Section 80C:

Yes No

Reason: Nil

Status

Defined as confidential information in accordance
with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendix

Draft Governance Rules (**Appendix "9.8A"**)

Submissions Received (**Appendix "9.8B"**)

Summary of Feedback Received (**Appendix "9.8C"**)

Purpose

To adopt Horsham Rural City Council Governance Rules as prescribed under Section 60 of the *Local Government Act 2020* (Act).

Summary

- Section 60 of the Local Government Act 2020 requires each council to adopt and apply governance rules that describe the way they will conduct council meetings and make decisions by 1 September 2020.
- The Governance Rules are designed to ensure good governance by Council through the performance of its role in accordance with the overarching governance principles and supporting principles of the Act.
- The Governance Rules are based on a template obtained from Maddocks Lawyers, to comply with the overarching principles and specific sections of the Act.
- Community feedback on the draft Governance Rules was sought over a 21-day period from 8 to 29 July 2020, with three submissions received.

Recommendation

That Council adopt the Governance Rules attached as **Appendix "9.8A"**.

REPORT

Background

The Local Government Act 2020 is a principles-based Act, removing the unnecessary regulatory and legislative prescription. The Governance Rules follow the form of a template devised by Maddocks Lawyers, to comply with the overarching principles and specific sections of the Act.

As the new Act is a principles-based Act, much of the content of the Governance Rules is not prescribed by the legislation but is instead left to individual Councils to determine. Most of the provisions of Local Law No. 1 - Governance will be made redundant when the Governance Rules are adopted which is required by 1 September 2020.

Local Government Victoria (LGV) also provided a draft template which was reviewed, but was not considered to be as easy to read and to follow as the Maddocks document. The Maddocks document also provided better alignment with our current meeting procedure.

Of councils across the state 43 are using the Maddocks document (54%) several have developed their own documents or used the LGV template.

Discussion

The Governance Rules are designed to ensure good governance by Council through the performance of its role in accordance with the overarching governance principles and supporting principles of the Act.

Governance Rules Template

The Governance Rules Template comprises of seven chapters which each have their own rules:

Chapter 1: Governance Framework	Addresses the new legislative requirements of the Local Government Act 2020.
Chapter 2: Meeting Procedure for Council Meetings	Essentially Replacing Local Law No 1. Governance - Meeting Procedure. This chapter contains the Rules relating to meeting procedure for Council Meetings.
Chapter 3: Meeting Procedure for Delegated Committees	General Meeting Procedures if Council establishes a Delegated Committee.
Chapter 4: Meeting Procedure for Community Asset Committees	General Meeting Procedures for Community Assets Committees.
Chapter 5: Disclosure of Conflicts of Interest	Addresses disclosure of Conflicts of Interest in accordance with the new Act and apply only upon Division 1A of Part 4 of the <i>Local Government Act 1989</i> being repealed.
Chapter 6: Miscellaneous	Addresses Council Briefings and Confidential Information in accordance with the new Act.
Chapter 7: Election Period Policy	Election Period Policy – which was previously adopted by Council in November 2019.

In accordance with Section 60 (3) of the *Local Government Act 2020*, A Council may amend its Governance Rules. This may occur at any time that the Council so resolves, although stability in these rules help to facilitate good governance.

Financial Implications

The cost of the Maddocks Governance Template was \$2,128.50

Links To Council Plans, Strategies, Policies

2020-2024 Council Plan

Goal 4 – Governance and Business Excellence

Consultation/Communication

The Governance Rules have been reviewed in accordance with recommendations, guidelines and are based on a template provided by Maddocks legal firm.

The draft Governance Rules were circulated to the Leadership Team, and other relevant Council Officers for feedback.

The Governance Rules were also considered at the following meetings:

- 6 July 2020 - Council Briefing Meeting
- 8 July to 29 July 2020 - Provided to the public and Councillors for feedback
- 3 August 2020 - Council Briefing Meeting to consider submissions received
- 10 August 2020 - Council Briefing Meeting

The Governance Rules were placed on Councils website and community feedback was sought over a 21-day period from 8 July to 29 July 2020. Feedback on the Election Period Policy was sought from 30 July to 6 August.

This was promoted through the website and Facebook as well as Council's Public Notices pages in the Horsham Times and Weekly Advertiser newspapers on 10 and 15 July 2020. Three separate submissions were received from two people (**Appendix "9.8B"**) and the feedback and Council responses have been provided in **Appendix "9.8C"**.

Following consideration of the submissions the subsequent changes were made:

Part B – Election of Mayor, Deputy Mayor and Chairs of Delegated Committees

Deputy Mayor and Chairs of Delegated Committees has been added into the heading

Section Nine Ceremonial Mayoral Speech

New section has been added in

Part C – Meeting Procedures

Section 12.1 Notice of Meeting

Amended to 96 hours in line with section 12.3

Section 17.1 Cancellation or Postponement of a Meeting

Included "Following consultation with the Mayor if possible"

Section 22.2 Notice Of Motion

Included "Following consultation with the Mayor if possible"

Section 35 Priority of Address

Included "After a motion is seconded and the mover has addressed the meeting, the seconder may address the meeting or reserve their address until later in the debate. The Chairperson may then call upon any Councillor who wishes to speak against the motion, then any other Councillors for and against the motion then debate in turn.

Except for the purposes of proposing an amendment or for the purposes of raising a point of order no Councillor may speak more than once on any motion."

Section 53 Public Question Time

S53.10 New section added in "A submitter to a question that has been disallowed will be notified in writing the reason/s for not allowing the question".

Section 62 Confirmation of Minutes

Amended to 96 hours in line with section 12.

Risk Implications

The Governance Rules are required to be adopted on or before 1 September 2020, under the legislative requirements of section (60) of the *Local Government Act 2020*.

Environmental Implications

Not applicable

Human Rights Implications

It is considered that this report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

Conclusion

The Governance Rules satisfying s 60(1) of the Local Government Act 2020, primarily relating to the conduct of meetings and related procedures are presented to Council for endorsement.

9.9 REQUEST FOR RESERVE TO BE NAMED AFTER THE LATE JACK SCHIER

Author's Name:	Kylie Fischer	Director:	Graeme Harrison
Author's Title:	Co-ordinator Rates and Valuations	Directorate:	Corporate Services
Department:	Finance	File Number:	F27/A15/000001

Officer Direct or indirect Conflict of Interest

In accordance with *Local Government Act 1989* –
Section 80C:

Yes No

Reason: Nil

Status

Defined as confidential information in accordance
with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendix

Nil

Purpose

To declare its intention to name a reserve on Mardon Drive, Horsham as 'Jack Schier Reserve'.

Summary

- Local residents who live on Mardon Drive, Graham and Julet Schultz, have requested that a section of the reserve off Mardon Drive be named to honour the late Jack Schier.
- Jack Schier contributed generously towards the health and welfare of the local community.
- The exact boundaries of the reserve will still need to be determined

Recommendation

That Council:

1. Declare its intention to name a portion of the reserve alongside Burnt Creek, on Mardon Drive, Horsham after the late Jack Scheir as 'Jack Schier Reserve'.
2. Seek community comment on the proposed naming of the reserve.

REPORT

Background

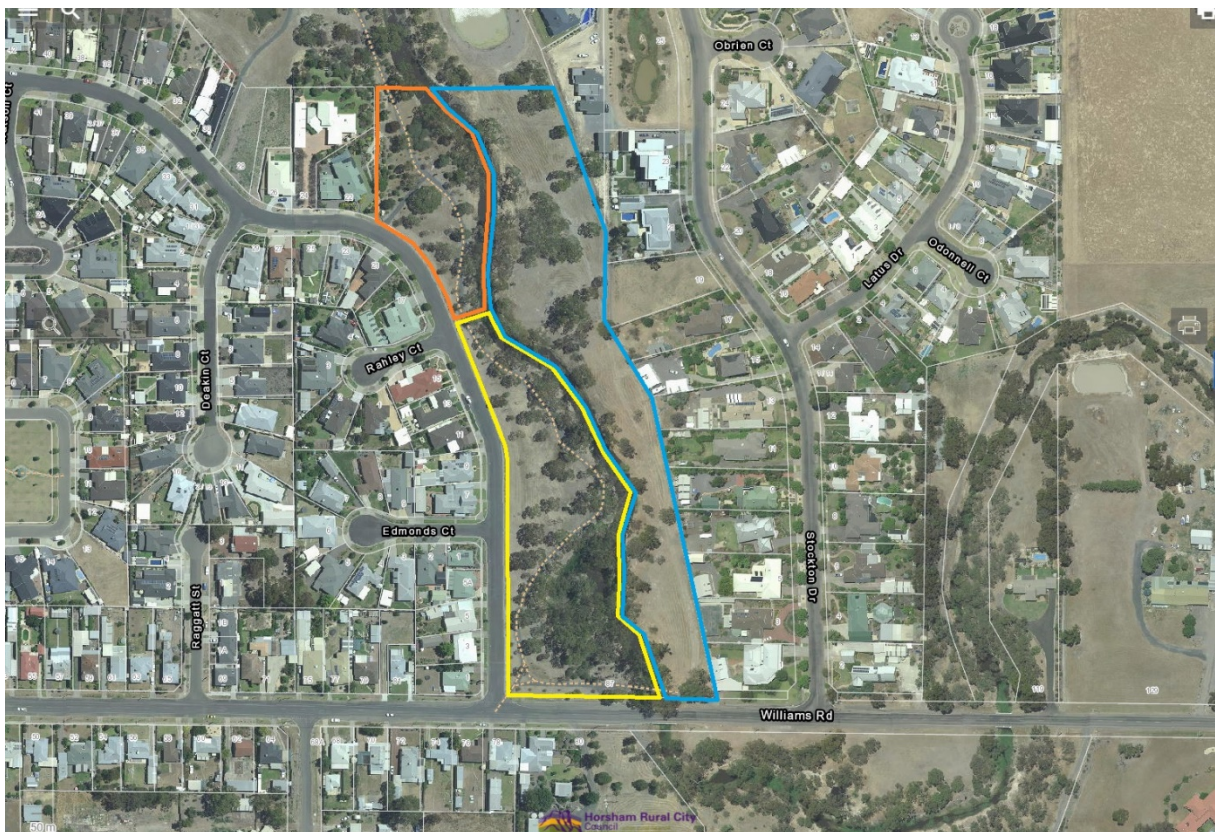
Jack Schier originally moved to Horsham in 1974 with his wife and adopted son, purchasing land at Haven. Jack's son had been diagnosed as disadvantaged and upon seeing the lack of facilities to cater for his son's needs, Jack donated 40 acres of his land to develop the Karkana Day Centre. He continued to have a strong interest in the development of this facility for many years until passing away in 2014.

Over the course of his life Jack Schier was known as a man who demonstrated a deep concern for the health and welfare of his community, and as a truly humble, charitable and generous benefactor to a number of community projects. He was actively involved in the Pleasant Creek Training Centre and Stawell Special Development School for a number of years, he financially assisted the Sunnyside Lutheran Rest Home, and was also a major contributor to the public appeal to build the Matron Arthur House Nursing Home which was opened at the Wimmera Base Hospital in 1987.

Schier Drive in Haven was named after Jack's brother, Donald Schier.

Discussion

The proposed naming for the reserve meets all official requirements. The only matter outstanding is the land that this reserve will actually cover. Three options have been identified (see below) and will be provided for consideration and comment by the community.



Financial Implications

This proposal has no direct financial implications for Council.

Links To Council Plans, Strategies, Policies

2020-2024 Council Plan - Goal 4 – Governance and Business Excellence

Horsham Rural City Council Street Naming Policy

Geographical Place Names Act 1998 - Naming Rules for Places in Victoria – Statutory requirements for naming roads, features and localities 2016

Consultation/Communication

No community consultation or engagement has yet taken place.

Consultation will be undertaken in accordance with the guidelines under Section 7.1 of the 'Naming Rules for Places in Victoria – Statutory requirements for roads, features and localities 2016'. This requires that Council promote the proposal to the immediate and extended community through various forms of media. This will be undertaken over a 28 day period.

Every effort will also be made to gain consent from the late Jack Schier's family members.

Risk Implications

No identified risks.

Environmental Implications

Not applicable.

Human Rights Implications

This report complies with the rights listed in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Conclusion

The name Jack Schier conforms to the principles in the Naming Rules for Places in Victoria – Statutory requirements for roads, features and localities 2016, and therefore may be used to name the reserve, subject to community feedback.

9.10 PUBLIC TRANSPARENCY POLICY

Author's Name:	Diana McDonald	Director:	Graeme Harrison
Author's Title:	Co-ordinator Governance	Directorate:	Corporate Services
Department:	Governance and Information	File Number:	F19/A10/000001

Officer Direct or indirect Conflict of Interest

In accordance with *Local Government Act 1989* –
Section 80C:

Yes No

Reason: Nil

Status

Defined as confidential information in accordance
with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendix

Draft Public Transparency Policy (**Appendix "9.10A"**)

Purpose

To adopt the Public Transparency policy.

Summary

- The Public Transparency Policy is one of several policies that require adoption by Council on or before 1 September 2020 under the requirements of the new *Local Government Act 2020* (the Act).
- Under the new legislation the Public Transparency Policy must describe the ways in which Council information is to be made publicly available. This Policy is relevant to s57 Public Transparency Policy and s58 The Public Transparency Principles and is essentially new legislation which strengthens transparency and the provision of information available to the public.
- The Public Transparency Policy is a new Policy and is based on a template obtained from Maddocks legal firm and has been prepared with consideration given to the Local Government Victoria (LGV) versions.
- Community feedback on the draft policy was sought over a 21-day period from 8 to 29 July 2020, with one submission received.

Recommendation

That Council adopt the Public Transparency policy attached as **Appendix "9.10A"**.

REPORT

Background

The Local Government Act 2020 is a principles-based Act, removing the unnecessary regulatory and legislative prescription. One of the overarching principles of the new Local Government Act 2020 (the Act) is the “the transparency of Council decisions, actions and information is to be ensured” (s. 9(2)(i)).

Various sections of the previous Act and regulations specified transparency and consultation requirements including the timing and location of Council meeting notices, council websites and information to be published on them, and documents a Council must make available for public inspection, amongst other things. This is no longer the case, Councils must develop their own policies, in line with these underpinning principles. The Public Transparency policy is one of several policies that require adoption by Council on or before 1 September 2020 under the requirements of the Act.

Discussion

The Act says that a Council must adopt and maintain a Public Transparency Policy. The policy must, amongst other things give effect to the Public Transparency Principles listed at section 58 of the Act. The following are the Public Transparency Principles:

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

This Public Transparency Policy supports Council in its ongoing commitment to good governance and the importance of open and accountable conduct, and how Council information is to be made publicly available. It also explains when Council information may be confidential, or when making it available may be contrary to the public interest.

Financial Implications

Not applicable

Links To Council Plans, Strategies, Policies

2020-2024 Council Plan
Goal 4 – Governance and Business Excellence

Consultation/Communication

The Public Transparency policy has been reviewed in accordance with recommendations, guidelines and is based on a template provided by Maddocks legal firm.

The draft policy was circulated to the Leadership Team and other relevant Council Officers for feedback. It was endorsed by the Executive Management Team on 7 July 2020 and considered at the Council Briefing Meeting on 13 July 2020 and 10 August 2020.

The draft policy was placed on the Horsham Rural City Council website and promoted in Council's Public Notices pages in the Horsham Times and Weekly Advertiser newspapers on 10 and 15 July 2020. Community feedback was sought over a 21-day period from 8 to 29 July 2020.

One submission was received stating that *"From the community perspective the 'public interest test' needs to be more clearly defined to be more easily understood by the Community. It is clear from recent years that this is a very big issue locally, so maybe we need some more consultation/discussion to ensure that what is being prepared by staff for this policy, reflects the expectations of ratepayers for transparency."*

This feedback was taken into consideration, and as a result a definition of Public Interest Test has been included in the policy.

Risk Implications

Not applicable

Environmental Implications

Not applicable

Human Rights Implications

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 affairs.

Conclusion

The Public Transparency policy is presented to Council for endorsement.

9.11 ADDITIONAL COUNCIL MEETING PRIOR TO ELECTION PERIOD

Author's Name:	Diana McDonald	Director:	Graeme Harrison
Author's Title:	Co-ordinator Governance	Directorate:	Corporate Services
Department:	Governance and Information	File Number:	F19/A10/000001

Officer Conflict of Interest

Officer disclosure in accordance with *Local Government Act 2020* – Section 130:

Yes No

Reason: Nil

Status

Defined as confidential information in accordance with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendix

Nil

Purpose

To schedule an additional Council Meeting prior to the commencement of the Election Period.

Summary

Scheduling an additional Council Meeting on 21 September 2020 will allow Council to consider urgent tenders and other matters which will be impacted by the election period which commences at 12 mid-day on 22 September 2020.

Recommendation

That Council schedule an additional Council Meeting on 21 September 2020.

REPORT

Background

In accordance with the requirements under the *Local Government Act 2020, Local Government Act 1989*, and the Horsham Rural City Council (HRCC) Council Election Period Policy, Council should not make major policy decisions during the election caretaker period.

Decisions to enter into contracts that are valued at more than \$266,850 (for purchase of goods or services) or \$200,000 (for carrying out of works).

The amount of \$266,850 refers to 1% of Council's revenue from rates levied for 2018/19.

Discussion

Councils must comply with special arrangements in the lead up to elections, known as the Election Period (or Caretaker Period).

The Election Period has special arrangements in place for the 32 days prior to a council election. For 2020 October elections, the Election Period commences at 12 mid-day on Tuesday, 22 September 2020 and concludes on 6pm Saturday, 24 October 2020.

It is proposed to schedule an additional Council Meeting for 21 September to consider urgent tenders, including the Landfill Cell Construction and other matters which will be impacted by the election period.

Council's scheduled meeting date for Monday, 28 September 2020 will remain in place and will be conducted in accordance with HRCC's Council Election Period Policy and relevant legislative requirements.

Sustainability Implications

Not applicable

Financial Implications

Additional resources required will be Council Officers time.

Council Plans, Strategies and Policies

2020-2024 Council Plan
Goal 4 – Governance and Business Excellence

Risk Implications

If the tenders and other matters are not endorsed prior to the Caretaker Period it will impact on the delivery of some key Council functions.

Conclusion

An additional Council Meeting in September will allow the continuation of Council business prior to the election period.

9.12 CHIEF EXECUTIVE OFFICER'S OPERATIONAL REPORT

Author's Name:	Sunil Bhalla	Director:	Not applicable
Author's Title:	Chief Executive Officer	Directorate:	Not applicable
Department:	Chief Executive Office	File Number:	F06/A01/000001

Officer Direct or indirect Conflict of Interest

In accordance with *Local Government Act 1989* –
Section 80C:

Yes No

Reason: Nil

Status

Information classified confidential in accordance
with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendix

Nil

Purpose

To receive and note the Chief Executive Officer's Operational Report for August 2020.

Summary

The Chief Executive Officer's Operational Report highlights issues and outcomes affecting the organisation's performance and matters which may not be subject of Council reports or briefings.

Recommendation

That Council receive and note the Chief Executive Officer's Operational Report for August 2020.

REPORT

Background

At the 24 June 2019 Ordinary Meeting of Council, it was resolved that the Chief Executive Officer provide an operational report to Council.

Discussion

Key items of interest for the report period are summarised below.

A. Advocacy/Funding Announcements

Regional Cities Victoria: The Mayor and Chief Executive Officer attended a Regional Cities Victoria meeting on 30 July 2020 via zoom. The Hon Shaun Leane, Minister for Local Government was guest speaker and discussed the upcoming local government elections, affordable housing, Working for Victoria program and local government financing.

The Chief Executive Officer attended a Regional Cities Victoria meeting on Tuesday 11 August 2020 with The Hon Jacinta Allan, Minister for Transport Infrastructure, Minister for Coordination of Transport: Covid-19, Minister for the Suburban Rail Loop. The Minister provided an update on the planning for the Airport Rail link and rail upgrades to regional rail.

The Chief Executive Officer attended a Regional Cities Victoria meeting on 13 August 2020 and received an update on the Sustainable Subdivision Framework project. Over an 18 month period, and working alongside other regional and metro Councils, Council will be participating in a trial of the framework on new subdivisions.

Rural Council's Corporate Collaboration (RCCC) Board Meetings: The RCCC Board which includes the Chief Executive Officers of Hindmarsh, West Wimmera, Buloke, Yarriambiack, Loddon and Horsham had a meeting on 13 August 2020 and discussed their Terms of Reference, the draft project plan analysis, communications strategy, financial report and budget.

Wimmera Regional CEO Meeting: The Chief Executive Officer met via zoom with the Chief Executive Officers of Buloke, West Wimmera, Hindmarsh, Yarriambiack and Northern Grampians on 13 August 2020. An update from the WDA Executive Director and status of recruitment for the Regional Emergency Management project were the key items for discussion.

B. Community Engagement

Wimmera Riverfront Draft Concept Plan: Council is currently seeking feedback on the draft concept plans for the Wimmera Riverfront Activation Project (Stage one of the City to River Masterplan).

C. Projects and Events

Langlands Walking Track: Sealing and construction of the Langlands Walking Track on the south side of the Wimmera River is now complete, creating a sealed path on both sides of the river from the Wimmera River Bridge to the Weir for pedestrians and cyclists. This was a joint venture funded by the Horsham Rural City Council and Wimmera Catchment Management Authority.

Horsham Aquatic Centre Concourse: Works are underway at the Horsham Aquatic Centre. All of the old rubber concourse has been removed and the concrete surface is now being prepared before the new concourse is installed. These preparation works are set to be completed by the end of this week after which the new concourse will be installed. The project is expected to be completed by 11 September 2020, just before the proposed lifting of stage 3 restrictions.

D. Staff Matters

Reconciliation Australia Survey: Council is working with Reconciliation Australia to undertake a survey of employees. The research is being conducted by Polity Research and Consulting, an independent social research company, and all responses to this survey are strictly confidential. Input is vital to enable Council and Reconciliation Australia to understand how workplace diversity can best be improved.

Financial Implications

Not applicable

Links To Council Plans, Strategies, Policies

2020-2024 Council Plan
Goal 4 – Governance and Business Excellence

Consultation/Communication

Not applicable

Risk Implications

Not applicable

Environmental Implications

Not applicable

Human Rights Implications

This report complies with the rights listed in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Conclusion

That Council receive and note the Chief Executive Officer's Operational Report for August 2020.

10. COUNCILLOR REPORTS AND ACKNOWLEDGEMENTS

Cr Mark Radford, Mayor

27 July 2020 – Ordinary Council Meeting (Virtual)
28 July 2020 – ABC Radio Interview
29 July 2020 – COVID-19 Agencies Meeting (Virtual)
30 July 2020 – Regional Cities Victoria with Minister Hon Shaun Leane (Virtual)
30 July 2020 – Audit & Risk Committee (Virtual)
30 July 2020 – MAV Mayoral Forum (Virtual)
30 July 2020 – Wimmera River Precinct #1. Webinar (Virtual)
31 July 2020 – ‘Be Kind’ WSM Media/Councils (Virtual)
31 July 2020 – Mrs Dorothy Conn, Arch’s 100th Birthday
3 August 2020 – Aboriginal Advisory Committee (Virtual)
3 August 2020 – Ordinary Council Meeting (Virtual)
3 August 2020 – Briefing Meeting Virtual)
5 August 2020 – ABC Radio Interview
5 August 2020 – Business Visits...Dadswells Bridge
5 August 2020 – COVID-19 Agencies Meeting (Virtual)
5 August 2020 – VLGA Candidate Information Session (Virtual)
7 August 2020 – WSM Media /Councils (Virtual)
7 August 2020 – ‘Be Kind’ WSM Media/Councils (Virtual)
10 August 2020 – Dr Anne Webster (MP) Tele-conference
10 August 2020 – Briefing Meeting (Virtual)
11 August 2020 – Regional Cities Victoria with Minister Hon. Jacinta Allan (Virtual)
11 August 2020 – RCV Mayors Meeting (Virtual)
12 August. 2020 – Business Visits
12 August 2020 – COVID-19 Agencies Meeting (Virtual)
14 August 2020 – Business Visit
17 August 2020 – ABC Radio Interview (Damaged Trees)
17 August 2020 – CEO Meeting
19 August 2020 – COVID-19 Agencies Meeting (Virtual)
21 August 2020 – Local Government Victoria Meeting (Virtual)
21 August 2020 – ‘Be Kind’ WSM Media/Councils (Virtual)
22 August 2020 – VLGA Candidate Information Session (Virtual)

11. URGENT BUSINESS

12. PETITIONS AND JOINT LETTERS

13. PROCEDURAL BUSINESS

13.1 ASSEMBLY OF COUNCILLORS – RECORD OF MEETINGS

Council Briefing Meeting held on Monday 3 August 2020 at 6.52pm via Zoom (Video Conferencing)

Council Briefing Meeting held on Monday 10 August 2020 at 5.04pm via Zoom (Video Conferencing)

Refer to **Appendix “13.1A”**

13.2 SEALING OF DOCUMENTS

Nil

13.3 INWARD CORRESPONDENCE

Nil

13.4 COUNCIL COMMITTEE MINUTES

Horsham Tidy Towns Committee Meeting held on Tuesday 21 July 2020 at 2.00pm

Western Highway Action Committee meeting held on Friday 7 August 2020 at 10.00am

Refer to **Appendix “13.4A”**

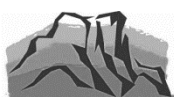
Recommendation

That Council receive and note agenda items:

- 13.1 Assembly of Councillors – Record of Meetings
- 13.2 Sealing of Documents
- 13.3 Inward Correspondence
- 13.4 Council Committee Minutes.

14. NOTICE OF MOTION

AUDIT & RISK COMMITTEE CHARTER



Horsham Rural City
Council urban rural balance

AUDIT & RISK COMMITTEE CHARTER

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1. PURPOSE OF CHARTER

The Audit & Risk Committee (the 'Committee') is an independent advisory committee to Council established under section 53 of the *Local Government Act 2020* (the Act).

The Committee Charter (the 'Charter') has been developed with regard to '*Audit Committees – A Guide to Good Practice for Local Government*', January 2011 issued by the Minister for Local Government and Victorian Auditor-General's report on *Audit Committee Governance* issued in August 2016 and under section 54 of the Act.

The Charter sets out the Committee's objectives, authority, composition and tenure, roles and responsibilities and reporting, administrative and governance arrangements.

The Committee's objective is to provide appropriate independent advice and recommendations to Council on matters relevant to the Committee's Charter in order to facilitate decision-making by Council in relation to the discharge of Council's accountability requirements.

The Committee is an Advisory Committee and does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibility. The Committee does not have any management functions and is therefore independent of management.

The Committee will provide oversight and guidance on the following matters:

- Council financial performance reporting;
- Compliance of Council policies and procedures with the Act, particularly the governance principles;
- The effectiveness of the management and reporting of Council's risk management and fraud and corruption prevention;
- The effectiveness of Council's system of internal controls;
- The effectiveness of the internal and external audit functions; and
- The provision of an effective means of communication between the external auditor, internal audit, management and the Council.

The Committees has an established Annual Work Program to enable it to discharge its responsibilities effectively pursuant to the requirements of the Charter and reviews the Annual Work Program at least once yearly.

2. COMMITTEE'S DUTIES AND RESPONSIBILITIES

The duties and responsibilities of the Committee include:

Financial Reporting

The Committee will:

2.1 Review Council's draft annual financial report and annual performance statement, focusing on:

- The reporting requirements of accounting policies and Approved Accounting Standards;
- Changes in accounting policies and Approved Accounting Standards (the 'Standards');
- The assumptions used and processes applied in making significant accounting estimates;
- Significant adjustments to the financial report (if any) arising from the audit process;
- Compliance with Standards and other reporting requirements of financial and non-financial information; and

- Significant changes to the content of reports, the operating results, financial position and performance indicators in comparison to the previous year.
- 2.2 Review and recommend adoption of the Annual Financial and Performance Statements to Council and review any significant changes and the reasons for the changes that may arise subsequent to any such recommendation but before the financial report is signed.
- 2.3 Review the completeness of corporate governance processes as prescribed in the Governance and Management Checklist of the Local Government (Planning and Reporting) Regulations 2014.

External Audit

The Committee will:

- 2.4 Be briefed at least annually by the External Auditor on the audit strategy prior to the commencement of each year's audit process.
- 2.5 Discuss and review with the External Auditor the scope and the planning of the audit.
- 2.6 Discuss and review with the External Auditor issues arising from the external audit, including all significant Management Letter items and the potential impact of those items on Council's system of internal control.
- 2.7 Ensure significant findings and recommendations made by the external auditor and management's responses are received, discussed and appropriately actioned by management.
- 2.8 Review on an annual basis the performance of the External Auditor.

System of Internal Control

The Committee will:

- 2.9 Maintain an awareness of local government performance audits undertaken by VAGO and any other relevant reviews undertaken by Australian and Victorian public sector integrity bodies, including the Independent Broad-Based Anti-Corruption Commission (IBAC), the Local Government Inspectorate and the Victorian Ombudsman and consider relevant recommendations for action or implementation where appropriate.
- 2.10 Confirm that management are aware of these external reviews and have considered the relevant recommendations for action or implementation.
- 2.11 Review the adequacy and effectiveness of key systems and controls as a basis for providing a sound internal control framework.
- 2.12 Ensuring that key policies, procedures, systems and controls are reviewed regularly and updated where required.

Internal Audit

The Committee will:

- 2.13 Be kept informed by Council Officers of any process to appoint or terminate the Council's internal audit service provider.

- 2.14 Recommend to Council the approval of the Internal Audit Plan for the coming year.
- 2.15 Review the level of resources allocated to internal audit and the scope of its authority.
- 2.16 Review the scope of the Internal Audit Plan and the effectiveness of the function. This review should consider whether, over a period of three (3) years the Internal Audit Plan systemically addresses:
 - 2.16.1 Internal controls over significant areas of risk, including non-financial management control systems;
 - 2.16.2 Internal controls over revenue, expenditure assets and liability processes;
 - 2.16.3 The efficiency, effectiveness and economy of significant Council programs; and
 - 2.16.4 Compliance with regulations, policies, best practice guidelines, instructions and contractual arrangements.
- 2.17 Review the appropriateness of special internal audit assignments undertaken by internal audit at the request of Council or the Chief Executive Officer.
- 2.18 Review internal audit reports and monitor the implementation of recommendations by management.
- 2.19 Facilitate liaison between the Internal and External Auditors to promote compatibility, to the extent appropriate, between their audit programs.
- 2.20 Critically analyse and follow up any internal or external audit report that raises significant issues relating to risk management, internal control, financial reporting and other accountability or governance issues, and any other matters relevant under the Committee's Charter. Review management's response to, and actions taken as a result of, the issues raised.
- 2.21 Review on an annual basis the performance of the Internal Auditor, including adherence to appropriate, professional and quality standards, and where performance is not considered satisfactory, report to Council and make recommendations, which may, in extreme cases, include a recommendation that Council terminate the Internal Audit contract and undertake a tender process for the appointment of a new internal auditor.
- 2.22 Ensure that a representative(s) of the Committee and a member of Council's Executive Management Team (EMT) not directly involved in the management of the internal audit contract are included on the tender evaluation panel tasked with making recommendations to Council for the appointment of a new Internal Auditor.

Risk Management

The Committee will:

- 2.23 Monitor the risk exposure of Council by determining if management has appropriate risk management processes and adequate management information systems in place to report to Councils risk profile and changes to it.
- 2.24 Monitor reported related party transactions, monitor the implementation of recommendations arising from reports presented and review the effectiveness of Council's internal control systems.
- 2.25 Provide oversight of Council's Risk Management Framework and activities conducted by the Internal and External Auditors and any other assurance providers to give assurance over that framework.
- 2.26 Escalate to Council when the Committee feels that management is not responding as it should on concerns about the Risk Management Framework.

Ethical Behaviour

The Committee will:

- 2.27 Receive updates from management of any suspected cases of fraud, corruption or serious misconduct impacting Council without jeopardising the privacy of any parties (where appropriate).
- 2.28 Recommend any specific measures or investigations identified as necessary or desirable by the Committee to the Council and / or management.
- 2.29 Monitor any breaches of ethical standards and monitor the implementation of recommendations arising from reports presented to the Committee.
- 2.30 Monitor and provide advice on fraud prevention systems and controls.
- 2.31 Receive reports on any subsequent investigation, including the investigation of any suspected cases of fraud, corruption, serious misconduct or breaches of conflict of interest.
- 2.32 Review the findings of any examinations by regulatory or other independent agencies, and any auditor (internal or external) observations and confirm that management have taken appropriate action as a result of the findings.

Matters Referred to the Committee by Council

- 2.33 The Committee will address issues brought to its attention, including responding to requests from Council for advice.

3. COMMITTEE OPERATIONS

Meetings

The following requirements will apply to meetings of the Committee:

- 3.1 The Committee shall meet as required, but at least quarterly, each year.
- 3.2 The Chief Executive Officer and Internal Auditor should attend all meetings, except when the Committee chooses to meet in camera.
- 3.3 Other members of Council or Council staff may be invited to attend at the discretion of the Committee and Chief Executive Officer to advise and provide information when required.
- 3.4 The Committee, without management present, will meet separately with the Internal Auditor and the External Auditor as available, for every meeting, but not less than annually, to discuss any issues of relevant interest.
- 3.5 Representatives of the External Auditor will attend a meeting to consider the draft annual financial report and results of the external audit and may be invited to attend other meetings at the discretion of the Committee.
- 3.6 A schedule of meetings will be developed and agreed by members. As an indicative guide, meetings will be arranged to coincide with relevant Council reporting deadlines.
- 3.7 Additional meetings shall be convened at the discretion of the Chair or at the written request of any two members of the Committee; the Internal Auditor; or the External Auditor.

- 3.8 The agenda and supporting documentation will be circulated to members of the Committee at least one (1) week in advance or each meeting.
- 3.9 Minutes will be prepared within one (1) week of the meeting for approval by the Chair and shall be distributed to Committee members within two (2) weeks of the meeting. Any items designated as “Confidential” by the Committee (which must only be on the basis that the item is considered to be confidential pursuant to the Local Government Act 2020) will be noted in separate Confidential Minutes of the Committee.
- 3.10 The Chair will sign the minutes following confirmation of the minutes at a subsequent meeting.
- 3.11 The unconfirmed minutes will be reported to the Council within two months of the Committee meeting, with any Confidential Minutes reported to a Confidential Council meeting.
- 3.12 The Corporate Services Directorate shall provide secretarial and administrative support to the Committee.

Reporting

- 3.13 The Committee may report to Council on any matters of significance as determined by the Committee.
- 3.14 The Committee will undertake an annual assessment of its performance against the Audit and Risk Committee Charter and provide a copy of the annual assessment to the Chief Executive Officer for tabling at the next Council meeting.
- 3.15 The Committee Chair must provide a biannual report to the Chief Executive Officer which:
- 3.15.1 Summarises the activities of the Committee during the past six (6) months;
 - 3.15.2 Provides any findings and recommendations in relation to the functions of the Committee; and
 - 3.15.3 Requests that the Chief Executive Officer table this report at the next Council meeting.
- 3.16 The Chair is entitled to attend any Council Briefings meeting at any other time to bring any particular matters to the attention of Councillors which the Chair or Committee sees fit. Such meetings may be held with or without management present at the determination of the Chair following consultation with the Mayor.
- 3.17 The Committee Charter and details of its members will be published on Council’s website.
- 3.18 Council’s Annual Report will contain information on the composition of the Committee, the number of meetings held and attended by Committee members, audit processes, details of any remuneration paid to independent members during the reporting period and a summary of work completed by the Internal and External Auditors during the year.

3 COMMITTEE GOVERNANCE

Membership

- 4.1 The Committee will be comprised of five members:
- One (1) independent Chair;
 - Two (2) independent members; and
 - Two (2) Councillors (one of whom is the Mayor)

All members will have full and equal voting rights unless a member is unable to vote due to a conflict of interest.

The following requirements will apply to members and the appointment thereof:

- 4.2 Council will appoint Committee members and the appointment thereof;
- 4.3 A quorum of any meeting will be at least two independent members (which may include the Chair) and at least one Councillor member;
- 4.4 Committee members can attend the meeting via dial-in or video conference, and will be included as part of the quorum; and
- 4.5 The Chair will be an independent member of the Committee and will have a casting vote on occasions where there is an equal tally of votes on a matter. In the absence of the appointed Chair from a meeting, the Committee will appoint an Acting Chair from the independent members present.

Terms of Appointment

- 4.6 New independent member appointments will be publicly advertised in the local newspapers, Council's website, online 'Directorships Opportunities' listing provided by the Australian Institute of Company Directors and other channels.
- 4.7 The Recruitment and Selection process for appointment to the Committee will consist of:
 - 4.7.1 In the case of the Councillor members:
Appointment and selection by the Council
 - 4.7.2 In the case of the Committee Chair:
Appointment by the Council on recommendation of the Committee
 - 4.7.3 In the case of the Independent members:
A selection panel will be formed comprising the Chair and two Councillor representatives and will make a recommendation to the Council on a suitable candidate to be appointed. If the vacancy is the Chair then another independent member will serve on the selection panel.
- 4.8 Applications for membership will be assessed against appropriate criteria.
The criteria will fall within the areas of:
 - 4.8.1 Level and breadth of senior business, management, finance and accounting and / or audit experience and qualifications;
 - 4.8.2 Level of familiarity with Local Government operations, including financial reporting, auditing requirements, risk management, business ethics and corporate governance; and
 - 4.8.3 Previous Audit and / or Risk Committee experience.
- 4.9 Independent members should also have the ability to provide Councillors, the Chief Executive Officer and Council's administration with well-rounded and professional advice concerning the adequacy of Council's administrative, operational, financial and accounting systems and controls, performance reporting regimes, and risk management processes.
- 4.10 Independent members (including the Chair) shall be appointed for a term of up to three years. At the conclusion of their first term, existing members will be eligible to apply to be re-appointed with acceptance at the discretion of Council.

- 4.11 A person can only serve in the positions of independent member of Chair for a maximum of six consecutive years / two terms.
- 4.12 A person who has been an independent member for up to six years is eligible to serve as Chair providing that the total length of combined continued service in both roles does not exceed nine years / three terms.
- 4.13 The terms of each member should be arranged so that there is an orderly rotation of membership and avoidance of more than one member retiring at the same time.
- 4.14 In the event of an independent member resigning / retiring before the expiry of their term, the vacancy will be filled at the discretion of the Council. Further, should the resignation / retirement of two or three of the independent members coincide, the Council may extend one members' term by one year to ensure continuity.
- 4.15 If the Council proposes to remove a member of the Committee, it must give written notice to the members of its intention to do so and provide that member with the opportunity to be heard at a Council meeting.
- 4.16 Remuneration will be paid to each independent member of the Committee as determined by Council. Annual increases in the remuneration of Committee members will be limited to increases in the Consumer Price Index (CPI All Groups Melbourne) and adjusted annually on 1 July.
- 4.17 The Committee may from time to time ask the Chief Executive Officer for a Subject Matter Expert (SME) to attend a meeting. Any Councillors may attend meetings in an "ex officio" capacity.

Performance Evaluation

- 4.18 The Committee will evaluate its own performance on an annual basis using a self-assessment tool which will be reviewed, adopted and completed by the Committee.

Conduct

Members of the Committee are required to comply with the following Sections from the *Local Government Act 2020*: Sections, 123, 125 and Part 6 Division 2: Sections 126-131, among other things the following requirements:

- 4.19 Submit six monthly Interest Returns on the form specified by Council, noting this is in accordance with good governance practices rather than a legislative requirement under the Act
- 4.20 Declare and manage any conflicts of interest which arise in accordance with the Act;
- 4.21 Not misuse their position on the Committee for personal benefit or to the detriment of Horsham Rural City Council; and
- 4.22 Not disclose confidential information obtained through their role on the Committee.

Members of the Committee must be fully aware of their responsibilities with regard to the management of interests in relation to the discharge of their duties as a member of the Committee. Management of interests includes the proper management of any conflicts of interest as and when they may arise.

Members of the Committee must also be fully aware of the statutory definitions of general and material conflicts of interest as set out in Part 6 Division 2 of the Act.

Failure to comply with the provisions of the Act with regard to conflicts of interest may result in prosecution and the member's appointment being terminated by the Council.

Review of Committee Charter

The Committee will review the Charter on a biennial basis, or as required following relevant changes to the Act or other related Acts & Regulations, and recommend any changes to Council for approval.

The next review date will be September 2022

Audit & Risk Committee - Annual Work Program for 2020/2021

MEETINGS SCHEDULED FOR:	Sept	Dec	March	June
Financial & Performance Reporting				
Review the significant accounting and reporting issues	✓			
Review and recommend adoption of the Annual Financial and Performance Statements to Council	✓			
Review the results of the external audit	✓			
Internal Control Environment				
Consider the effectiveness of HRCC's internal control system, and maintain an awareness of local government audits undertaken by VAGO and other relevant reviews undertaken by public sector integrity bodies.				✓
Ensure key policies, procedures, systems and controls are reviewed regularly	✓	✓	✓	✓
Review significant changes to key systems and consider impacts of changes on Councils risk profile				✓
Risk Management				
Review effectiveness of Council's risk management framework			✓	
Review Council's risk appetite statement			✓	
Review HRCC's risk profile and significant changes			✓	
Review Council's treatment plan for significant risks			✓	
Review BCP framework and testing regime			✓	
Review internal controls over significant areas of risk, including non-financial management control systems			✓	
Review Council's Insurance program			✓	
Fraud Prevention Systems & Controls				
Monitor and provide advice on Council's Fraud prevention policy and controls			✓	
Review Council's fraud control plan and awareness program			✓	
Review reports on any instances of unethical behaviour, fraud and corruption			✓	
Review actions taken to report any incidents of fraudulent or corrupt behaviour			✓	
Internal Audit				
Review the level of resources allocated to internal audit and the scope of its authority	✓			
Review and recommend to Council the annual internal audit plan for the coming year				✓
Review the level of resources allocated to internal audit and the scope of its authority				✓
Review internal audit plan and ensure it is linked to the HRCC's risk Profile				✓
Review reports on internal audit reviews and monitor implementation of recommendations by management			✓	
Meet with internal auditor in the absence of management			✓	
Review on an annual basis the performance of the Internal Auditor		✓		
Provide an opportunity for the audit & risk committee to meet with internal audit function	✓	✓	✓	✓
Be informed by Council Officers of any process to appoint or terminate Council's Internal Audit Service provider	✓			

MEETINGS SCHEDULED FOR:	Sept	Dec	March	June
External Audit				
Review and approve the external auditors' audit scope and plan				✓
Be briefed at least annually by the External Auditor on the audit strategy	✓			
Consider external auditors' view on the control environment and management letters				✓
Ensure that management responses to any audit findings are appropriate and timely	✓			
Provide an opportunity for the audit & risk committee to meet with external auditor without management	✓			
Review on an annual basis the performance of external auditor		✓		
Review other VAGO reports for impacts on Council	✓	✓	✓	✓
Compliance Management				
Obtain regular updates on compliance matters	✓	✓	✓	✓
Review the systems and processes for monitoring compliance with legislation and regulations and management follow up of instances on non-compliance		✓		
Review processes for communicating Council's Employee Code of Conduct to employees and contractors and for monitoring compliance			✓	
Obtain reports on any breaches of compliance	✓	✓	✓	✓
Be informed on how management monitors the effectiveness of its compliance and ethics program	✓	✓	✓	✓
Review Gifts, Benefits and Hospitality reports		✓		✓
Consider reports by regulatory and integrity agencies on investigations and relevance for Council	✓	✓	✓	✓
Reporting Responsibilities				
Provide Minutes to Council	✓	✓	✓	✓
Monitor that open communication between the internal auditor, the external auditors and HRCC occurs	✓	✓	✓	✓
Report annually through Council's Annual Report		✓		
Consider the findings and recommendations of relevant Audits	✓	✓	✓	✓
Provide bi-annual report to Council which summarises the activities of the Committee over the past six months	✓		✓	
Assessment of Financial Information				
Review significant accounting and reporting issues	✓	✓	✓	✓
Periodically compare actual outcomes, achievement of milestones and other KPIs as compared with the Council Plan, Annual Report and Budget -Strategic indicators for monitoring the achievement of the strategic objectives		✓		
Review and discuss any reports concerning evidence of material violation of breaches of fiduciary duty	✓	✓	✓	✓
Governance				
Provide oversight and guidance on compliance of Council Policies and Procedures with the LGA Act 2020, particularly the Governance Principles	✓	✓	✓	✓
Review Internal Governance Framework Report	✓		✓	
General				
Establish number of meetings for forthcoming year		✓		
Effectiveness of Secretariat support performance		✓		
Perform an assessment of the Committee's performance annually		✓		

APPENDIX 9.4B

MEETINGS SCHEDULED FOR:	Sept	Dec	March	June
Review and assess the adequacy of the audit committee charter on a biennial basis and recommend any changes to Council for approval	✓			
Review Annual Work Program Annually	✓			
Confirm annually that all responsibilities outlined in this charter have been carried out		✓		
The Committee, without management to meet separately with the Internal Auditor and the External Auditor, as available for every meeting, but not less than annually to discuss any issues of relevant interest	✓	✓	✓	✓
Membership Renewal (Councillor Members) – following Council elections		✓		
Review Property & Public Liability Audits			✓	
Committee Appointment and Induction		✓		
Annual appointment of Chair by Council		✓		



1. PURPOSE

To provide Councillors and delegated committee members with a framework and guidance for the reimbursement of expenses to enable them to undertake their role in the community without disadvantage.

2. INTRODUCTION

Under Section 40 of the *Local Government Act 2020*, Councillors and members of delegated committees are entitled to reimbursement of expenses reasonably incurred in the performance of their duties.

Councillor duties are those performed by a Councillor as a necessary part of their role in achieving the objectives of Council. These duties may include, but are not limited to:

- Attendance at meetings of Council and its committees
- Attendance at Council briefing meetings, workshops, civic events or functions convened by Council
- Attendance at conferences, workshops and training programs relating to the role of Councillor or Mayor
- Attendance at meetings, events or functions representing Council
- Duties in relation to constituents concerning Council business.

Members of delegated committees exercise the powers of Councillors under delegation.

This policy ensures that reimbursement of expenses for Councillors and delegated committee members is in accordance with the *Local Government Act 2020* and meets the principles of public transparency, achieving the best outcomes for the municipal community, and ensuring the ongoing financial viability of Council.

3. SCOPE

This policy applies to Councillors and members of delegated committees of Horsham Rural City Council.

4. PRINCIPLES

4.1 General Matters

4.1.1 Councillors and members of delegated committees will be reimbursed for out-of-pocket expenses that:

- Are bona fide expenses and
- Have been reasonably incurred in the performance of their role and
- Are reasonably necessary to perform their role.

4.1.2 Councillors and members of delegated committees will be provided with the necessary resources and facilities so that they can serve, engage and act in the community's best interests. Wherever possible, all associated expenses and arrangements (travel, accommodation, registration fees, etc) should be confirmed, finalised and authorised by the Chief Executive Officer or relevant Director (for delegated committee members) beforehand.

4.1.3 Council facilities and services will not be made available for use by members of a Councillor or delegated committee member's family, unless:

- The use directly relates to attendance at a civic function or another aspect of the Councillor or delegated committee member's civic duties
- The use results in no additional expense for Council (for example, a partner/family member accompanies a Councillor or delegated committee member in a vehicle or accommodation provided for their use)
- The Chief Executive Officer authorises the arrangements.



- 4.1.4 Councillors must ensure that the benefits outlined in this policy are not used as part of any election campaign.
- 4.1.5 If a Councillor or member of a delegated committee does not claim a particular expense or use a particular facility, it cannot be offset against a claim for an additional amount of another expense or facility.
- 4.1.6 Claims for facilities and expenses by a Councillor or member of a delegated committee other than those expressly listed in this policy must be subject to a Council resolution.

4.2 Carer and Dependent-Related Expenses

Council will provide reimbursement of costs where the provision of childcare is reasonably required for a Councillor or member of a delegated committee to perform their role [*Local Government Act 2020 s41(2)(c)*].

This applies to the care of a dependent, while the Councillor or delegated committee member is undertaking their official duties, and may include expenses such as hourly fees and booking fees, if applicable.

Council will provide reimbursement of costs where the provision of carer services is reasonably required when a Councillor or delegated committee member who is a carer (*Carers Recognition Act 2012, s4*) incurs reasonable expenses in the performance of their duties [*Local Government Act 2020 s41(2)(d)*].

Payments for carer and childcare services will not be made to a person:

- Who resides with the Councillor or delegated committee member
- Has any financial or pecuniary interest with the Councillor or delegated committee member
- Has a relationship with the Councillor, delegated committee member or their partner.

Councillors and delegated committee members seeking reimbursement for carer and dependent-related costs, should complete and submit the Councillor/Delegated Committee Member Expense Reimbursement Claim Form, together with all receipts/tax invoices, to the Chief Executive Officer for approval.

4.3 Private Vehicle Usage

Councillors and members of delegated committees should seek to utilise a Council-owned vehicle before use of a private vehicle for Council purposes, particularly for travel outside the municipal district. This should be arranged through the Executive Assistant to the Chief Executive Officer and Councillors.

Councillors and members of delegated committees are entitled to reimbursement for expenses incurred in the use of their own private vehicle for Council purposes for travel outside the Horsham urban area, and for travel to Council meetings from outside the urban area. Reimbursement will be at the rate as determined by Council's Enterprise Agreement and specified in Council's Travel Reimbursement Guidelines.

Council will not reimburse or fund any expense arising from a breach of road, traffic, parking or other regulations or laws, or for damage or loss of a private vehicle.

Reimbursement will not be provided in circumstances where a Councillor or delegated committee member chooses to attend a function or event, but they are not the nominated Council representative.

4.4 Remote Area Travel Allowance

Council is required to pay a remote area travel allowance if a Councillor or delegated committee member resides more than 50 kilometres, by the shortest road route, from the Council Chamber. This payment is as specified in Council's Travel Expenses Guidelines.

Councillors and delegated committee members seeking the Remote Area Travel Allowance should complete and submit the Councillor/Delegated Committee Member Travel Reimbursement Claim Form to the Chief Executive Officer.



4.5 Meetings, Seminars, Conferences and Training

Councillors and delegated committee members are entitled to reimbursement for relevant expenses incurred in attending pre-approved meetings, seminars, conferences and training that are directly relevant to their role on Council outside the municipality. This may include public transport, meals (excluding alcohol), conference, seminar or training costs, parking and reasonable minor incidentals (as determined by the Chief Executive Officer), up to the maximum rates as applicable under Council's Travel Expenses Guidelines.

All arrangements for attendance at meetings, seminars, conferences and training by Councillors and delegated committee members should be made through the Executive Assistant to the Chief Executive Officer and Councillors.

Councillors and delegated committee members seeking reimbursement for expenses associated with their attendance at meetings, seminars, conferences and training, should complete and submit the Councillor/Delegated Committee Member Expense Reimbursement Claim Form, together with all receipts/tax invoices, to the Chief Executive Officer for approval.

4.6 Functions and Events

Where a Councillor or delegated committee member is the designated Council representative to perform an official duty at a function or event, Council will meet costs associated with their attendance. This may include public transport, meals (excluding alcohol), conference or seminar costs, parking and reasonable minor incidentals (as determined by the Chief Executive Officer), up to the maximum rates as applicable under Council's Travel Expenses Guidelines. If their partner is invited, Council will meet the cost of their attendance also.

Where a Councillor or delegated committee member and their partner are invited to a function or event and no official duties are required, the Chief Executive Officer has the discretion to determine whether Council will meet the cost of their attendance. Approval must be sought prior to the function or event.

For formal local functions and events supported by Council, the Chief Executive Officer has the discretion to determine whether Council will meet the cost of attendance for Councillors or delegated committee members and their partners. Approval must be sought prior to the function or event.

Councillors and delegated committee members seeking reimbursement for expenses associated with performing an official duty at a function or event should complete and submit the Councillor/Delegated Committee Member Expense Reimbursement Claim Form, together with all receipts/tax invoices, to the Chief Executive Officer or relevant Director for approval.

4.7 Communication Tools

Each Councillor will be provided with a fully maintained mobile phone, computer, relevant software, email and access to the internet for use during their Council term. The Mayor will also be provided with a landline office phone. Councillors will not be reimbursed for call costs from personal phones or any additional costs associated with personal electronic devices as these costs are considered to be covered by the Councillor Allowance.

Delegated committee members may be reimbursed for reasonably incurred phone calls where it has been necessary to use these tools to perform their role. Delegated committee members seeking reimbursement for these costs should complete and submit the Councillor/Delegated Committee Member Expense Reimbursement Claim Form and associated receipts to the Chief Executive Officer or relevant Director for approval.

4.8 Memberships or Subscriptions to Professional Associations

Council will not meet the costs of any memberships or subscriptions to professional associations by a Councillor or delegated committee member unless there is a specific resolution of Council or it is in accordance with a Council policy.



4.9 Legal Expenses

Council will not meet the costs of any legal expenses incurred by a Councillor or delegated committee member unless there is a specific resolution of Council or it is in accordance with a Council policy.

4.10 Mayor and Councillor Allowances

The *Local Government Act 2020* currently provides for the Mayor and Councillors to receive an allowance from Council in accordance with a Determination of the Victorian Independent Remuneration Tribunal under the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*. Despite the repeal of sections 73B and 74 to 74B of the *Local Government Act 1989*, these arrangements remain in place until the first determination of the Tribunal [*Local Government Act 2020, s39(6)*].

4.11 Mayoral Resources and Support

To assist the Mayor to undertake their role, Council will provide the following during their Mayoral term:

- A fully equipped office exclusively for their use, along with access to meeting space, printers and phones at the Civic Centre
- Administrative support via the Executive Assistant to the CEO and Councillors
- A Council mobile phone
- Vehicle for the Mayor of a type similar to that of the Chief Executive Officer
- A Council vehicle for their full private use in accordance with Council's Vehicle Usage Policy
- A procurement (credit) card with a \$5,000 limit to facilitate purchase of goods and services whilst on Council business, in accordance with Council's Procurement Card Use Policy.

4.12 Monitoring, Evaluation and Review

Quarterly reports of all Councillor and delegated committee member expenses will be provided as part of the Quarterly Performance Report to Council and the Audit and Risk Committee. Details will also be published in the Annual Report.

These reports will include:

- Expenses incurred by Councillors and delegated committee members during the quarter
- Reimbursement claims made by Councillor and delegated committee members during the quarter
- Reimbursements made by Councillors and delegated committee members during the quarter.

5. COMMUNICATION

This policy will be available on the Horsham Rural City Council website and intranet. It will also be discussed at Council Briefing meetings and delegated committee meetings, and will form part of the induction training for new Councillors and delegated committee members.

6. RESPONSIBILITY

Policy Owner: Director Corporate Services



7. DEFINITIONS

Definition	Meaning
Carer	A person who provides care for another person who has a disability, is younger, has a mental illness or an ongoing medical condition (including a terminal or chronic illness or dementia) (<i>Carers Recognition Act 2012</i> , section 4)
Civic duties	Duties or activities in relation to the municipality undertaken on behalf of Council
Civic Functions	Functions in the municipality undertaken by Council
Delegated committee	A committee established by Council which must include at least two Councillors and may include any other persons appointed to the delegated committee by the Council who are entitled to vote (<i>Local Government Act 2020</i> , section 63)

8. SUPPORTING DOCUMENTS

Document	Location
<i>Carers Recognition Act 2012</i> (section 4)	Internet
<i>Gender Equity Act 2020</i>	Internet
<i>Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019</i>	Internet
<i>Local Government Act 2020</i> (sections 40 and 41)	Website
Horsham Rural City Council – Councillor Code of Conduct	Website, intranet
Horsham Rural City Council – Council Procurement Card Use Policy (A04/034)	Intranet
Horsham Rural City Council – Information Privacy Policy (A04/039)	Website, intranet
Horsham Rural City Council – Public Transparency Policy	Website, intranet
Horsham Rural City Council – Terms of Reference (for each individual delegated committee)	Website, intranet
Horsham Rural City Council – Travel Expenses Guidelines (G04/003)	Intranet
Horsham Rural City Council – Vehicle Usage Policy (A04/011)	Intranet
Councillor/Delegated Committee Member Expense Reimbursement Claim Form (F04/112)	Intranet, Councillors Room, EA to CEO and Councillors
Councillor/Delegated Committee Member Travel Reimbursement Claim Form (F04/111)	Intranet, Councillors Room, EA to CEO and Councillors

9. DOCUMENT CONTROL

Version Number	Approval Date	Approval By	Amendment	Review Date
01	21 October 2013	Council	<ul style="list-style-type: none"> Replaces Councillors reimbursement of Expenses Policy 	
02	19 December 2016	Council	<ul style="list-style-type: none"> Reviewed and updated 	
03	27 August 2018	Council	<ul style="list-style-type: none"> Reviewed and updated 	27 August 2022
04		Council	<ul style="list-style-type: none"> Replaces Councillor Allowances, Reimbursement and Support Policy to reflect requirements of the new <i>Local Government Act 2020</i> 	

Horsham Rural City Council

**Instrument of Delegation
by the Chief Executive Officer
to the Community Halls Asset Committee**

In exercise of the power conferred by s 47(1)(b) of the *Local Government Act 2020 (Act)*, I, as Chief Executive Officer of Horsham Rural City Council, by this Instrument of Delegation –

1. delegate to each person who is from time to time appointed as a member of the Community Asset Committee, established by resolution of Council passed on **24 August 2020** and known as “Community Halls Asset Committee” (**Community Asset Committee**), each power and/or function and/or duty set out in the Schedule;
2. declare that a delegate can only exercise the delegations contained in this Instrument of Delegation while acting as a member of the Community Asset Committee at a meeting of the Community Asset Committee;
3. declare that this Instrument of Delegation –
 - 3.1 comes into force immediately upon its execution;
 - 3.2 remains into force until varied or revoked; and
 - 3.3 is subject to the conditions and limitations set out in the Schedule ;
4. declare that the delegate must comply with specified governance requirements to ensure appropriate standards of probity are met and monitor and report on the activities and performance of the Community Asset Committee;
5. declare that the delegate must not determine the issue, take action or do the act or thing if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 47 of the Act or otherwise.

This Instrument of Delegation is dated **25 August 2020** and is made by the Chief Executive Officer.

Signed by the Chief Executive Officer of Council in)
the presence of:)

.....
Witness

SCHEDULE

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1. The Committee

The management and control of community halls (as defined in Section 20 of this schedule and hereinafter referred to as “community halls”, is hereby delegated to the Community Halls Asset Committee (hereinafter referred to as “the Committee”).

2. Objectives

The Committee, on behalf of the Horsham Rural City Council (hereafter referred to as “Council”) is to:

- (a) Co-ordinate, manage, and develop for community benefit, council-owned halls identified within this Instrument,
- (b) Raise and contribute funds for and towards the expenses for objective (a) above,
- (c) Advise and liaise with Council and council staff in relation to the achievement of the foregoing objectives and in the planning of works and programs thereon,

3. Powers/Functions/Duties

The Committee shall be empowered on behalf of the Council to:

- (a) Establish Administrative sub-committees from the elected Committee, for the purpose of managing the day to day operations and requirements of each of the community halls as defined in Section 20 and as depicted in Appendix 3,
- (b) Enter into contracts, not exceeding the value of \$10,000 and incur expenditure, for the specific purpose of maintaining the community halls and their related operations;
- (c) Establish individual bank accounts for each of the Administrative sub-committees,
- (d) Act as a forum for the sharing of information, ideas and knowledge regarding the management of community halls,
- (e) Develop and present an annual plan of desired improvements for each of the community halls and proposed usage charges, for input to council’s budget process,
- (f) Liaise and consult with designated council officers and staff to provide strategic input into the usage and development of community halls.
- (g) Do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers.

The Administrative sub-committees shall be empowered on behalf of the Committee to:

- (i) Implement recommendations regarding the hire, usage and maintenance of each community hall,
- (ii) Receive applications for the use of the community hall under the management of the relevant Administrative sub-committee and allocate times for the use of such halls amongst the member organisations, individuals or individual organisations,

- (iii) Adhere to Council's policies that include but are not limited to: use of Council facilities, Human Rights, Records Management and Occupational Health and Safety,
- (iv) Raise funds, receive rental fees, admission charges, donations and any other contributions and expend same to carry out the objectives listed above,
- (v) Prepare and distribute publicity, promotional material or guidance and advice for the improved use of the community hall,
- (vi) Manage the finances and bank account for the relevant community hall.

4. Use of Community Halls

- a) Community halls may be used for appropriate recreation, leisure or sporting activities, exhibitions and entertainment, which are approved by the Administrative sub-committees, if each user pays the charges fixed in Section 9 of this Instrument,
- b) Administrative sub-committees will ensure there is equitable allocation of use of their particular hall,
- c) Administrative sub-committees may for good cause and in accordance with Council policies, recommend that a particular group be prohibited from using the relevant hall.

5. Exceptions, conditions and limitations

- a) The Committee or any of the Administrative sub-committees are not empowered to:
 - i) Borrow money external to council (including the issue of debentures and promissory notes);
 - ii) Incur any bank overdraft; or
 - iii) Carry out, or permit to be carried out, any act which would or would be likely to render Council's insurance policies invalid.
- b) The Committee or any of the Administrative sub-committees are not empowered to do any of the following things without the written approval of the Council:
 - i) Enter into a contract with a value exceeding \$10,000,
 - ii) Incur expenditure, for an amount which exceeds the approved budget
 - ii) Make alterations or additions to the Hall.
- c) The Committee or any of the Administrative sub-committees shall not issue any media releases relating to funding announcements without the approval of the Chief Executive Officer, and shall not issue any media releases critical of Council.

6. Committee Membership

- a) The Committee shall comprise of:
 - i) Up to 10 community members representing each of the designated halls
 - ii) One council officer (Ex-Officio)
The council officer will liaise with the Committee and as required members of the Administrative sub-committees.

Council officers from the Building Services Department, Grants Officer, Recreation and Open Space, Risk Management and others as required, will attend meetings from time to time for information and communication purposes.

- b) Members will be appointed to the Committee in name, by Council resolution for a two year term. The Council shall, in making appointments, adopt the following approach:
 - i) Expressions of interest will be sought by way of a Public Notice in the local newspaper, selected media outlets and on the Council webpage,
 - ii) Applicants will be required to demonstrate direct involvement with the activities of the particular hall and/or the community surrounding the vicinity of the hall.
- c) All members of the Administrative sub-committees may attend Committee meetings, however only the named Committee representative from each Administrative sub-committee shall have voting rights,
- d) If an appointed member from the Administrative sub-committee is not able to attend a meeting, they can request prior to the meeting via email or in writing, that a proxy representative be entitled to vote at the meeting,
- e) The Council may from time to time remove from the Committee any member and appoint another person in place thereof,
- f) The Council shall, in filling a casual vacancy in the Committee, maintain the representation of interests referred to in Section 6 (a),
- g) The Council shall appoint members to the Committee as soon as reasonably practicable after the date upon which the Annual Meeting referred to in Section 7 is held,
- h) Administrative sub-committees will be formed under the direction of the Committee and will be comprised of members with a direct interest and involvement with the relevant hall.

7. Meetings

7.1 Annual Meeting

- a) Council shall give notice of an annual meeting at least 21 days prior to the proposed meeting day. Council will insert a notice in a local newspaper and on Council website at least 14 days prior to the meeting.
- b) The Committee will hold an annual meeting between 1 July and 30 November each year on a date fixed by the Committee. At the annual meeting the Committee will:
 - i) Receive reports from members regarding the activities of the previous year for each of the halls and the program of activities proposed for the coming year,
 - ii) Receive an annual financial summary of the operation of each of the community halls,
 - iii) Receive the minutes of the previous annual meeting,
 - iv) Every second year, receive nominations for membership on the Committee and forward these nominations to Council for appointment.
- c) Office bearers:
 - i) The Committee shall elect a member to undertake the role of Chairperson

- ii) The (ex officio) council officer will be the minute taker and provide administrative support to the Committee.

7.2 Ordinary Meetings

- a) The Committee shall hold ordinary meetings during the year as deemed necessary,
- b) The council officer will liaise with the Chairperson in the calling of meetings and will give reasonable notice of all meetings by distributing a notice of the meeting to all members at least seven days prior to the meeting,
- c) If a member fails to attend at least two consecutive meetings of the Committee without tendering an apology, or without having had a proxy attend in accordance with clause 6 (e), the Committee may refer the absence to the Chief Executive Officer.

7.3 Administrative Sub-committee Meetings

- a) Administrative sub-committee meetings will be determined by the Chairperson of the sub-committee and at least 7 days' notice will be given to the members,
- b) The number of meetings held each year is at the discretion of each of the Administrative sub-committees.

7.4 Meeting Procedures

- a) The quorum at any Committee or Administrative sub-committee meeting is a majority of members who are eligible to vote. No business will be conducted by the Committee or Administrative sub-committee unless a quorum exists,
- b) Meeting procedures should follow Council's "Meeting Procedure" as set out in Councils Governance Rules.

8. Finance

- a) The Committee will adopt 1 July to 30 June in each year as the financial year and all accounting functions will conform with applicable Accounting Standards, the Local Government Act 2020 and relevant regulations made under that Act,
- b) Each year, the financial accounts of the Administrative sub-committees will be audited by council,
- c) All money received by any Administrative sub-committee will be promptly deposited into the Administrative sub-committee's bank account,
- d) Payments made by the Administrative sub-committees shall be authorised with a minimum of two signatories,
- e) All money received by the Administrative sub-committees will be used for the maintenance and operations of the respective community hall and any other expenses incurred by the Administrative sub-committee in its management of the hall,
- f) Administrative sub-committees may obtain an Australian Business Number (ABN),

- g) Individual Administrative sub-committees shall determine if they wish to register for the Goods and Services Tax (GST). The Administrative sub-committees must meet its own GST obligations and shall not purchase items in the name of Horsham Rural City Council,
- h) Administrative sub-committees may use funds in accordance with the responsibilities outlined in Appendix 2 (Routine Maintenance Responsibilities). The funds may be used for the following purposes with respect to the relevant community hall:
 - i) purchase of plant, equipment, fittings and furniture for the hall;
 - ii) maintenance and repair of buildings, fences and other improvements associated with the hall.
 - iii) implementing programs and services as appropriate with the objectives of the hall;
 - iv) general administrative expenses of the Administrative sub-committee;
 - v) with the written consent of the council, the erection of further amenities or alterations and improvements at the hall,
 - vi) such other purposes as may from time to time be approved by the Administrative sub-committee in meeting its objectives.
- i) The Committee shall as required, make its minutes and all other papers or documents available for inspection or audit by the council's auditor, or other municipal officers authorised by council,
- j) Committee members representing Administrative sub-committees shall ensure that a financial report is presented at the annual meeting of the Committee.

9. Charges

The Committee shall at least once in each financial year recommend to Council a scale of charges for the use of the community halls.

10. Staff

- a) The Committee shall not employ staff without the written approval of the Council's Chief Executive Officer. Should approval be granted, the Committee will be responsible for payment of all overheads associated with such employment, including all appropriate insurances,
- b) Any proposal by the Committee to employ staff will be submitted in writing to the Chief Executive Officer for consideration.

11. Reporting to Council

The Committee is responsible for ensuring the following:

- a) A copy of the draft unsigned, minutes is forwarded to the Chief Executive Officer within 14 days after each meeting,
- b) The Committee shall submit at its annual meeting a report including the annual summary of accounts. The Chairperson is responsible for ensuring that the report is lodged with the Chief Executive Officer by 30 November each year, so that the Chief Executive Officer can complete an annual report to Council,

- c) The Chief Executive Officer must be advised in writing as soon as possible of the resignation of any member of the Committee,
- d) The Committee through the Administrative sub-committees will maintain a personal injury and loss/damage register and advise council officers as soon as practical of any incidents which might give rise to legal proceedings,
- e) The Committee through the Administrative sub-committees shall, as soon as practical, report to council officers any accidental and/or intentional damage to the halls,
- f) The Committee through the Administrative sub-committees shall, as soon as practical, report to council officers any attempted and/or successful break-ins into halls.

12. Land and Buildings, Plant and Equipment

- a) Council retains the right to access the hall,
- b) The Committee through the Administrative sub-committees shall be responsible for the maintenance and operation of buildings, plant and equipment, as per Appendix 2, (Routine Maintenance Responsibilities)
- c) Where equipment or the building is damaged, the Committee may recoup such reasonable costs as are necessary to replace such equipment or maintain the building from the person or persons or group responsible for such damage but no legal proceedings shall be issued without the written approval of the Council,
- d) The Committee in association with council staff shall conduct annual risk assessments of the halls and surrounding grounds,
- e) The Committee will submit to council staff recommendations for alternations or additional buildings or for improvements to the halls generally.

13. Insurance

- a) Public Liability Insurance shall be provided by Council to members of Administrative sub-committees to cover the sub-committee's activities in managing the halls. Public liability insurance applies while sub-committee members are acting within the scope of their duties for and on behalf of Council, subject at all times to the terms and conditions of Council's Liability policy,
- b) Building insurance shall be provided by Council under Council's industrial Special Risk Insurance Policy,
- c) Insurance of contents owned or provided by the Administrative sub-committees, shall be the responsibility of, and managed through the Administrative sub-committees. User groups are responsible for insuring their own contents. Council may provide contents insurance upon request at a nominal fee,
- d) Administrative sub-committees shall ensure each user group provides evidence of Public Liability insurance cover,
- e) Administrative sub-committee will ensure casual users not covered under Council's occasional use policy, provide evidence of Public Liability insurance cover. Council may provide Public Liability insurance upon request at a nominal fee.

14. Licensing Provisions

The sale and supply of alcoholic beverages must comply with relevant Liquor Licensing requirements, and be in accordance with any rules laid down by the Committee and/or Council.

15. Review

Within 12 months of a Council election, the Instrument of Delegation for the Community Halls Assets Committee will be reviewed. The review will consider and evaluate both the existence and purpose of the Committee and the existence and purpose of the Administrative sub-committees and the subsequent detail of the Instrument.

16. Revocation

- a) Notwithstanding Clause 15, this Instrument of Delegation may be revoked at any time by the Chief Executive Officer. Factors relevant to the issue of revocation include whether, in the view of Chief Executive Officer, the Committee is managing the halls in the best interest of user groups, the community and the Council, or if Council policy or strategic direction alters significantly.
- c) In the event of revocation, the Chief Executive Officer shall, no later than the date upon which revocation takes effect, arrange for:
- d) A report to Council detailing why the Committee has been revoked and if applicable, recommending an alternate governance arrangement.

17. Dissolution

- a) The Committee or Administrative sub-committee may separately disband. This would occur by either each member of relevant Administrative sub-committee resigning or by members of the Community Halls Asset Committee resigning. Resignation is by written notice provided to the Chief Executive Officer.
- b) In the event of dissolution, the Chairperson of the relevant Administrative sub-committee shall, no later than the date upon which such dissolution would become effective, arrange for:
 - i) A financial statement to be prepared, audited and presented to the Chief Executive Officer;
 - ii) The Administrative sub-committee's bank account to be closed and the balance paid to council;
 - iii) All contents owned by the Administrative sub-committee to be removed from the community hall;
 - iv) All keys to the hall to be handed back to council.

18. Communications

Appendix 1 forms the basis of communication between the Committee / Administrative sub-committees and council.

19. Correspondence

Unless otherwise stated, all correspondence with Chief Executive Officer is via the Executive Assistant to the Director Corporate Services.

20. Community Halls

The Community Halls comprise of the following:

Dadswell's Bridge Hall	Western Highway, Dadswell's Bridge Vic 3385
Hamilton Lamb Memorial Hall	13 Kalkee Rd, Horsham Vic 3400
Jung Hall	51 Baker St, Jung Vic 3399
Laharum Hall	1586 Northern Grampians Rd, Laharum Vic 3401
Mitre Hall	1429 Natimuk Frances Rd, Mitre Vic 3409
Natimuk Community Centre (NC2)	60 Main St, Natimuk Vic 3409
Natimuk and District Soldiers' Memorial Hall	Main St, Natimuk Vic 3409
Sailors' Home Hall	2472 Blue Ribbon Rd, Murra Warra, Vic 3401
Taylor's Lake Hall	2032 Horsham-Lubeck Rd, St Helen's Plains Vic 3401
Telangatuk East Hall	278 Dunstan's Rd, Telangatuk East, Vic 3401

and as depicted in Appendix 3.

APPENDIX 1 – COMMUNICATIONS

Horsham Rural City Council is committed to working in an open and harmonious way with the community. As such Council will:

- a) Seek to manage service delivery to meet the expectations of the community within the resources available; and
- b) Be open and transparent in its dealings with the community.

Council will:

- Assist the Committee in the development and implementation of capital works and significant maintenance programs,
- Assist Committee with identifying funding opportunities,
- Assist Committee with annual maintenance schedules and programs,
- Respond to requests/letters from the Committee within fifteen working days,
- Advise Committee within 24 hours of any decisions of matters that will restrict or impinge on the use of their facilities,
- Provide the Committee with a list of designated council officers authorised to be the contact person for specific matters and concerns,
- Meet with Committee formally once per year to discuss matters of interest and concern to both parties,
- Explain any decisions that affect the Committee in respect to maintenance and capital works,
- Advise the Committee of the results of the maintenance inspections,
- Assist the Committee with the development of media releases,
- Provide training to assist the Committee as required.

The Community Halls Asset Committee will:

- Advise council's Executive Assistant to the Director of Corporate Services of the contact details of Committee members,
- Discuss any matters regarding the Instrument of Delegation with council's Executive Assistant to the Director of Corporate Services,
- Raise with council's Building Assets and Maintenance Officer any concerns or matters relating to maintenance schedules and programs,
- Liaise with council's Grant's Officer on any funding application that the Committee may apply/plan for,
- Refer any requests for major capital works or projects to Council's Chief Executive Officer,
- Not obstruct council contractors or council staff when carrying out their duties at any of the halls.

If the Committee is dissatisfied with communications they may discuss their concerns with the Director Corporate Services on 5382 9785.

If after these discussions with the Committee is still dissatisfied with that outcome they can then write to the:

Chief Executive Officer
Horsham Rural City Council
PO Box 511
HORSHAM, VIC, 3402.

APPENDIX 2 - ROUTINE MAINTENANCE RESPONSIBILITIES

The maintenance schedule relates to the relevant space, and is only applicable to shared space where specified in the comments.

DEFINITIONS:

<i>Maintain</i>	Involves operational and functional checks, servicing, repairing or replacing if necessary
<i>Replace</i>	Replace with new or of equivalent condition.
<i>Undertake</i>	Carry out a specific activity.
<i>N/A</i>	Not applicable to this location

Qualifications:

1. Prior to commencing any building works, a representative of the Committee must contact the Facilities Maintenance Unit via phone: 5382 9777 (if urgent) or by lodging a service request via www.hrcc.vic.gov.au
2. No major works are to be undertaken without the written approval of Council.
3. Work undertaken by the Committee must be in accordance with Australian Standards and where required, completed by a registered tradesperson.
4. Misuse by users would require them to rectify and undertake the repair at their expense.
5. Unless otherwise stated, this document refers only to Council fixtures and fittings.
6. Items marked as maintain/replace by Council will be subject to Council's preventative, statutory, and condition-based maintenance works schedules and our Building Condition Assessment program. Reactive (unplanned) maintenance will be completed at Council's discretion over the immediate, medium, and long term, as required.

ASPECT	LICENSEE	COUNCIL	COMMENTS
STRUCTURAL			
External Wall Frames		Maintain / Replace	
Internal Wall Frames		Maintain / Replace	
Sub-Floor		Maintain / Replace	
Roof Frame		Maintain / Replace	
ROOFING			
Cladding		Maintain / Replace	
Guttering		Maintain / Replace	Includes cleaning
Downpipes		Maintain / Replace	
WALL CLADDING			
External Cladding		Maintain / Replace	
Internal Cladding	Maintain	Replace	Includes painting, replacing damaged tiles, woodwork, plaster, etc.
CEILING			
Plaster		Maintain / Replace	
Suspended Ceiling		Maintain / Replace	
Acoustic Tiles		Maintain / Replace	
WINDOWS			
External – Frames	Maintain	Replace	
External - Glazing	Replace	Replace	Licensee to replace any windows broken by user groups, including private hires. Council responsible for other repairs.
External – Flywire Screens	Maintain / Replace		
Internal – Frames	Maintain	Replace	
Internal - Glazing	Replace		
DOORS			
External – Door Integrity		Maintain / Replace	
External – Locks / Keys		Maintain / Replace	Licensee shall be issued two keys. Further keys may be requested and will charged rate set by Council. All locks must be on Council's Master system.
Internal – Door Integrity	Maintain	Maintain / Replace	
Internal – Locks / Keys		Maintain / Replace	All locks must be on Council's Master system.
WATER			
Main to Meter		Maintain / Replace	
Meter to within Building		Maintain / Replace	

ASPECT	LICENSEE	COUNCIL	COMMENTS
Usage Charges	Undertake		All costs for internal use in buildings – see also re grounds
Backflow Prevention Servicing		Maintain / Replace	
Water Tanks / Pumps		Maintain / Replace	
Minor Fixtures	Maintain	Replace	Such as taps, washes, etc.
Major Fixtures	Maintain	Replace	Such as toilet suites, basins etc.
Stormwater	Maintain	Replace	To point of legal discharge.
Septic / Treatment System		Maintain / Replace	Includes servicing
Wastewater		Maintain / Replace	
ELECTRICITY / COMMUNICATION			
Supply Mains		Maintain / Replace	
Electricity Meters		Maintain / Replace	
Distribution Board		Maintain / Replace	
Internal Wiring		Maintain / Replace	
Telephone Line to Building		Undertake	
GPO Outlets		Maintain / Replace	Copies of all Certificates of Electrical Safety must be provided to Council
Usage Charges	Undertake		
Testing and Tagging		Undertake	Council Owned
Testing and Tagging	Undertake		Licensee Owned
GAS			
Supply Mains (Natural Gas)		Maintain / Replace	
Supply (LPG)	Maintain Replace		
Usage Charges	Undertake		
LIGHTING			
Internal – Fixture		Maintain / Replace	
Internal - Lamp Replacement		Replace	
Internal – New	Undertake		Council approval required
External – Fixture		Maintain / Replace	Attached to building.
External - Lamp Replacement		Replace	Licensee to report any lights out to Council.
External – New		Undertake	
Carpark and Surrounds		Maintain / Replace	Licensee to report lights out to Council.
ESSENTIAL SAFETY MEASURES (ESM)			
Annual Compliance Audit		Undertake	
Path of Egress Inspections		Undertake	Ensure that all paths to an exit are kept clear at all times. Ongoing
Fire Extinguishers		Maintain / Replace	Annual inspection and replacement
Fire Blankets		Maintain / Replace	

ASPECT	LICENSEE	COUNCIL	COMMENTS
Hose reels		Maintain / Replace	
Emergency Exit Signs		Maintain / Replace	Report globe replacement
Fire and Smoke Detectors		Maintain / Replace	Hard wired only
Security System		Maintain / Replace	If system already installed.
Asbestos Audits		Undertake	
MECHANICAL PLANT			
Air Conditioner - Split System		Maintain / Replace	
Air Conditioner – Wall		Maintain / Replace	
Heaters		Maintain / Replace	
Ceiling Fans		Replace	
Hot Water Systems		Maintain / Replace	
FLOOR COVERINGS			
Carpet	Maintain	Replace	
Vinyl	Maintain	Replace	
Timber	Maintain	Replace	
Tiles	Maintain	Replace	
WINDOW COVERINGS			
Curtains / Drapes / Blinds	Maintain	Replace	
Roller Shutters	Maintain	Replace	
External Awnings	Maintain	Replace	
PAINTING			
External	Maintain	Undertake	Council to repaint as per asset management cycle
Internal	Maintain / Undertake		Council to repaint as per asset management cycle
CLEANING			
External Walls	Undertake		
External Windows	Undertake		
Internal Windows	Undertake		
Internal Floor Coverings	Undertake		
Cleaning of Toilets / Buildings	Undertake		Contribute to cleaning of shared spaces
Litter	Undertake		
Graffiti – External		Undertake	For example, extensive spray painting
Graffiti – Internal	Undertake		
Rubbish Removal	Undertake	Undertake	Licensee to place in appropriate receptacle and position for pick up by Council.
PEST CONTROL			

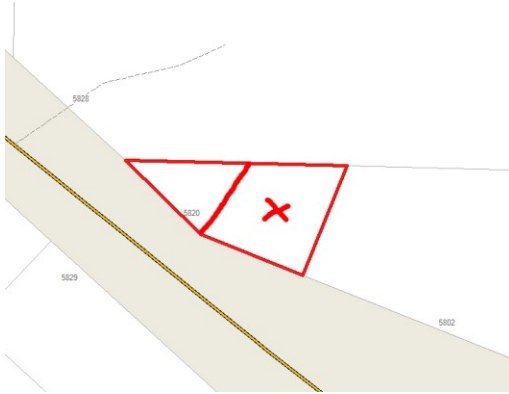
ASPECT	LICENSEE	COUNCIL	COMMENTS
Termites		Undertake	Annual inspection
Termites		Undertake	Annual treatment
Rodents	Undertake		For example, mice and rats
Any other pests	Undertake		For example, ants, possums, spiders, bees
FIT OUT			
Fixtures / Fittings	Maintain	Replace	Kitchen appliances
Internal Cupboards	Maintain	Replace	
SIGNAGE			
Council Corporate Signage		Maintain / Replace	
Site Specific Signage	Maintain / Replace		Must be approved by Council.
MISCELLANEOUS			
Public Liability (\$20,000,000)	Undertake		Council must be named as an interested party.
Insurance - Buildings		Undertake	
Contents Insurance		Undertake	Council's equipment, fixtures, and fittings.
Contents Insurance	Undertake		Licensee's equipment, fixtures, and fittings.
Site Inspection	Undertake		Complete inspection checklist provided and report to Council every year.
Fencing	Maintain	Replace	
Shade Structures	Maintain	Replace	
Shade Structures		Undertake	Annual Safety Inspection
GARDEN AREAS (Associated with Buildings)			
Maintain Garden	Undertake		
Water Charges	Undertake		
Lawn Maintenance / Mowing	Undertake		
Dangerous Tree Inspection / Removal		Undertake	Committee to report any tree they reasonably consider to be dangerous to Council.
Driveways / Parking Areas	Undertake		
SPORTS PLAYING FIELDS			

ASPECT	LICENSEE	COUNCIL	COMMENTS
Lawn Mowing / Ground Maintenance	Undertake		Council will provide an annual allocation to assist with these costs.
Water Charges	Undertake		Council will provide an annual allocation to assist with these costs.
Fixtures and Equipment	Maintain / Replace		Tennis Nets, Netball Poles/ Rings, Nets, Fencing around facilities.
Playing Surface – General Maintenance	Undertake		Line-marking, surface patching, etc
Playing Surface - Renewal	Undertake	Undertake	Joint responsibility
Playing Fields – Lighting Maintenance		Maintain / Replace	
Playing Fields Lighting renewal / upgrade	Undertake	Undertake	Joint responsibility, Council approval required
Playground Equipment	Maintain		
Barbecues - Installation	Undertake	Undertake	Joint responsibility, Council approval required
Barbecue - Maintenance	Maintain		

Version	Approval Date	Approval By	Amendment
01	1 December 2018	Coordinator Facilities Management	New Policy
02	1 February 2019	Coordinator Facilities Management	Modified
03	1 August 2020	Coordinator Facilities Management	Modified

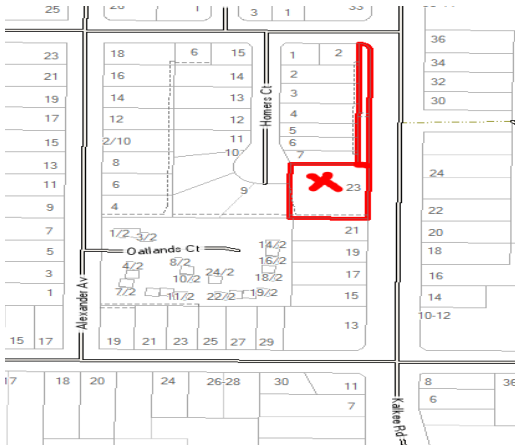
APPENDIX 3 – INDIVIDUAL HALL SITE PLANS

Dadswells’ Bridge Hall – 5820 Western Highway, Dadswell’s Bridge



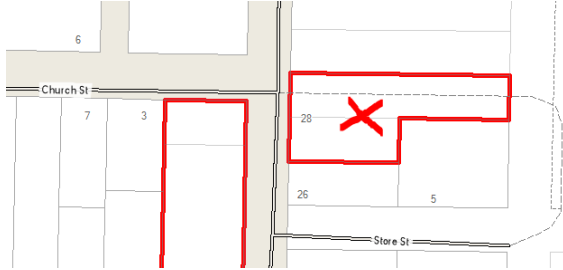
Note: Committee responsibility is for a section (shown as x) of the identified area

Hamilton Lamb Memorial Hall – 13 Kalkee Road, Horsham



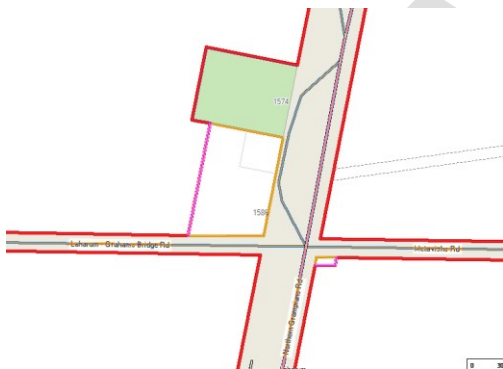
The Committee is responsible for the area marked in red – but not the verge along Kalkee Road.

Jung Hall – 28 Baker Street, Jung



Note: the Committee is responsible for the area (shown as x) – but not the park.

Laharum Hall – 1586 Northern Grampian’s Road, Laharum



Note: The Committee is responsible for the area outlined by red.

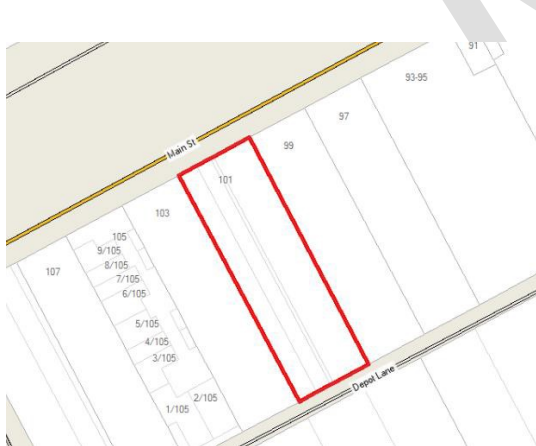
Mitre Hall – 1429 Natimuk Frances Road, Mitre



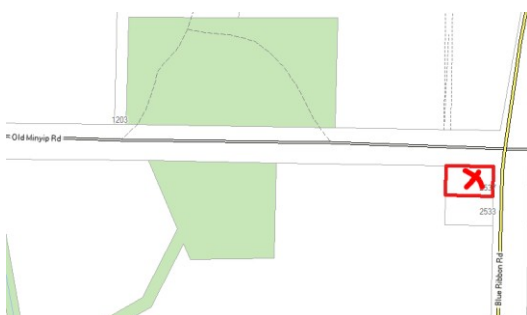
Natimuk Community Centre (NC2) – 60 Main Street, Natimuk



Natimuk and District Soldiers' Memorial Hall – Main Street, Natimuk



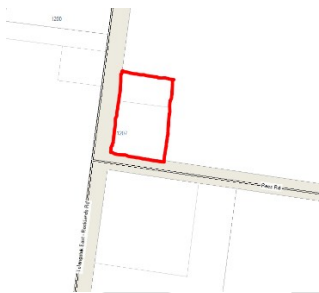
Sailors' Home Hall – 2472 Blue Ribbon Road, Murra Warra



Taylor's Lake Hall – 2032 Horsham-Lubeck Road, St Helen's Plains



Telangatuk East Hall – 278 Dunstan's Road Telangatuk



S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

CEMETERIES AND CREMATORIA ACT 2003

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 12(1)	function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act			where Council is a Class B cemetery trust
		MOD - Human Resources Lead	4/11/2013	
s. 12(2)	duty to have regard to the matters set out in paragraphs (a)-(c) in exercising its functions			where Council is a Class B cemetery trust
		CISS - Co-ordinator Civil Works	26/08/2019	
		MOD - Human Resources Lead	4/11/2013	
		RA - Senior Rates Officer	27/08/2018	
		TLUI - Team Leader Urban Infrastructure	27/08/2018	
s. 13	duty to do anything necessary or convenient to enable it to carry out its functions			
		MOD - Human Resources Lead	4/11/2013	
s. 14	power to manage multiple public cemeteries as if they are one cemetery			
		MOD - Human Resources Lead	4/11/2013	
s. 15(4)	duty to keep records of delegations			
		DCORPS - Director Corporate Services	4/11/2013	
s. 17(1)	power to employ any persons necessary			
		CEO - Chief Executive Officer	4/11/2013	
s. 17(2)	power to engage any professional technical or other assistance considered necessary			
		MOD - Human Resources Lead	4/11/2013	
s. 17(3)	power to determine the terms and conditions of employment or engagement			subject to any guidelines or directions of the Secretary
		MOD - Human Resources Lead	4/11/2013	
s. 18(3)	duty to comply with a direction from the Secretary			
		MOD - Human Resources Lead	4/11/2013	
s. 19	power to carry out or permit the carrying out of works			
		MOD - Human Resources Lead	4/11/2013	

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

CEMETERIES AND CREMATORIA ACT 2003

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 20(1)	duty to set aside areas for the interment of human remains			
	MOD - Human Resources Lead		4/11/2013	
s. 20(2)	power to set aside areas for the purposes of managing a public cemetery			
	MOD - Human Resources Lead		4/11/2013	
s. 20(3)	power to set aside areas for those things in paragraphs (a) – (e)			
	MOD - Human Resources Lead		4/11/2013	
s. 24(2)	power to apply to the Secretary for approval to alter the existing distribution of land			
	MOD - Human Resources Lead		4/11/2013	
s. 40	duty to notify Secretary of fees and charges fixed under s.39			
	MOD - Human Resources Lead		4/11/2013	
s. 57(1)	duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act			report must contain the particulars listed in s.57(2)
	MOD - Human Resources Lead		4/11/2013	
s. 59	duty to keep records for each public cemetery			
	MOD - Human Resources Lead		4/11/2013	
s. 60(1)	duty to make information in records available to the public for historical or research purposes			
	MOD - Human Resources Lead		4/11/2013	
s. 60(2)	power to charge fees for providing information			
	MOD - Human Resources Lead		4/11/2013	
s. 64(4)	duty to comply with a direction from the Secretary under s.64(3)			
	MOD - Human Resources Lead		4/11/2013	
s. 64B(d)	power to permit interments at a reopened cemetery			
	MOD - Human Resources Lead		4/11/2013	
s. 69	duty to take reasonable steps to notify of conversion to historic cemetery park			
	MOD - Human Resources Lead		4/11/2013	
s. 70(1)	duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed			
	MOD - Human Resources Lead		4/11/2013	

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

CEMETERIES AND CREMATORIA ACT 2003

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 70(2)	duty to make plans of existing place of interment available to the public			
	MOD - Human Resources Lead		4/11/2013	
s. 71(1)	power to remove any memorials or other structures in an area to which an approval to convert applies			
	MOD - Human Resources Lead		4/11/2013	
s. 71(2)	power to dispose of any memorial or other structure removed			
	MOD - Human Resources Lead		4/11/2013	
s. 72(2)	duty to comply with request received under section 72			
	MOD - Human Resources Lead		4/11/2013	
s. 73(1)	power to grant a right of interment			
	MOD - Human Resources Lead		4/11/2013	
s. 73(2)	power to impose conditions on the right of interment			
	MOD - Human Resources Lead		4/11/2013	
s. 75	power to grant the rights of interment set out in s.75(a) and (b)			
	MOD - Human Resources Lead		4/11/2013	
s. 76(3)	duty to allocate a piece of interment if an unallocated right is granted			
	MOD - Human Resources Lead		4/11/2013	
s. 77(4)	power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application			
	MOD - Human Resources Lead		4/11/2013	
s. 80(1)	function of receiving notification and payment of transfer of right of interment			
	MOD - Human Resources Lead		4/11/2013	
s. 80(2)	function of recording transfer of right of interment			
	MOD - Human Resources Lead		4/11/2013	
s. 82(2)	duty to pay refund on the surrender of an unexercised right of interment			
	MOD - Human Resources Lead		4/11/2013	
s. 83(2)	duty to pay refund on the surrender of an unexercised right of interment (sole holder)			
	MOD - Human Resources Lead		4/11/2013	

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

CEMETERIES AND CREMATORIA ACT 2003

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 83(3)	power to remove any memorial and grant another right of interment for a surrendered right of interment			
	MOD - Human Resources Lead		4/11/2013	
s. 84(1)	function of receiving notice of surrendering an entitlement to a right of interment			
	MOD - Human Resources Lead		4/11/2013	
s. 85(1)	duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry			the notice must be in writing and contain the requirements listed in s.85(2)
	MOD - Human Resources Lead		4/11/2013	
s. 85(2)(b)	duty to notify holder of 25 year right of interment of expiration of right at lease 12 months before expiry			does not apply where right of interment relates to remains of a deceased veteran does not apply where right of interment relates to remains of a deceased veteran
	MOD - Human Resources Lead		15/02/2016	
s. 85(2)(c)	power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of internment or; remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.			may only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of internment is not extended or converted to a perpetual right of interment applies where Council appointed to manage cemetery as though it were a cemetery trust.
	MOD - Human Resources Lead		15/02/2016	
s. 86	power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified			
	MOD - Human Resources Lead		4/11/2013	

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CEMETERIES AND CREMATORIA ACT 2003

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 86(2)	power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment			
	MOD - Human Resources Lead		3/08/2015	
s. 86(3)(a)	power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment			
	MOD - Human Resources Lead		3/08/2015	
s. 86(3)(b)	power to remove interred cremated human remains and take further action in accordance with S.86(3)(b)			
	MOD - Human Resources Lead		3/08/2015	
s. 86(4)	power to take action under s.86(4) relating to removing and re-interring cremated human remains			
	MOD - Human Resources Lead		3/08/2015	
s. 86(5)	duty to provide notification before taking action under s.86(4)			
	MOD - Human Resources Lead		3/08/2015	
s. 86A	duty to maintain place of interment and any memorial at place of interment, if action taken under s.86(3)			
	MOD - Human Resources Lead		3/08/2015	
s. 87(3)	duty if requested to extend the right for a further 25 years or convert the right to a perpetual right of interment			
	MOD - Human Resources Lead		4/11/2013	
s. 88	function to receive applications to carry out a lift and re-position procedure at a place of interment			
	MOD - Human Resources Lead		4/11/2013	
s. 91(1)	power to cancel a right of interment in accordance with s.91			
	MOD - Human Resources Lead		4/11/2013	
s. 91(3)	duty to publish notice of intention to cancel right of interment			
	MOD - Human Resources Lead		4/11/2013	
s. 92	power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment			
	MOD - Human Resources Lead		4/11/2013	

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CEMETERIES AND CREMATORIA ACT 2003

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 98(1)	function of receiving application to establish or alter a memorial or a place of interment			
	MOD - Human Resources Lead		4/11/2013	
s. 99	power to approve or refuse an application made under s.98 or to cancel an approval			
	MOD - Human Resources Lead		4/11/2013	
s. 99(4)	duty to make a decision on an application under s.98 within 45 days after receipt of the application or within 45 days of receiving further information where requested			
	MOD - Human Resources Lead		4/11/2013	
s.100(1)	power to require a person to remove memorials or places of interment			
	MOD - Human Resources Lead		4/11/2013	
s.100(2)	power to remove and dispose a memorial or place of interment or remedy a persons failure to comply with s.100(1)			
	MOD - Human Resources Lead		4/11/2013	
s.100(3)	power to recover costs of taking action under section 100(2)			
	MOD - Human Resources Lead		4/11/2013	
s.101	function of receiving applications to establish or alter a building for ceremonies in the cemetery			
	MOD - Human Resources Lead		4/11/2013	
s.103(3)	power to recover costs of taking action under s.103(2)			
	MOD - Human Resources Lead		4/11/2013	
s.106(1)	power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs			
	MOD - Human Resources Lead		4/11/2013	
s.106(2)	power to require the holder of the right of interment to provide for an examination			
	MOD - Human Resources Lead		4/11/2013	
s.106(3)	power to open and examine the place of interment if s.106(2) not complied with			
	MOD - Human Resources Lead		4/11/2013	

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CEMETERIES AND CREMATORIA ACT 2003

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s.106(4)	power to repair or – with the approval of the Secretary - take down remove and dispose any memorial or place of interment if notice under s.106(1) is not complied with			
	MOD - Human Resources Lead		4/11/2013	
s.107(1)	power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs			
	MOD - Human Resources Lead		4/11/2013	
s.107(2)	power to repair or take down remove and dispose any building for ceremonies if notice under s.107(1) is not complied with			
	MOD - Human Resources Lead		4/11/2013	
s.108	power to recover costs and expenses			
	MOD - Human Resources Lead		4/11/2013	
s.109(1)(a)	power to open examine and repair a place of interment			where the holder of right of interment or responsible person cannot be found
	MOD - Human Resources Lead		4/11/2013	
s.109(1)(b)	power to repair a memorial or with the Secretarys consent take down remove and dispose of a memorial			where the holder of right of interment or responsible person cannot be found
	MOD - Human Resources Lead		4/11/2013	
s.109(2)	power to repair the building for ceremonies or with the consent of the Secretary take down remove and dispose of a building for ceremonies			where the holder of right of interment or responsible person cannot be found
	MOD - Human Resources Lead		4/11/2013	
s.110(1)	power to maintain repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary			
	MOD - Human Resources Lead		4/11/2013	

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CEMETERIES AND CREMATORIA ACT 2003

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s.110(2)	power to maintain repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary			
	MOD - Human Resources Lead		4/11/2013	
s.110A	power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran			
	MOD - Human Resources Lead		3/08/2015	
s.111	power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment			
	MOD - Human Resources Lead		4/11/2013	
s.112	power to sell and supply memorials			
	MOD - Human Resources Lead		4/11/2013	
s.116(4)	duty to notify the Secretary of an interment authorisation granted			
	MOD - Human Resources Lead		4/11/2013	
s.116(5)	power to require an applicant to produce evidence of the right of interment holders consent to application			
	MOD - Human Resources Lead		4/11/2013	
s.118	power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met			
	MOD - Human Resources Lead		4/11/2013	
s.119	power to set terms and conditions for interment authorisations			
	MOD - Human Resources Lead		4/11/2013	
s.145	duty to comply with an order made by the Magistrates Court or a coroner			
	MOD - Human Resources Lead		4/11/2013	
s.146	power to dispose of bodily remains by a method other than interment or cremation			subject to the approval of the Secretary
	MOD - Human Resources Lead		4/11/2013	
s.147	power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation			
	MOD - Human Resources Lead		4/11/2013	

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CEMETERIES AND CREMATORIA ACT 2003

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s.149	duty to cease using method of disposal if approval revoked by the Secretary			
	MOD - Human Resources Lead		4/11/2013	
s.150 + 152(1)	power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met			
	MOD - Human Resources Lead		4/11/2013	
s.151	function of receiving applications to inter or cremate body parts			
	MOD - Human Resources Lead		4/11/2013	
s.152(2)	power to impose terms and conditions on authorisation granted under s.150.			
	MOD - Human Resources Lead		4/11/2013	
sch 1 Cl 8(8)	power to regulate own proceedings			subject to clause 8
	MOD - Human Resources Lead		4/11/2013	
sch 1A Cl 8(3)	power to permit members to participate in a particular meeting by telephone closed-circuit television or any other means of communication			Where Council is a Class A cemetery trust
	MOD - Human Resources Lead		4/11/2013	

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CEMETERIES AND CREMATORIA REGULATIONS 2015

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
r. 24	duty to ensure that cemetery complies with depth of burial requirements			
	MOD - Human Resources Lead		15/02/2016	
r. 25	duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves			
	MOD - Human Resources Lead		15/02/2016	
r. 27	power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)			
	MOD - Human Resources Lead		15/02/2016	
r. 28(1)	power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator			
	MOD - Human Resources Lead		15/02/2016	
r. 28(2)	duty to ensure any fittings removed of are disposed in an appropriate manner			
	MOD - Human Resources Lead		15/02/2016	
r. 29	power to dispose of any metal substance or non-human substance recovered from a cremator			
	MOD - Human Resources Lead		15/02/2016	
r. 30(2)	power to release cremated human remains to certain persons			subject to any order of a court
	MOD - Human Resources Lead		15/02/2016	
r. 31(1)	duty to make cremated human remains available for collection within 2 working days after the cremation			
	MOD - Human Resources Lead		15/02/2016	
r. 31(2)	duty to hold cremated human remains for at least 12 months from the date of cremation			
	MOD - Human Resources Lead		15/02/2016	
r. 31(3)	power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation			
	MOD - Human Resources Lead		15/02/2016	
r. 31(4)	duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month			
	MOD - Human Resources Lead		15/02/2016	
r. 32	duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)			
	MOD - Human Resources Lead		15/02/2016	

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CEMETERIES AND CREMATORIA REGULATIONS 2015

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
r. 33(1)	duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)			
	MOD - Human Resources Lead		15/02/2016	
r. 33(2)	duty to ensure that remains are interred in accordance with paragraphs (a)-(b)			
	MOD - Human Resources Lead		15/02/2016	
r. 34	duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)			
	MOD - Human Resources Lead		15/02/2016	
r. 36	duty to provide statement that alternative vendors or supplier of monuments exist			
	MOD - Human Resources Lead		15/02/2016	
r. 40	power to approve a person to play sport within a public cemetery			
	MOD - Human Resources Lead		15/02/2016	
r. 41(1)	power to approve fishing and bathing within a public cemetery			
	MOD - Human Resources Lead		15/02/2016	
r. 42(1)	power to approve hunting within a public cemetery			
	MOD - Human Resources Lead		15/02/2016	
r. 43	power to approve camping within a public cemetery			
	MOD - Human Resources Lead		15/02/2016	
r. 45	power to approve the removal of plants within a public cemetery			
	MOD - Human Resources Lead		15/02/2016	
r. 46	power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)			
	MOD - Human Resources Lead		15/02/2016	
r. 47(3)	power to approve the use of fire in a public cemetery			
	MOD - Human Resources Lead		15/02/2016	
r. 48(2)	power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area			
	MOD - Human Resources Lead		15/02/2016	

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DOMESTIC ANIMALS ACT 1994

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 41A(1)	power to declare a dog to be a menacing dog			Council may delegate this power to a Council authorised officer
	CEO - Chief Executive Officer		19/03/2018	
	DCW - Director Communities and Place		24/08/2020	
	MRS - Man Com Safety & Environmental Health		19/03/2018	

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ENVIRONMENT PROTECTION ACT 1970

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s.53M(3)	power to require further information			
	CEH - Co-ordinator Environmental Health		4/11/2013	
	EHO2 - Environmental Health Officer		4/11/2013	
s.53M(4)	duty to advise applicant that application is not to be dealt with			
	CEH - Co-ordinator Environmental Health		4/11/2013	
	EHO2 - Environmental Health Officer		4/11/2013	
s.53M(5)	duty to approve plans issue permit or refuse permit			refusal must be ratified by Council or it is of no effect
	CEH - Co-ordinator Environmental Health		4/11/2013	
	EHO2 - Environmental Health Officer		4/11/2013	
s.53M(6)	power to refuse to issue septic tank permit			refusal must be ratified by Council or it is of no effect
	CEH - Co-ordinator Environmental Health		4/11/2013	
	EHO2 - Environmental Health Officer		4/11/2013	
s.53M(7)	duty to refuse to issue a permit in circumstances in (a)-(c)			refusal must be ratified by Council or it is of no effect
	CEH - Co-ordinator Environmental Health		4/11/2013	
	EHO2 - Environmental Health Officer		4/11/2013	

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FOOD ACT 1984

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
---	power to register renew or transfer registration			where Council is the registration authority, refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s.58A(2))
	CEH - Co-ordinator Environmental Health		4/11/2013	
	EHO2 - Environmental Health Officer		4/11/2013	
s.19(2)(a)	power to direct by written order that the food premises be put into a clean and sanitary condition			If s.19(1) applies
	CEH - Co-ordinator Environmental Health		4/11/2013	
	EHO2 - Environmental Health Officer		4/11/2013	
s.19(2)(b)	power to direct by written order that specified steps be taken to ensure that food prepared sold or handled is safe and suitable			If s.19(1) applies
	CEH - Co-ordinator Environmental Health		4/11/2013	
	EHO2 - Environmental Health Officer		4/11/2013	
s.19(3)	power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment (contd)			If s.9(1) applies Only in relation to temporary food premises or mobile food premises
	CEH - Co-ordinator Environmental Health		2/10/2017	
s.19(4)(a)	power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise			if s.19(1) applies
	CEH - Co-ordinator Environmental Health		2/10/2017	
s.19(6)(a)	duty to revoke any order under section 19 if satisfied that an order has been complied with			If section 19(1) applies
	CEH - Co-ordinator Environmental Health		4/11/2013	
	EHO2 - Environmental Health Officer		4/11/2013	
s.19(6)(b)	duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with			If section 19(1) applies
	CEH - Co-ordinator Environmental Health		4/11/2013	
	EHO2 - Environmental Health Officer		4/11/2013	

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FOOD ACT 1984

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s.19AA(2)	power to direct by written order that a person must take any of the actions described in (a)-(c).			where Council is the registration authority
		CEH - Co-ordinator Environmental Health	4/11/2013	
		EHO2 - Environmental Health Officer	4/11/2013	
s.19AA(4)(c)	power to direct in an order made under s.19AA(2) or a subsequent written order that a person must ensure that any food or class of food is not removed from the premises			Note: the power to direct the matters under s.19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
		CEH - Co-ordinator Environmental Health	4/11/2013	
		EHO2 - Environmental Health Officer	4/11/2013	
s.19AA(7)	duty to revoke order issued under s.19AA and give written notice of revocation if satisfied that that order has been complied with			where Council is the registration authority
		CEH - Co-ordinator Environmental Health	4/11/2013	
		EHO2 - Environmental Health Officer	4/11/2013	
s.19CB(4)(b)	power to request copy of records			where Council is the registration authority
		CEH - Co-ordinator Environmental Health	4/11/2013	
		EHO2 - Environmental Health Officer	4/11/2013	
s.19E(1)(d)	power to request a copy of the food safety program			where Council is the registration authority
		CEH - Co-ordinator Environmental Health	4/11/2013	
		EHO2 - Environmental Health Officer	4/11/2013	
s.19GB	power to request proprietor to provide written details of the name qualification or experience of the current food safety supervisor			where Council is the registration authority
		CEH - Co-ordinator Environmental Health	4/11/2013	
		EHO2 - Environmental Health Officer	4/11/2013	
s.19M(4)(a) + (5)	power to conduct a food safety audit and take actions where deficiencies are identified			where Council is the registration authority
		CEH - Co-ordinator Environmental Health	4/11/2013	
		EHO2 - Environmental Health Officer	4/11/2013	

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FOOD ACT 1984

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s.19NA(1)	power to request food safety audit reports			where Council is the registration authority
	CEH - Co-ordinator Environmental Health		4/11/2013	
	EHO2 - Environmental Health Officer		4/11/2013	
s.19U(3)	power to waive and vary the costs of a food safety audit if there are special circumstances			
	CEH - Co-ordinator Environmental Health		4/11/2013	
	EHO2 - Environmental Health Officer		4/11/2013	
s.19UA	power to charge fees for conducting a food safety assessment or inspection			except for an assessment required by a declaration under section 19C or an inspection under ss.38B(1) (c) or 39.
	CEH - Co-ordinator Environmental Health		4/11/2013	
	EHO2 - Environmental Health Officer		4/11/2013	
s.19W	power to direct a proprietor of a food premises to comply with any requirement under Part IIIB			where Council is the registration authority
	CEH - Co-ordinator Environmental Health		4/11/2013	
	EHO2 - Environmental Health Officer		4/11/2013	
s.19W(3)(a)	power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction			where Council is the registration authority
	CEH - Co-ordinator Environmental Health		4/11/2013	
	EHO2 - Environmental Health Officer		4/11/2013	
s.19W(3)(b)	power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises			where Council is the registration authority
	CEH - Co-ordinator Environmental Health		4/11/2013	
	EHO2 - Environmental Health Officer		4/11/2013	
s.38A(4)	power to request a copy of a completed food safety program template			where council is the registration authority
	CEH - Co-ordinator Environmental Health		4/11/2013	
	EHO2 - Environmental Health Officer		4/11/2013	

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FOOD ACT 1984

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s.38AA(5)	power to (a) request further information- or (b) advise the proprietor that the premises must be registered if the premises are not exempt			where Council is the registration authority
		CEH - Co-ordinator Environmental Health	4/11/2013	
		EHO2 - Environmental Health Officer	4/11/2013	
s.38AB(4)	power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under s.38AB(1)			where Council is the registration authority
		CEH - Co-ordinator Environmental Health	4/11/2013	
		EHO2 - Environmental Health Officer	4/11/2013	
s.38B(1)(a)	duty to assess the application and determine which class of food premises under s.19C the food premises belongs			where Council is the registration authority
		CEH - Co-ordinator Environmental Health	4/11/2013	
		EHO2 - Environmental Health Officer	4/11/2013	
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of s.38A			where Council is the registration authority
		CEH - Co-ordinator Environmental Health	4/11/2013	
		EHO2 - Environmental Health Officer	4/11/2013	
s.38B(2)	duty to be satisfied of the matters in s.38B(2)(a)-(b)			where Council is the registration authority
		CEH - Co-ordinator Environmental Health	4/11/2013	
		EHO2 - Environmental Health Officer	4/11/2013	
s.38D(1)	duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by s.39			where Council is the registration authority
		CEH - Co-ordinator Environmental Health	4/11/2013	
		EHO2 - Environmental Health Officer	4/11/2013	
s.38D(2)	duty to be satisfied of the matters in s.38D(2)(a)-(d)			where Council is the registration authority
		CEH - Co-ordinator Environmental Health	4/11/2013	
		EHO2 - Environmental Health Officer	4/11/2013	

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FOOD ACT 1984

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s.38D(3)	power to request copies of any audit reports			where Council is the registration authority
	CEH - Co-ordinator Environmental Health		4/11/2013	
	EHO2 - Environmental Health Officer		4/11/2013	
s.38E(2)	power to register the food premises on a conditional basis			where Council is the registration authority; not exceeding the prescribed time limit defined under s.38E(5).
	CEH - Co-ordinator Environmental Health		4/11/2013	
	EHO2 - Environmental Health Officer		4/11/2013	
s.38E(4)	duty to register the food premises when conditions are satisfied			where Council is the registration authority
	CEH - Co-ordinator Environmental Health		4/11/2013	
	EHO2 - Environmental Health Officer		4/11/2013	
s.39A	power to register renew or transfer food premises despite minor defects			where Council is the registration authority, only if satisfied of matters in s.39A(2)(a)-(c)
	CEH - Co-ordinator Environmental Health		4/11/2013	
	EHO2 - Environmental Health Officer		4/11/2013	
s.40(2)	power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008			
	CEH - Co-ordinator Environmental Health		4/11/2013	
	EHO2 - Environmental Health Officer		4/11/2013	
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year			where Council is the registration authority
	CEH - Co-ordinator Environmental Health		4/11/2013	
	EHO2 - Environmental Health Officer		4/11/2013	
s.40D(1)	power to suspend or revoke the registration of food premises			where Council is the registration authority
	CEH - Co-ordinator Environmental Health		4/11/2013	
	EHO2 - Environmental Health Officer		4/11/2013	

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FOOD ACT 1984

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s.43F(6)	duty to be satisfied that registration requirements under Division 3 have been met prior to registering transferring or renewing registration of a component of a food business			where Council is the registration authority
		CEH - Co-ordinator Environmental Health	4/11/2013	
		EHO2 - Environmental Health Officer	4/11/2013	
s.43F(7)	power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements			where Council is the registration authority
		CEH - Co-ordinator Environmental Health	4/11/2013	
		EHO2 - Environmental Health Officer	4/11/2013	
s.46(5)	power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution without proceedings first being instituted (contd)			(contd) against the person first charged
				Where Council is the registration authority
				where council is the registration authority
		CEH - Co-ordinator Environmental Health	4/11/2013	
		EHO2 - Environmental Health Officer	4/11/2013	

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HERITAGE ACT 2017

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s.116	power to sub-delegate Executive Director's functions, duties or powers			must first obtain Executive Director's written consent, Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation
	SSTP - Co-ord Statutory Planning & Building		26/08/2019	
	STP - Senior Statutory Town Planner		27/08/2018	

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LOCAL GOVERNMENT (ELECTORAL) REGULATIONS 2020

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
r. 35	Duty to keep a register of attendance			Note: this provision will come into force on 13 July 2020
	DCORPS - Director Corporate Services		24/08/2020	
	MGIS - Manager Governance & Information Service		24/08/2020	
r. 15(1)	Duty to provide details of a person's entitlement to be enrolled as a ratepayer on the voters' roll			Note: this provision will come into force on 13 July 2020
	DCORPS - Director Corporate Services		24/08/2020	
	MGIS - Manager Governance & Information Service		24/08/2020	
r. 15(2)	Power to exchange relevant information to enrolment entitlements with the VEC			Note: this provision will come into force on 13 July 2020
	DCORPS - Director Corporate Services		24/08/2020	
	MGIS - Manager Governance & Information Service		24/08/2020	
r. 18	Duty to maintain a list of silent voters			Note: this provision will come into force on 13 July 2020
	DCORPS - Director Corporate Services		24/08/2020	
	MGIS - Manager Governance & Information Service		24/08/2020	
r. 19	Duty to ensure that only authorised persons have access to details of silent voters			Note: this provision will come into force on 13 July 2020
	DCORPS - Director Corporate Services		24/08/2020	
	MGIS - Manager Governance & Information Service		24/08/2020	
r. 33	Duty to cause the Local Government Candidate Training to be conducted			Note: this provision will come into force on 13 July 2020
	DCORPS - Director Corporate Services		24/08/2020	
	MGIS - Manager Governance & Information Service		24/08/2020	
r. 36(2)	Duty to comply with notice under subsection (1)			Note: this provision will come into force on 13 July 2020
	DCORPS - Director Corporate Services		24/08/2020	
	MGIS - Manager Governance & Information Service		24/08/2020	

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LOCAL GOVERNMENT (ELECTORAL) REGULATIONS 2020

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
r. 83	Duty to submit report on election received by the VEC to Council			Note: this provision will come into force on 13 July 2020
	DCORPS - Director Corporate Services		24/08/2020	
	MGIS - Manager Governance & Information Service		24/08/2020	

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PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
r.19	power to waive or rebate a fee relating to an amendment of a planning scheme			Expires October 2015
	DCW - Director Communities and Place		24/08/2020	
	MIAG - Manager Investment, Attractions & Growth		24/08/2020	
r.20	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme			
	DCW - Director Communities and Place		24/08/2020	
	MIAG - Manager Investment, Attractions & Growth		24/08/2020	
r.21	duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.19 or 20			Expires October 2015
	DCW - Director Communities and Place		24/08/2020	
	MIAG - Manager Investment, Attractions & Growth		24/08/2020	

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Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
-	power to give written authorisation in accordance with a provision of a planning scheme			
	DCW - Director Communities and Place		24/08/2020	
	MIAG - Manager Investment, Attractions & Growth		24/08/2020	
	MRS - Man Com Safety & Environmental Health		25/02/2019	
	MRS - Man Com Safety & Environmental Health		25/02/2019	
	SSTP - Co-ord Statutory Planning & Building		27/08/2018	
	SSTP - Co-ord Statutory Planning & Building		26/08/2019	
	STP - Senior Statutory Town Planner		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 4B	power to prepare an amendment to the Victorian Planning Provisions			if authorised by the Minister
	DCW - Director Communities and Place		24/08/2020	
s. 4G	function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister			
	DCW - Director Communities and Place		24/08/2020	
	MIAG - Manager Investment, Attractions & Growth		24/08/2020	
s. 4H	duty to make amendment to Victorian Planning Provisions available			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 4I	duty to keep Victorian Planning Provisions and other documents available			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 8A(2)	power to prepare amendment to the planning scheme where the Minister has given consent under s.8A			
	DCW - Director Communities and Place		24/08/2020	
s. 8A(3)	power to apply to Minister to prepare an amendment to the planning scheme			
	DCW - Director Communities and Place		24/08/2020	
s. 8A(5)	function of receiving notice of the Minister's decision			
	DCW - Director Communities and Place		24/08/2020	

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Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 8A(7)	power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days			
		DCW - Director Communities and Place	24/08/2020	
s. 8B(2)	power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district			
		DCW - Director Communities and Place	24/08/2020	
s. 12(3)	power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons			
		DCW - Director Communities and Place	24/08/2020	
		MIAG - Manager Investment, Attractions & Growth	24/08/2020	
s. 12A(1)	duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s.19 of the Planning and Environment (Planning Schemes) Act 1996)			
		DCW - Director Communities and Place	24/08/2020	
s. 12B(1)	duty to review planning scheme			
		DCW - Director Communities and Place	24/08/2020	
s. 12B(2)	duty to review planning scheme at direction of Minister			
		DCW - Director Communities and Place	24/08/2020	
s. 12B(5)	duty to report findings of review of planning scheme to Minister without delay			
		DCW - Director Communities and Place	24/08/2020	
s. 14	duties of a Responsible Authority as set out in s.14 (a) to (d)			
		DCW - Director Communities and Place	24/08/2020	
s. 17(1)	duty of giving copy amendment to the planning scheme			
		DCW - Director Communities and Place	24/08/2020	

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Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 17(2)	duty of giving copy s.173 agreement			
	DCW - Director Communities and Place		24/08/2020	
	MIAG - Manager Investment, Attractions & Growth		24/08/2020	
s. 17(3)	duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days			
	DCW - Director Communities and Place		24/08/2020	
s. 18	duty to make amendment etc. available			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 19	function of receiving notice of preparation of an amendment to a planning scheme			where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority
	DCW - Director Communities and Place		24/08/2020	
	MIAG - Manager Investment, Attractions & Growth		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		7/04/2014	
s. 19	power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s.19 to a planning scheme			
s. 19				
	DCW - Director Communities and Place		24/08/2020	
	MIAG - Manager Investment, Attractions & Growth		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		7/04/2014	
s. 20(1)	power to apply to Minister for exemption from the requirements of section 19			
	Not Delegated -		24/08/2020	

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Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 21(2)	duty to make submissions available			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 21A(4)	duty to publish notice in accordance with section			
	DCW - Director Communities and Place		24/08/2020	
	MIAG - Manager Investment, Attractions & Growth		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		26/08/2019	
s. 22	duty to consider all submissions			except submissions which request a change to the items in s.22(5)(1) and (b)
	DCW - Director Communities and Place		24/08/2020	
	MIAG - Manager Investment, Attractions & Growth		24/08/2020	
s. 23(1)(b)	duty to refer submissions which request a change to the amendment to a panel			
	DCW - Director Communities and Place		24/08/2020	
	MIAG - Manager Investment, Attractions & Growth		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		7/04/2014	
s. 23(2)	power to refer to a panel submissions which do not require a change to the amendment			
	DCW - Director Communities and Place		24/08/2020	
s. 24	function to represent Council and present a submission at a panel hearing (including a hearing referred to in s.96D)			
	DCW - Director Communities and Place		24/08/2020	
	MIAG - Manager Investment, Attractions & Growth		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 26(1)	power to make report available for inspection			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	

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Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 26(2)	duty to keep report of panel available for inspection			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 27(2)	power to apply for exemption if panels report not received			
	DCW - Director Communities and Place		24/08/2020	
s. 28	duty to notify the Minister if abandoning an amendment			Note: the power to make a decision to abandon an amendment cannot be delegated
	DCW - Director Communities and Place		24/08/2020	
s. 30(4)(a)	duty to say if amendment has lapsed			
	DCW - Director Communities and Place		24/08/2020	
s. 30(4)(b)	duty to provide information in writing upon request			
	DCW - Director Communities and Place		24/08/2020	
s. 32(2)	duty to give more notice if required			
	DCW - Director Communities and Place		24/08/2020	
s. 33(1)	duty to give more notice of changes to an amendment			
	DCW - Director Communities and Place		24/08/2020	
s. 36(2)	duty to give notice of approval of amendment			
	DCW - Director Communities and Place		24/08/2020	
s. 38(5)	duty to give notice of revocation of an amendment			
	DCW - Director Communities and Place		24/08/2020	
s. 39	function of being a party to a proceeding commenced under s.39 and duty to comply with determination by VCAT			
	DCW - Director Communities and Place		24/08/2020	
s. 40(1)	function of lodging copy of approved amendment			
	DCW - Director Communities and Place		24/08/2020	
s. 41	duty to make approved amendment available			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	

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Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 42	duty to make copy of planning scheme available			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 46AS(ac)	power to request the Victorian Planning Authority to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria			
	DCW - Director Communities and Place		24/08/2020	
s. 46AW	function of being consulted by the Minister			where Council is a responsible public entity
	CSLP - Co-ordinator Strategic Planning		27/08/2018	
	DCW - Director Communities and Place		24/08/2020	
	MIAG - Manager Investment, Attractions & Growth		27/08/2018	
s. 46AX	function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy			where Council is a responsible public entity
	power to endorse the draft Statement of Planning Policy			
	DCW - Director Communities and Place		24/08/2020	
s. 46AZC(2)	duty to comply with directions issued by the Minister			where Council is a responsible public entity
	duty not to prepare an amendment to a declared area			
	planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity			
	CSLP - Co-ordinator Strategic Planning		27/08/2018	
	DCW - Director Communities and Place		24/08/2020	
	MIAG - Manager Investment, Attractions & Growth		27/08/2018	
s. 46AZK	duty to include a condition in a permit relating to matters set out in s.46GG(c) and (d)			where Council is a responsible public entity
	duty not to act inconsistently			
	with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area			
	DCW - Director Communities and Place		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		27/08/2018	
	STP - Senior Statutory Town Planner		27/08/2018	

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Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 46GF	duty to comply with directions issued by the Minister			
	DCW - Director Communities and Place		24/08/2020	
s. 46GG	duty to include a condition in a permit relating to matters set out in s.46GG(c) and (d)			
	SSTP - Co-ord Statutory Planning & Building		15/02/2016	
	STP - Senior Statutory Town Planner		15/02/2016	
s. 46GH(1)	power to require the payment of an amount of infrastructure levy to be secured to Council's satisfaction			where council is a collection agency
	DCW - Director Communities and Place		24/08/2020	
	DI - Director Infrastructure		15/02/2016	
s. 46GH(2)	power to accept the provision of land, works, services or facilities in part or full satisfaction of the amount of infrastructure levy payable			where council is a collection agency
	DCW - Director Communities and Place		24/08/2020	
	DI - Director Infrastructure		15/02/2016	
s. 46GH(3)	duty to obtain the agreement of the relevant development agency or agencies specified in the approved infrastructure contributions plan before accepting the provision of land, works, services or facilities by the applicant			where council is a collection agency
	DCW - Director Communities and Place		24/08/2020	
s. 46GI(1)	duty to keep proper accounts of any amount of infrastructure levy paid to it as a collecting agency or a development agency under part 2 of the Planning and Environment Act 1987			must be done in accordance with <i>Local Government Act 1989</i>
	DCW - Director Communities and Place		24/08/2020	
	FM - Manager Finance		15/02/2016	

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Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 46GI(2)	duty to forward to a development agency any part of an infrastructure levy paid to council which is imposed for plan preparation costs incurred by development agency or for carrying out of works, services or facilities on behalf of the development agency			
		DCW - Director Communities and Place	24/08/2020	
		FM - Manager Finance	15/02/2016	
s. 46GI(2)(b)(i)	power to require the payment of an amount of infrastructure levy to be secured to Council's satisfaction power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction where council is a collecting agency			where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
		CSLP - Co-ordinator Strategic Planning	27/08/2018	
		DCW - Director Communities and Place	24/08/2020	
s. 46GI(3)	duty to apply levy amount only in accordance with s.46GI(3) (a) and (b)			
		DCW - Director Communities and Place	24/08/2020	
		FM - Manager Finance	15/02/2016	
s. 46GI(4)	power to refund any amount of infrastructure levy paid to it as a development agency under Part 2 of the Planning and Environment Act 1987 if satisfied that the development is not to proceed			
		DCW - Director Communities and Place	24/08/2020	
s. 46GI(5)	duty to take action described in s.46GI(5)(c) – (e) where s.46GI(5)(a) and (b) applies.			
		DCW - Director Communities and Place	24/08/2020	
s. 46GJ(1)	function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans			
		CSLP - Co-ordinator Strategic Planning	27/08/2018	
		DCW - Director Communities and Place	24/08/2020	
s. 46GK	duty to comply with a Minister's direction that applies to Council as the planning authority			
		CSLP - Co-ordinator Strategic Planning	27/08/2018	
		DCW - Director Communities and Place	24/08/2020	

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Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 46GL	power to recover any amount of infrastructure levy as a debt due to Council			where council is a collecting agency
	DCW - Director Communities and Place		24/08/2020	
s. 46GM	duty to prepare report and give a report to the Minister			where council is a collecting agency or development agency
	DCW - Director Communities and Place		24/08/2020	
s. 46GN(1)	duty to arrange for estimates of values of inner public purpose land			
	CSLP - Co-ordinator Strategic Planning		27/08/2018	
	DCW - Director Communities and Place		24/08/2020	
s. 46GO(1)	duty to give notice to owners of certain inner public purpose land			
	CSLP - Co-ordinator Strategic Planning		27/08/2018	
	DCW - Director Communities and Place		24/08/2020	
s. 46GP	function of receiving a notice under s.46GO			WHERE Council is the collecting agency
	CSLP - Co-ordinator Strategic Planning		27/08/2018	
	DCW - Director Communities and Place		24/08/2020	
s. 46GQ	function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land			
	CSLP - Co-ordinator Strategic Planning		27/08/2018	
	DCW - Director Communities and Place		24/08/2020	
	MIAG - Manager Investment, Attractions & Growth		27/08/2018	
s. 46GR(1)	duty to consider every submission that is made by the closing date for submissions included in the notice under s.46GO			
	CSLP - Co-ordinator Strategic Planning		27/08/2018	
	DCW - Director Communities and Place		24/08/2020	
	MIAG - Manager Investment, Attractions & Growth		27/08/2018	

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Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 46GR(2)	power to consider a late submission			
	duty to consider a late submission if directed to do so by the Minister			
		CSLP - Co-ordinator Strategic Planning		27/08/2018
		DCW - Director Communities and Place		24/08/2020
	MIAG - Manager Investment, Attractions & Growth		27/08/2018	
s. 46GS(1)	power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s.46GQ			
		CSLP - Co-ordinator Strategic Planning		27/08/2018
		DCW - Director Communities and Place		24/08/2020
		MIAG - Manager Investment, Attractions & Growth		27/08/2018
s. 46GS(2)	duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general			
		CSLP - Co-ordinator Strategic Planning		27/08/2018
		DCW - Director Communities and Place		24/08/2020
		MIAG - Manager Investment, Attractions & Growth		27/08/2018
s. 46GT(2)	duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference			
		CSLP - Co-ordinator Strategic Planning		27/08/2018
		DCW - Director Communities and Place		24/08/2020
		MIAG - Manager Investment, Attractions & Growth		27/08/2018
s. 46GT(4)	function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land			
		CSLP - Co-ordinator Strategic Planning		27/08/2018
		DCW - Director Communities and Place		24/08/2020
		MIAG - Manager Investment, Attractions & Growth		27/08/2018

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Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 46GT(6)	function of receiving, from the valuer-general, written notice of a determination under s.46GT(5)			
		CSLP - Co-ordinator Strategic Planning	27/08/2018	
		DCW - Director Communities and Place	24/08/2020	
		MIAG - Manager Investment, Attractions & Growth	27/08/2018	
s. 46GU	duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless (contd)			(contd) the criteria in s.46GU(1)(a) and (b) are met
		CSLP - Co-ordinator Strategic Planning	27/08/2018	
		DCW - Director Communities and Place	24/08/2020	
		MIAG - Manager Investment, Attractions & Growth	27/08/2018	
s. 46GV(3)	function of receiving the monetary component and any land equalisation amount of the infrastructure contribution power to specify the manner in which the payment is to be made			where Council is the collecting agency
		SSTP - Co-ord Statutory Planning & Building	27/08/2018	
		STP - Senior Statutory Town Planner	27/08/2018	
s. 46GV(3)(b)	power to enter into an agreement with the applicant			where Council is the collecting agency
		DCW - Director Communities and Place	24/08/2020	
		MIAG - Manager Investment, Attractions & Growth	27/08/2018	
s. 46GV(4)(a)	function of receiving the inner public purpose land in accordance with s.46GV(5) and (6)			where Council is the development agency
		DCW - Director Communities and Place	24/08/2020	
		MRS - Man Com Safety & Environmental Health	25/02/2019	
		SSTP - Co-ord Statutory Planning & Building	27/08/2018	
		STP - Senior Statutory Town Planner	27/08/2018	
s. 46GV(4)(b)	function of receiving the inner public purpose land in accordance with s.46GV(5) and (6)			where Council is the collecting agency
		DCW - Director Communities and Place	24/08/2020	
		SSTP - Co-ord Statutory Planning & Building	27/08/2018	
		STP - Senior Statutory Town Planner	27/08/2018	

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Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 46GV(7)	duty to impose the requirements set out in s.46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area			
	SSTP - Co-ord Statutory Planning & Building		27/08/2018	
	STP - Senior Statutory Town Planner		27/08/2018	
s. 46GV(9)	power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction			where Council is the collecting agency
	SSTP - Co-ord Statutory Planning & Building		27/08/2018	
	STP - Senior Statutory Town Planner		27/08/2018	
s. 46GX(1)	power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable			where Council is the collecting agency
	DI - Director Infrastructure		27/08/2018	
s. 46GX(2)	duty, before accepting the provision of works, services or facilities by an applicant under s.46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan			where Council is the collecting agency
	DI - Director Infrastructure		27/08/2018	
s. 46GY(1)	duty to keep proper and separate accounts and records			where Council is the collecting agency
	FM - Manager Finance		27/08/2018	
s. 46GY(2)	duty to keep the accounts and records in accordance with the Local Government Act 1989			where Council is the collecting agency
	FM - Manager Finance		27/08/2018	
s. 46GZ(2)(a)-1	function of receiving the monetary component			where the Council is the planning authority this duty does not apply where Council is also the collecting agency
	FM - Manager Finance		27/08/2018	

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Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 46GZ(2)(a)-2	duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs where Council is the collecting agency under an approved infrastructure contributions plan this duty does not apply where Council is that planning authority			where Council is the collecting agency under an approved infrastructure contributions plan this duty does not apply where Council is that planning authority
	FM - Manager Finance		27/08/2018	
s. 46GZ(2)(b)-1	function of receiving the monetary component			where Council is the development agency under an approved infrastructure contributions plan this provision does not apply where Council is also the collecting agency
	FM - Manager Finance		27/08/2018	
s. 46GZ(2)(b)-2	duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities			where Council is the collecting agency under an approved infrastructure contributions plan this provision does not apply where Council is also the relevant development agency
	FM - Manager Finance		27/08/2018	
s. 46GZ(4)	duty to use any land equalisation amounts to pay land credit amounts under s.46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s.46GZ(5)			where Council is the collecting agency under an approved infrastructure contributions plan
	FM - Manager Finance		27/08/2018	
s. 46GZ(5)	function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land			where Council is the development agency specified in the approved infrastructure contributions plan this provision does not apply where Council is also the collecting agency
	FM - Manager Finance		27/08/2018	
	MIAG - Manager Investment, Attractions & Growth		24/08/2020	

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Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 46GZ(5)-2	duty to forward any part of a land equalisation amount required for the acquisition of infrastructure of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency			where Council is the collecting agency under an approved infrastructure contributions plan this provision does not apply where Council is also the relevant development agency
		FM - Manager Finance	27/08/2018	
s. 46GZ(7)	duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s.46GW			where Council is the collecting agency under an approved infrastructure contributions plan
		FM - Manager Finance	27/08/2018	
s. 46GZ(9)	duty to transfer the estate in fee simple in the land to to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land			if any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s.46GV(4) where Council is the collecting agency under an approved infrastructure contributions plan this duty does not apply where Council is also the development agency
		DCW - Director Communities and Place	24/08/2020	
		MIAG - Manager Investment, Attractions & Growth	24/08/2020	
s. 46GZ(9)-1	function of receiving the fee simple in the land			where Council is the development agency under an approved infrastructure contributions plan this duty does not apply where Council is also the collecting agency
		DCW - Director Communities and Place	24/08/2020	

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s. 46GZA(1)	duty to keep proper and separate accounts and records			where Council is a development agency under an approved infrastructure contributions plan
	CSLP - Co-ordinator Strategic Planning		27/08/2018	
	MIAG - Manager Investment, Attractions & Growth		27/08/2018	
s. 46GZA(2)	duty to keep the accounts and records in accordance with the Local Government Act 2020			where Council is a development agency under an approved infrastructure contributions plan
	CSLP - Co-ordinator Strategic Planning		27/08/2018	
	DCW - Director Communities and Place		24/08/2020	
	MIAG - Manager Investment, Attractions & Growth		27/08/2018	
s. 46GZB(3)	duty to follow the steps set out in s.46GZB(3)(a) – (c)			where Council is a development agency under an approved infrastructure contributions plan
	DCW - Director Communities and Place		24/08/2020	
	MIAG - Manager Investment, Attractions & Growth		27/08/2018	
s. 46GZB(4)	duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA			if the VPA is the collecting agency under an approved infrastructure contributions plan where Council is a development agency under an approved infrastructure contributions plan
	CSLP - Co-ordinator Strategic Planning		27/08/2018	
	DCW - Director Communities and Place		24/08/2020	
	MIAG - Manager Investment, Attractions & Growth		27/08/2018	
s. 46GZD(2)	duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s.46GZD(2)(a) and (b)			where Council is the development agency under an approved infrastructure contributions plan
	CSLP - Co-ordinator Strategic Planning		27/08/2018	
	DCW - Director Communities and Place		24/08/2020	
	MIAG - Manager Investment, Attractions & Growth		27/08/2018	

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Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 46GZD(3)	duty to follow the steps set out in s.46GZD(3)(a) and (b)			where Council is the collecting agency under an approved infrastructure contributions plan
	CSLP - Co-ordinator Strategic Planning		27/08/2018	
	DCW - Director Communities and Place		24/08/2020	
	MIAG - Manager Investment, Attractions & Growth		27/08/2018	
s. 46GZD(5)	duty to make payments under s.46GZD(3) in accordance with ss.46GZD(5)(a) and (46GZD(5)(b)			where Council is the collecting agency under an approved infrastructure contributions plan
	CSLP - Co-ordinator Strategic Planning		27/08/2018	
	DCW - Director Communities and Place		24/08/2020	
	MIAG - Manager Investment, Attractions & Growth		27/08/2018	
s. 46GZE(2)	function of receiving the unexpended land equalisation amount			where Council is the collecting agency under an approved infrastructure contributions plan
				this duty does not apply where Council is also the development agency
	MIAG - Manager Investment, Attractions & Growth		24/08/2020	
s. 46GZE(2)-1	function of receiving the unexpended land equalisation amount			where Council is the collecting agency under an approved infrastructure contributions plan this duty does not apply where Council is also the development agency
	DCW - Director Communities and Place		24/08/2020	
	MIAG - Manager Investment, Attractions & Growth		27/08/2018	
s. 46GZE(2)-2	duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires			where Council is the development agency under an approved infrastructure contributions plan this duty does not apply where Council is also the collecting agency
	DCW - Director Communities and Place		24/08/2020	
	MIAG - Manager Investment, Attractions & Growth		27/08/2018	

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s. 46GZE(3)	duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s.46GZE(3)(a) and (b)			where Council is the collecting agency under an approved infrastructure contributions plan
		CSLP - Co-ordinator Strategic Planning	27/08/2018	
		DCW - Director Communities and Place	24/08/2020	
		MIAG - Manager Investment, Attractions & Growth	27/08/2018	
s. 46GZF(2)	duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land			where Council is the development agency under an approved infrastructure contributions plan
		DI - Director Infrastructure	27/08/2018	
s. 46GZF(3)-1	s.46GZF(3)(a) function of receiving proceeds of sale			where Council is the collection agency under an approved infrastructure contributions plan this provision does not apply where Council is also the development agency
		DCW - Director Communities and Place	24/08/2020	
		MIAG - Manager Investment, Attractions & Growth	27/08/2018	
s. 46GZF(3)-2	duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)			where Council is the development agency under an approved infrastructure contributions plan
		DCW - Director Communities and Place	24/08/2020	
		MIAG - Manager Investment, Attractions & Growth	27/08/2018	
s. 46GZF(4)	duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s.46GZF(5)			where Council is the collecting agency under an approved infrastructure contributions plan
		DCW - Director Communities and Place	24/08/2020	
		MIAG - Manager Investment, Attractions & Growth	27/08/2018	
s. 46GZF(6)	duty to make the payments under s.46GZF(4) in accordance with s.46GZF(6)(a) and (b)			where Council is the collecting agency under an approved infrastructure contributions plan
		DCW - Director Communities and Place	24/08/2020	
		MIAG - Manager Investment, Attractions & Growth	27/08/2018	

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s. 46GZH	where Council is the collecting agency under an approved infrastructure contributions plan			where Council is the collecting agency under an approved infrastructure contributions plan
	DCW - Director Communities and Place		24/08/2020	
s. 46GZI	duty to prepare and give a report to the Minister at the times required by the Minister			where Council is a collecting agency or development agency
	CSLP - Co-ordinator Strategic Planning		27/08/2018	
	MIAG - Manager Investment, Attractions & Growth		27/08/2018	
s. 46GZK	power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council			where Council is a collecting agency or development agency
	DCW - Director Communities and Place		24/08/2020	
s. 46LB(3)	duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s.46LB (2)			
	CSLP - Co-ordinator Strategic Planning		27/08/2018	
	MIAG - Manager Investment, Attractions & Growth		27/08/2018	
s. 46N(1)	duty to include condition in permit regarding payment of development infrastructure levy			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 46N(2)(c)	function of determining time and manner for receipt of development contributions levy			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy			
	DCW - Director Communities and Place		24/08/2020	
s. 46O(1)(a)+(2)(a)	power to ensure that community infrastructure levy is paid or agreement is in place prior to issuing building permit			
	MBS - Municipal Building Surveyor		4/11/2013	

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s. 46O(1)(d)+(2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy			
	DCW - Director Communities and Place		24/08/2020	
s. 46P(1)	power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured			
	DCW - Director Communities and Place		24/08/2020	
s. 46P(2)	power to accept provision of land works services or facilities in part or full payment of levy payable			
	DCW - Director Communities and Place		24/08/2020	
s. 46Q(1)	duty to keep proper accounts of levies paid			
	FM - Manager Finance		4/11/2013	
s. 46Q(1A)	duty to forward to development agency part of levy imposed for carrying out works services or facilities on behalf of development agency or plan preparatin costs incurred by a development agency or plan preparation costs incurred by a development agency			
	FM - Manager Finance		4/11/2013	
s. 46Q(2)	duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc			
	FM - Manager Finance		4/11/2013	
s. 46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed			only applies when levy is paid to Council as a 'development agency'
	DCW - Director Communities and Place		24/08/2020	
s. 46Q(4)(c)	duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal Council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services (contd)			(contd) or facilities in an area under s.46Q(4)(a) must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
	DCW - Director Communities and Place		24/08/2020	

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s. 46Q(4)(d)	duty to submit to the Minister an amendment to the approved development contributions plan			must be done in accordance with Part 3
	DCW - Director Communities and Place		24/08/2020	
s. 46Q(4)(e)	duty to expend that amount on other works etc.			with the consent of, and in the manner approved by, the Minister
	DCW - Director Communities and Place		24/08/2020	
s. 46QC	power to recover any amount of levy payable under Part 3B			
	DCW - Director Communities and Place		24/08/2020	
s. 46QD	duty to prepare report and give a report to the Minister			where Council is a collecting agency or development agency
	DCW - Director Communities and Place		24/08/2020	
s. 47	power to decide that an application for a planning permit does not comply with that Act			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 49(1)	duty to keep a register of all applications for permits and determinations relating to permits			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 49(2)	duty to make register available for inspection			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 50(4)	duty to amend application			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 50(5)	power to refuse to amend application			
	DCW - Director Communities and Place		24/08/2020	
s. 50(6)	duty to make note of amendment to application in register			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	

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s. 50A(1)	power to make amendment to application			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 50A(3)	power to require applicant to notify owner and make a declaration that notice has been given			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 50A(4)	duty to note amendment to application in register			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 51	duty to make copy of application available for inspection			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 52(1)(a)	duty to give notice of the application to owners-occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 52(1)(b)	duty to give notice of the application to other municipal Council where appropriate			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 52(1)(c)	duty to give notice of the application to all persons required by the planning scheme			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 52(1)(ca)	duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	

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s. 52(1)(cb)	duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 52(3)	power to give any further notice of an application where appropriate			
	DCW - Director Communities and Place		24/08/2020	
	MIAG - Manager Investment, Attractions & Growth		24/08/2020	
s. 53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 53(1A)	power to require the applicant to give the notice under section 52(1AA)			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 54(1)	power to require the applicant to provide more information			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 54(1A)	duty to give notice in writing of information required under section 54(1)			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	

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s. 54(1B)	duty to specify the lapse date for an application			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 54A(3)	power to decide to extend time or refuse to extend time to give required information			
	DCW - Director Communities and Place		24/08/2020	
	MRS - Man Com Safety & Environmental Health		4/11/2013	
s. 54A(4)	duty to give written notice of decision to extend or refuse to extend time und s.54A(3)			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 55(1)	duty to give copy application to every referral authority specified in the planning scheme			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 57(2A)	power to reject objections considered made primarily for commercial advantage for the objector			
	DCW - Director Communities and Place		24/08/2020	
s. 57(3)	function of receiving name and address of persons to whom notice of decision is to go			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 57(5)	duty to make available for inspection copy of all objections			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 57A(4)	duty to amend application in accordance with applicants request subject to s.57A(5)			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 57A(5)	power to refuse to amend application			
	DCW - Director Communities and Place		24/08/2020	

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s. 57A(6)	duty to note amendments to application in register			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 57B(1)	duty to determine whether and to whom notice should be given			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 57B(2)	duty to consider certain matters in determining whether notice should be given			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 57C(1)	duty to give copy of amended application to referral authority			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 58	duty to consider every application for a permit except for a development assessment committee application			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 58A	power to request advice from the Planning Application Committee			
	DCW - Director Communities and Place		24/08/2020	
s. 60	duty to consider certain matters			
	DCW - Director Communities and Place		4/11/2013	
	MIAG - Manager Investment, Attractions & Growth		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 60(1)(a)	power to consider certain matters before deciding on application			
	DCW - Director Communities and Place		24/08/2020	
	MIAG - Manager Investment, Attractions & Growth		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	

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s. 60(1B)	duty to consider number of objectors in considering whether use or development may have significant social effect			
		DCW - Director Communities and Place	24/08/2020	
		MIAG - Manager Investment, Attractions & Growth	24/08/2020	
		SSTP - Co-ord Statutory Planning & Building	5/09/2016	
s. 61(1)	power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application			If there are two or more objectors to a permit application, the matter must be referred to Council for determination. Also the permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006.
		DCW - Director Communities and Place	24/08/2020	
		MIAG - Manager Investment, Attractions & Growth	24/08/2020	
		SSTP - Co-ord Statutory Planning & Building	7/04/2014	
s. 61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit			
		DCW - Director Communities and Place	24/08/2020	
		SSTP - Co-ord Statutory Planning & Building	7/04/2014	
		STP - Senior Statutory Town Planner	7/04/2014	
s. 61(2A)	power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit			
		DCW - Director Communities and Place	24/08/2020	
		SSTP - Co-ord Statutory Planning & Building	7/04/2014	
		STP - Senior Statutory Town Planner	7/04/2014	
s. 61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant			
		DCW - Director Communities and Place	24/08/2020	
		SSTP - Co-ord Statutory Planning & Building	4/11/2013	
	STP - Senior Statutory Town Planner	4/11/2013		

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s. 62(1)	duty to include certain conditions in deciding to grant a permit			
		DCW - Director Communities and Place	24/08/2020	
		SSTP - Co-ord Statutory Planning & Building	26/08/2019	
		STP - Senior Statutory Town Planner	4/11/2013	
s. 62(2)	power to include other conditions			
		DCW - Director Communities and Place	24/08/2020	
		STP - Senior Statutory Town Planner	4/11/2013	
s. 62(4)	duty to ensure conditions are consistent with paragraphs (a)(b) and (c)			
		DCW - Director Communities and Place	24/08/2020	
		STP - Senior Statutory Town Planner	4/11/2013	
s. 62(5)(a)	power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan			
		DCW - Director Communities and Place	24/08/2020	
		STP - Senior Statutory Town Planner	4/11/2013	
s. 62(5)(b)	power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement			
		DCW - Director Communities and Place	24/08/2020	
		STP - Senior Statutory Town Planner	4/11/2013	
s. 62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant			
		DCW - Director Communities and Place	24/08/2020	
		SSTP - Co-ord Statutory Planning & Building	4/11/2013	
		STP - Senior Statutory Town Planner	4/11/2013	

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s. 62(6)(a)	duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss. 46N(1), 46GV(7) or 62(5)			
		DCW - Director Communities and Place	24/08/2020	
		SSTP - Co-ord Statutory Planning & Building	4/11/2013	
		STP - Senior Statutory Town Planner	4/11/2013	
s. 62(6)(b)	duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s.62(1)(a)			
		DCW - Director Communities and Place	24/08/2020	
		SSTP - Co-ord Statutory Planning & Building	4/11/2013	
		STP - Senior Statutory Town Planner	4/11/2013	
s. 63	duty to issue the permit where made a decision in favour of the application (if no one has objected)			
		DCW - Director Communities and Place	24/08/2020	
		SSTP - Co-ord Statutory Planning & Building	4/11/2013	
		STP - Senior Statutory Town Planner	4/11/2013	
s. 64(1)	duty to give notice of decision to grant a permit to applicant and objectors			this provision applies also to a decision to grant an amendment to a permit - see section 75
		SSTP - Co-ord Statutory Planning & Building	4/11/2013	
		STP - Senior Statutory Town Planner	4/11/2013	
s. 64(3)	duty not to issue a permit until after the specified period			this provision applies also to a decision to grant an amendment to a permit - see s.75
		DCW - Director Communities and Place	24/08/2020	
		SSTP - Co-ord Statutory Planning & Building	4/11/2013	
		STP - Senior Statutory Town Planner	4/11/2013	
s. 64(5)	duty to give each objector a copy of an exempt decision			this provision applies also to a decision to grant an amendment to a permit - see s.75
		SSTP - Co-ord Statutory Planning & Building	4/11/2013	
		STP - Senior Statutory Town Planner	4/11/2013	

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Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 64A	duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit			this provision applies also to a decision to grant an amendment to a permit - see s.75A
	DCW - Director Communities and Place		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		7/04/2014	
	STP - Senior Statutory Town Planner		7/04/2014	
s. 65(1)	duty to give notice of refusal to grant permit to applicant and objector			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 66(1)	duty to give notice under s.64 or s.65 and copy permit to referral authorities			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 66(2)	duty to give a recommending referral authority notice of its decision to grant a permit			
	SSTP - Co-ord Statutory Planning & Building		7/04/2014	
	STP - Senior Statutory Town Planner		7/04/2014	
s. 66(4)	duty to give a recommending referral authority notice of its decision to refuse a permit			if the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
	SSTP - Co-ord Statutory Planning & Building		7/04/2014	
	STP - Senior Statutory Town Planner		7/04/2014	
s. 66(6)	duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s.64 or 65			if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
	SSTP - Co-ord Statutory Planning & Building		7/04/2014	
	STP - Senior Statutory Town Planner		7/04/2014	

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Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 69(1)	function of receiving application for extension of time of permit			
		SSTP - Co-ord Statutory Planning & Building	4/11/2013	
		STP - Senior Statutory Town Planner	4/11/2013	
s. 69(1A)	function of receiving application for extension of time to complete development			
		DCW - Director Communities and Place	24/08/2020	
s. 69(2)	power to extend time			
		DCW - Director Communities and Place	24/08/2020	
s. 70	duty to make copy permit available for inspection			
		SSTP - Co-ord Statutory Planning & Building	4/11/2013	
		STP - Senior Statutory Town Planner	4/11/2013	
s. 71(1)	power to correct certain mistakes			
		DCW - Director Communities and Place	24/08/2020	
		SSTP - Co-ord Statutory Planning & Building	4/11/2013	
		STP - Senior Statutory Town Planner	4/11/2013	
s. 71(2)	duty to note corrections in register			
		SSTP - Co-ord Statutory Planning & Building	4/11/2013	
		STP - Senior Statutory Town Planner	4/11/2013	
s. 73	power to decide to grant amendment subject to conditions			
		DCW - Director Communities and Place	24/08/2020	
		SSTP - Co-ord Statutory Planning & Building	4/11/2013	
		STP - Senior Statutory Town Planner	4/11/2013	
s. 74	duty to issue amended permit to applicant if no objectors			
		DCW - Director Communities and Place	24/08/2020	
		SSTP - Co-ord Statutory Planning & Building	4/11/2013	
		STP - Senior Statutory Town Planner	4/11/2013	

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Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice			
	SSTP - Co-ord Statutory Planning & Building		7/04/2014	
	STP - Senior Statutory Town Planner		7/04/2014	
s. 76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit			if the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
	SSTP - Co-ord Statutory Planning & Building		7/04/2014	
	STP - Senior Statutory Town Planner		7/04/2014	
s. 76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit			if the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
	SSTP - Co-ord Statutory Planning & Building		7/04/2014	
	STP - Senior Statutory Town Planner		7/04/2014	
s. 76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s.64 or 76			if the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
	SSTP - Co-ord Statutory Planning & Building		7/04/2014	
	STP - Senior Statutory Town Planner		7/04/2014	
s. 76D	duty to comply with direction of Minister to issue amended permit			
	DCW - Director Communities and Place		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	

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Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 83	function of being respondent to an appeal			
	DCW - Director Communities and Place		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 83B	duty to give or publish notice of application for review			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit			
	DCW - Director Communities and Place		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 84(2)	duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit			
	DCW - Director Communities and Place		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 84(3)	duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit			
	DCW - Director Communities and Place		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 84(6)	duty to issue permit on receipt of advice within 3 working days			
	DCW - Director Communities and Place		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	

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Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 84AB	power to agree to confining a review by the Tribunal			
	SSTP - Co-ord Statutory Planning & Building		27/08/2018	
	STP - Senior Statutory Town Planner		27/08/2018	
s. 86	duty to issue a permit at order of Tribunal within 3 working days			
	DCW - Director Communities and Place		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 87(3)	power to apply to VCAT for the cancellation or amendment of a permit			
	DCW - Director Communities and Place		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 90(1)	function of being heard at hearing of request for cancellation or amendment of a permit			
	DCW - Director Communities and Place		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 91(2)	duty to comply with the directions of VCAT			
	DCW - Director Communities and Place		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 91(2A)	duty to issue amended permit to owner if Tribunal so directs			
	DCW - Director Communities and Place		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 92	duty to give notice of cancellation-amendment of permit by VCAT to persons entitled to be heard under s.90			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	

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Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 93(2)	duty to give notice of VCAT order to stop development			
		DCW - Director Communities and Place	24/08/2020	
		SSTP - Co-ord Statutory Planning & Building	4/11/2013	
		STP - Senior Statutory Town Planner	4/11/2013	
s. 95(3)	function of referring certain applications to the Minister			
		SSTP - Co-ord Statutory Planning & Building	4/11/2013	
		STP - Senior Statutory Town Planner	4/11/2013	
s. 95(4)	duty to comply with an order or direction			
		SSTP - Co-ord Statutory Planning & Building	4/11/2013	
		STP - Senior Statutory Town Planner	4/11/2013	
s. 96(1)	duty to obtain a permit from the Minister to use and develop its land			
		DCW - Director Communities and Place	24/08/2020	
s. 96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land			
		DCW - Director Communities and Place	24/08/2020	
s. 96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment			
		DCW - Director Communities and Place	24/08/2020	
s. 96C	power to give notice to decide not to give notice to publish notice and to exercise any other power under s.96C			
		DCW - Director Communities and Place	24/08/2020	
s. 96F	duty to consider the panels report under s.96E			
		Not Delegated -	4/11/2013	
s. 96G(1)	power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s.23 of the Planning and Environment (contd))			(contd) (Planning Schemes) Act 1996)
		DCW - Director Communities and Place	24/08/2020	
s. 96H(3)	power to give notice in compliance with Ministers direction			
		SSTP - Co-ord Statutory Planning & Building	4/11/2013	
		STP - Senior Statutory Town Planner	4/11/2013	

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Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 96J	power to issue permit as directed by the Minister			
	DCW - Director Communities and Place		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 96K	duty to comply with direction of the Minister to give notice of refusal			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 96Z	duty to keep levy certificates given to it under ss. 47 or 96A for no less than 5 years from receipt of the certificate			
	DCW - Director Communities and Place		24/08/2020	
	MIAG - Manager Investment, Attractions & Growth		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		26/08/2019	
s. 97C	power to request Minister to decide the application			
	DCW - Director Communities and Place		24/08/2020	
s. 97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application			
	DCW - Director Communities and Place		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 97G(3)	function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 97G(6)	duty to make a copy of permits issued under section 97F available for inspection			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 97L	duty to include Ministerial decisions in a register kept under section 49			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	

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Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 97MI	duty to contribute to the costs of the Planning Application Committee or subcommittee			
	DCW - Director Communities and Place		24/08/2020	
s. 97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate			
	DCW - Director Communities and Place		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate			
	DCW - Director Communities and Place		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 97Q(4)	duty to comply with directions of VCAT			
	DCW - Director Communities and Place		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 97R	duty to keep register of all applications for certificate of compliance and related decisions			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s. 98(1)+(2)	function of receiving claim for compensation in certain circumstances			
	DCW - Director Communities and Place		24/08/2020	REPORTING REQUIREMENTS: Must maintain a register and make this available to Council as required.
s. 98(4)	duty to inform any person of the name of the person from whom compensation can be claimed			
	DCW - Director Communities and Place		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	

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Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s.101	function of receiving claim for expenses in conjunction with claim			
	DCW - Director Communities and Place		24/08/2020	
s.103	power to reject a claim for compensation in certain circumstances			
	DCW - Director Communities and Place		24/08/2020	
s.107(1)	function of receiving claim for compensation			
	DCW - Director Communities and Place		24/08/2020	
s.107(3)	power to agree to extend time for making claim			
	DCW - Director Communities and Place		24/08/2020	
s.114(1)	power to apply to the VCAT for an enforcement order			
	DCW - Director Communities and Place		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s.117(1)(a)	function of making a submission to the VCAT where objections are received			
	DCW - Director Communities and Place		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s.120(1)	power to apply for an interim enforcement order where s.114 application has been made			
	DCW - Director Communities and Place		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s.123(1)	power to carry out work required by enforcement order and recover costs			
	DCW - Director Communities and Place		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s.123(2)	power to sell buildings materials etc salvaged in carrying out work under s.123(1)			except Crown Land
	DCW - Director Communities and Place		24/08/2020	

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Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s.129	function of recovering penalties			
	DCW - Director Communities and Place		24/08/2020	
s.130(5)	power to allow person served with an infringement notice further time			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s.149A(1)	power to refer a matter to the VCAT for determination			
	DCW - Director Communities and Place		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s.149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a S.173 agreement			
	DCW - Director Communities and Place		24/08/2020	
s.156	duty to pay fees and allowances (including a payment to the Crown under s.156(2A)) and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise (contd)			(contd) under s.156(2B) power to ask for contribution under s.156(3) and power to abandon amendment or part of it under s.156(4) where Council is the relevant planning authority
	DCW - Director Communities and Place		24/08/2020	
s.171(2)(f)	power to carry out studies and commission reports			
	DCW - Director Communities and Place		24/08/2020	
s.171(2)(g)	power to grant and reserve easements			
	DCW - Director Communities and Place		24/08/2020	
s.172C	power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan			where Council is a development agency specified in an approved infrastructure contributions plan
	Not Delegated -		26/08/2019	
s.172D(1)	power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s.46GV(4)			where Council is a collecting agency specified in an approved infrastructure contributions plan
	Not Delegated -		26/08/2019	

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Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s.172D(2)	power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s.46GV(4)			where Council is the development agency specified in an approved infrastructure contributions plan
	Not Delegated -		26/08/2019	
s.173 Deleg 1	power to decide whether something is to the satisfaction of Council where an agreement made under section 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority			
	DCW - Director Communities and Place		24/08/2020	
s.173 Deleg 2	power to give consent on behalf of Council where an agreement made under section 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority			
	DCW - Director Communities and Place		24/08/2020	
s.173(1)	power to enter into agreement covering matters set out in s.174			
	DCW - Director Communities and Place		24/08/2020	
s.173(1A)	power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing			where Council is the relevant responsible authority (comes in to force 1 June 18)
	CEO - Chief Executive Officer		19/03/2018	
	DCW - Director Communities and Place		24/08/2020	
s.177(2)	power to end a section 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 Part 9			
	DCW - Director Communities and Place		24/08/2020	
s.178	power to amend a s.173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9			
	DCW - Director Communities and Place		24/08/2020	

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Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s.178A(1)	function of receiving application to amend or end an agreement			
	DCW - Director Communities and Place		24/08/2020	
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)			
	DCW - Director Communities and Place		24/08/2020	
s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal			
	DCW - Director Communities and Place		24/08/2020	
s.178A(5)	power to propose to amend or end an agreement			
	DCW - Director Communities and Place		24/08/2020	
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement			
	DCW - Director Communities and Place		24/08/2020	
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement			
	DCW - Director Communities and Place		24/08/2020	
s.178E(1)	duty not to make decision until after 14 days after notice has been given			
	DCW - Director Communities and Place		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		27/08/2018	
	STP - Senior Statutory Town Planner		27/08/2018	
s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal			if no objections are made under s.178D Must consider matters in s.178B
	DCW - Director Communities and Place		24/08/2020	
s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal			if no objections are made under s.178D Must consider matters in s.178B
	DCW - Director Communities and Place		24/08/2020	

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Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s.178E(2)(c)	power to refuse to amend or end the agreement			if no objections are made under s.178D Must consider matters in s.178B
	Not Delegated -		27/08/2018	
s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal			after considering objections, submissions and matters in s.178B
	DCW - Director Communities and Place		24/08/2020	
s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal			after considering objections, submissions and matters in s.178B
	DCW - Director Communities and Place		24/08/2020	
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal			after considering objections, submissions and matters in s.178B
	Not Delegated -		27/08/2018	
s.178E(3)(d)	power to refuse to amend or end the agreement			after considering objections, submissions and matters in s.178B
	DCW - Director Communities and Place		24/08/2020	
s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)			
	DCW - Director Communities and Place		24/08/2020	
s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)			
	DCW - Director Communities and Place		24/08/2020	
s.178F(4)	duty not to proceed to amend or end an agreement under s.178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn			
	DCW - Director Communities and Place		24/08/2020	

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Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s.178G	duty to sign amended agreement and give copy to each other party to the agreement			
	DCW - Director Communities and Place		24/08/2020	
s.178H	power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement			
	DCW - Director Communities and Place		24/08/2020	
s.178I(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land			
	DCW - Director Communities and Place		24/08/2020	
s.179(2)	duty to make available for inspection copy agreement			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s.181	duty to apply to the Registrar of Titles for registration of the agreement and to deliver a memorial to Registrar-General			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s.181(1A)(a)	power to apply to the Registrar of Titles to record the agreement			
	SSTP - Co-ord Statutory Planning & Building		7/04/2014	
	STP - Senior Statutory Town Planner		7/04/2014	
s.181(1A)(b)	duty to apply to the Registrar of Titles, without delay, to record the agreement			
	SSTP - Co-ord Statutory Planning & Building		7/04/2014	
	STP - Senior Statutory Town Planner		7/04/2014	
s.182	power to enforce an agreement			
	DCW - Director Communities and Place		24/08/2020	
s.183	duty to tell Registrar of Titles of ending-amendment of agreement			
	DCW - Director Communities and Place		24/08/2020	

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s.184F(1)	power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision			
	Not Delegated -		7/04/2014	
s.184F(2)	duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement			
	Not Delegated -		7/04/2014	
s.184F(3)	duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement			
	DCW - Director Communities and Place		24/08/2020	
s.184F(5)	function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision			
	DCW - Director Communities and Place		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		7/04/2014	
	STP - Senior Statutory Town Planner		7/04/2014	
s.184G(2)	duty to comply with a direction of the Tribunal			
	DCW - Director Communities and Place		24/08/2020	
s.184G(3)	duty to give notice as directed by the Tribunal			
	DCW - Director Communities and Place		24/08/2020	
s.198(1)	function to receive application for planning certificate			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
s.199(1)	duty to give planning certificate to applicant			
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	

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PLANNING AND ENVIRONMENT ACT 1987

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s.201(1)	function of receiving application for declaration of underlying zoning			
		SSTP - Co-ord Statutory Planning & Building	4/11/2013	
		STP - Senior Statutory Town Planner	4/11/2013	
s.201(3)-1	duty to make declaration			
		SSTP - Co-ord Statutory Planning & Building	4/11/2013	
		STP - Senior Statutory Town Planner	4/11/2013	
s.201(3)-2	power in relation to any planning scheme or permit to consent or refuse to consent to any matter which requires the consent or approval of Council			
		DCW - Director Communities and Place	24/08/2020	
		SSTP - Co-ord Statutory Planning & Building	27/08/2018	
		STP - Senior Statutory Town Planner	27/08/2018	
s.201(3)-3	power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit			
		DCW - Director Communities and Place	24/08/2020	
		SSTP - Co-ord Statutory Planning & Building	27/08/2018	
		STP - Senior Statutory Town Planner	4/11/2013	
s.201(3)-4	power to decide in relation to any planning scheme or permit that a specified thing has or has not been done to the satisfaction of Council			
		DCW - Director Communities and Place	24/08/2020	
		SSTP - Co-ord Statutory Planning & Building	27/08/2018	
		STP - Senior Statutory Town Planner	27/08/2018	
s.201UAB(1)	function of providing the Victorian Planning Authority with information relating to any land within municipal district			
		DCW - Director Communities and Place	24/08/2020	

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PLANNING AND ENVIRONMENT ACT 1987

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s.201UAB(2)	duty to provide the Victorian Planning Authority with information requested under s.201UAB(1) as soon as possible			
	DCW - Director Communities and Place		24/08/2020	
s.224(8)	duty to provide information requested by Victorian Planning Authority under s.201UAB(1) not yet provided to Growth Area Authority to Victorian Planning Authority			
	DCW - Director Communities and Place		24/08/2020	
s.970	duty to consider application and issue or refuse to issue certificate of compliance			
	DCW - Director Communities and Place		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	

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PLANNING AND ENVIRONMENT REGULATIONS 2015

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
r. 2	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application			where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority
	DCW - Director Communities and Place		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		7/04/2014	
r. 6	function of receiving notice, under s.19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme			where Council is not the planning authority and th amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority
	DCW - Director Communities and Place		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		7/04/2014	
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any (contd)			(contd) information provided under s.54 of the Act
	DCW - Director Communities and Place		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		4/11/2013	
	STP - Senior Statutory Town Planner		4/11/2013	
r.25(a)	duty to make copy of matter considered under s.60(1A)(g) available for inspection free of charge			where Council is the responsible authority
	DCW - Director Communities and Place		24/08/2020	
	SSTP - Co-ord Statutory Planning & Building		3/08/2015	
	STP - Senior Statutory Town Planner		3/08/2015	

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PLANNING AND ENVIRONMENT REGULATIONS 2015

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
r.25(b)	function of receiving a copy of any document considered under s.60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge			where Council is not the responsible authority but the relevant land is within Council's municipal district
		DCW - Director Communities and Place	24/08/2020	
		SSTP - Co-ord Statutory Planning & Building	3/08/2015	
		STP - Senior Statutory Town Planner	3/08/2015	
r.42	function of receiving notice under s.96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice or a permit application			where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority
		DCW - Director Communities and Place	24/08/2020	
		SSTP - Co-ord Statutory Planning & Building	5/09/2016	

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RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010

r. 7	function of entering into a written agreement with a caravan park owner	
	CEH - Co-ordinator Environmental Health	4/11/2013
	EHO2 - Environmental Health Officer	4/11/2013
r.11	function of receiving application for registration	
	CEH - Co-ordinator Environmental Health	4/11/2013
	EHO2 - Environmental Health Officer	4/11/2013
r.13(1)	duty to grant the registration if satisfied that the caravan park complies with these regulations	
	CEH - Co-ordinator Environmental Health	4/11/2013
	EHO2 - Environmental Health Officer	4/11/2013
r.13(2)	duty to renew the registration if satisfied that the caravan park complies with these regulations	
	CEH - Co-ordinator Environmental Health	4/11/2013
	CEH - Co-ordinator Environmental Health	2/02/2015
	DCW - Director Communities and Place	24/08/2020
	EHO2 - Environmental Health Officer	4/11/2013
r.13(4) & (5)	duty to issue certificate of registration	
	CEH - Co-ordinator Environmental Health	7/04/2014
	EHO2 - Environmental Health Officer	7/04/2014
r.15(1)	function of receiving notice of transfer of ownership	
	CEH - Co-ordinator Environmental Health	4/11/2013
	EHO2 - Environmental Health Officer	4/11/2013
r.15(3)	power to determine where notice of transfer is displayed	
	CEH - Co-ordinator Environmental Health	4/11/2013
	EHO2 - Environmental Health Officer	4/11/2013
r.16(1)	duty to transfer registration to new caravan park owner	
	CEH - Co-ordinator Environmental Health	4/11/2013
	EHO2 - Environmental Health Officer	4/11/2013

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RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010

r.16(2)	duty to issue a certificate of transfer of registration	
	CEH - Co-ordinator Environmental Health	4/11/2013
	EHO2 - Environmental Health Officer	4/11/2013
r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	
	CEH - Co-ordinator Environmental Health	4/11/2013
	EHO2 - Environmental Health Officer	4/11/2013
r.18	duty to keep register of caravan parks	
	CEH - Co-ordinator Environmental Health	4/11/2013
	EHO2 - Environmental Health Officer	4/11/2013
r.19(4)	power to determine where the emergency contact persons details are displayed	
	CEH - Co-ordinator Environmental Health	4/11/2013
	EHO2 - Environmental Health Officer	4/11/2013
r.19(6)	power to determine where certain information is displayed	
	CEH - Co-ordinator Environmental Health	4/11/2013
	EHO2 - Environmental Health Officer	4/11/2013
r.22A(1)	duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	
	CEH - Co-ordinator Environmental Health	7/04/2014
	EHO2 - Environmental Health Officer	7/04/2014
r.22A(2)	duty to consult with relevant emergency services agencies	
	CEH - Co-ordinator Environmental Health	7/04/2014
	EHO2 - Environmental Health Officer	7/04/2014
r.23	power to determine places in which caravan park owner must display a copy of emergency procedures	
	CEH - Co-ordinator Environmental Health	4/11/2013
	EHO2 - Environmental Health Officer	4/11/2013

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RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010

r.24	power to determine places in which caravan park owner must display copy of public emergency warnings	
	CEH - Co-ordinator Environmental Health	4/11/2013
	EHO2 - Environmental Health Officer	4/11/2013
r.25(3)	duty to consult with relevant floodplain management authority	
	CEH - Co-ordinator Environmental Health	4/11/2013
	EHO2 - Environmental Health Officer	4/11/2013
r.26	duty to have regard to any report of the relevant fire authority	
	CEH - Co-ordinator Environmental Health	4/11/2013
	EHO2 - Environmental Health Officer	4/11/2013
r.28(c)	power to approve system for the collection removal and disposal of sewage and waste water from a movable dwelling	
	CEH - Co-ordinator Environmental Health	4/11/2013
	EHO2 - Environmental Health Officer	4/11/2013
r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	
	CEH - Co-ordinator Environmental Health	4/11/2013
	EHO2 - Environmental Health Officer	4/11/2013
r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	
	CEH - Co-ordinator Environmental Health	4/11/2013
	EHO2 - Environmental Health Officer	4/11/2013
r.40(4)	function of receiving installation certificate	
	CEH - Co-ordinator Environmental Health	4/11/2013
	EHO2 - Environmental Health Officer	4/11/2013
r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	
	DCW - Director Communities and Place	24/08/2020
sch 3 Cl 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	
	MBS - Municipal Building Surveyor	4/11/2013

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RESIDENTIAL TENANCIES ACT 1997

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 142D	function of receiving notice regarding an unregistered rooming house			
	CEH - Co-ordinator Environmental Health		4/11/2013	
	EHO2 - Environmental Health Officer		4/11/2013	
s. 206AZA(2)	Function of receiving written notification			
	CEH - Co-ordinator Environmental Health		11/05/2020	
	MRS - Man Com Safety & Environmental Health		11/05/2020	
s. 207ZE(2)	Function of receiving written notification			
	CEH - Co-ordinator Environmental Health		11/05/2020	
	MRS - Man Com Safety & Environmental Health		11/05/2020	
s. 91ZU(1)	Power to give a renter a notice to vacate rented premises			Where Council is a public statutory authority engaged in the provision of housing.
	CEH - Co-ordinator Environmental Health		11/05/2020	
	MRS - Man Com Safety & Environmental Health		11/05/2020	
s. 91ZZC(1)	Power to give a renter a notice to vacate rented premises			Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes
	CEH - Co-ordinator Environmental Health		11/05/2020	
	MRS - Man Com Safety & Environmental Health		11/05/2020	
s. 91ZZE(1)	Power to give a renter a notice to vacate rented premises			Where Council is a public statutory authority engaged in the provision of housing
	CEH - Co-ordinator Environmental Health		11/05/2020	
	MRS - Man Com Safety & Environmental Health		11/05/2020	
s. 91ZZE(3)	Power to publish Council's criteria for eligibility for the provision of housing			Where Council is a public statutory authority engaged in the provision of housing
	CEH - Co-ordinator Environmental Health		11/05/2020	
	MRS - Man Com Safety & Environmental Health		11/05/2020	

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RESIDENTIAL TENANCIES ACT 1997

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s.142G(1)	duty to enter required information in Rooming House Register for each rooming house in municipal district			
	CEH - Co-ordinator Environmental Health		7/04/2014	
	EHO2 - Environmental Health Officer		7/04/2014	
s.142G(2)	power to enter certain information in the Rooming House Register			
	CEH - Co-ordinator Environmental Health		7/04/2014	
	EHO2 - Environmental Health Officer		7/04/2014	
s.142I(2)	power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry			
	CEH - Co-ordinator Environmental Health		7/04/2014	
	EHO2 - Environmental Health Officer		7/04/2014	
s.311A(2)	Function of receiving written notification			
	CEH - Co-ordinator Environmental Health		11/05/2020	
	MRS - Man Com Safety & Environmental Health		11/05/2020	
s.317ZDA(2)	Function of receiving written notification			
	CEH - Co-ordinator Environmental Health		11/05/2020	
	MRS - Man Com Safety & Environmental Health		11/05/2020	
s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements			
	CEH - Co-ordinator Environmental Health		4/11/2013	
	EHO2 - Environmental Health Officer		4/11/2013	
s.522(1)	power to give a compliance notice to a person			
	CEH - Co-ordinator Environmental Health		4/11/2013	
	EHO2 - Environmental Health Officer		4/11/2013	
s.525(2)	power to authorise an officer to exercise powers in s.526 (either generally or in a particular case)			
	DCW - Director Communities and Place		4/11/2013	

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RESIDENTIAL TENANCIES ACT 1997

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s.525(4)	duty to issue identity card to authorised officers			
	MOD - Human Resources Lead		4/11/2013	
s.526(5)	duty to keep record of entry by authorised officer under s.526			
	DCW - Director Communities and Place		4/11/2013	
s.526A(3)	function of receiving report of inspection			
	DCW - Director Communities and Place		4/11/2013	
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)			
	DCW - Director Communities and Place		4/11/2013	

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ROAD MANAGEMENT (GENERAL) REGULATIONS 2016

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
r. 8(1)	duty to conduct reviews of road management plan			
	DI - Director Infrastructure		15/02/2016	
	MSAM - Manager Strategic Asset Management		27/08/2018	
r. 9(2)	duty to produce written report of review of road management plan and make report available			
	DI - Director Infrastructure		15/02/2016	
	MSAM - Manager Strategic Asset Management		27/08/2018	
r. 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)			where Council is the coordinating road authority
	DI - Director Infrastructure		5/09/2016	
	MSAM - Manager Strategic Asset Management		27/08/2018	
r. 10	duty to give notice of amendment which relates to standard of construction inspection maintenance or repair under s.41 of the Act.			
	MI - Manager Engineering Services		4/11/2013	
	MSAM - Manager Strategic Asset Management		27/08/2018	
r. 13(1)	Duty to publish notice of amendments to road management plan			where Council is the coordinating road authority
	DI - Director Infrastructure		5/09/2016	
	MSAM - Manager Strategic Asset Management		27/08/2018	
r. 13(3)	duty to record on road management plan the substance and date of effect of amendment			
	DI - Director Infrastructure		15/02/2016	
	MSAM - Manager Strategic Asset Management		27/08/2018	
r. 16(3)	power to issue permit			where Council is the coordinating road authority
	DI - Director Infrastructure		4/11/2013	
	MI - Manager Engineering Services		27/08/2018	
	MO - Manager Operations		27/08/2018	

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ROAD MANAGEMENT (GENERAL) REGULATIONS 2016

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
r. 18(1)	power to give written consent re damage to road			where Council is the coordinating road authority
		DI - Director Infrastructure	4/11/2013	
		MI - Manager Engineering Services	27/08/2018	
		MO - Manager Operations	27/08/2018	
		MSAM - Manager Strategic Asset Management	27/08/2018	
r. 23(2)	power to make submission to Tribunal			where Council is the coordinating road authority
		DI - Director Infrastructure	4/11/2013	
r. 23(4)	power to charge a fee for application under s.66(1) Road Management Act			where Council is the coordinating road authority
		DI - Director Infrastructure	5/09/2016	
r. 25(1)	power to remove objects refuse rubbish or other material deposited or left on road			where Council is the responsible road authority
		MI - Manager Engineering Services	27/08/2018	
		MO - Manager Operations	4/11/2013	
r. 25(2)	power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))			where Council is the responsible road authority
		DI - Director Infrastructure	4/11/2013	
r. 25(5)	power to recover in the Magistrates Court expenses from person responsible			
		DI - Director Infrastructure	4/11/2013	

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ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
r. 15	power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works			where council is the coordinating road authority and where consent given under s.63(1) of the Act
		DI - Director Infrastructure	15/02/2016	
r. 22(2)	power to waive whole or part of fee in certain circumstances			where council is the coordinating road authority
		DI - Director Infrastructure	15/02/2016	

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ROAD MANAGEMENT ACT 2004

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 11(1)	power to declare a road by publishing a notice in the Government Gazette			obtain consent in circumstances specified in s.11(2)
	DI - Director Infrastructure		4/11/2013	
s. 11(10)	duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.			clause subject to s.11(10A)
	AME - Co-ordinator Assets		26/08/2019	
	MI - Manager Engineering Services		26/08/2019	
s. 11(10A)	duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person			where Council is the coordinating road authority
	DI - Director Infrastructure		4/11/2013	
s. 11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette			
	CEO - Chief Executive Officer		4/11/2013	
s. 11(9)(b)	duty to advise Registrar			
	AME - Co-ordinator Assets		26/08/2019	
	MI - Manager Engineering Services		26/08/2019	
s. 12(10)	duty to notify of decision made			duty of coordinating road authority where it is the discontinuing body, does not apply where an exemption is specified by the regulations or given by the Minister
	DI - Director Infrastructure		4/11/2013	
s. 12(2)	power to discontinue road or part of a road			were Council is the coordinating road authority
	Not Delegated -		26/08/2019	
s. 12(4)	power to publish and provide copy notice of proposed discontinuance			power of coordinating road authority where it is the discontinuing body, unless s.12(11) applies
	DI - Director Infrastructure		4/11/2013	
s. 12(5)	duty to consider written submissions received within 28 days of notice			duty of coordinating road authority where it is the discontinuing body, unless s.12(11) applies
	DI - Director Infrastructure		4/11/2013	
s. 12(6)	function of hearing a person in support of their written submission			function of coordinating road authority where it is the discontinuing body, unless s.12(11) applies
	DI - Director Infrastructure		4/11/2013	

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ROAD MANAGEMENT ACT 2004

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 12(7)	duty to fix day time and place of meeting under subsection (6) and to give notice			duty of coordinating road authority where it is the discontinuing body, unless s.12(11) applies
		DI - Director Infrastructure	4/11/2013	
s. 13(1)	power to fix the boundary of a road by publishing notice in Government Gazette			power of coordinating road authority and obtain consent under s.13(3) and s.13(4) as appropriate
		Not Delegated -	26/08/2019	
s. 14(4)	function of receiving notice from the Head, Transport for Victoria			
		DI - Director Infrastructure	4/11/2013	
s. 14(7)	Power to appeal against decision of the Head, Transport for Victoria			
		Not Delegated -	11/05/2020	
s. 15(1)	power to enter into arrangement with another road authority utility or a provider of public transport to transfer a road management function of the road authority to the other road authority utility or provider of public transport			
		DI - Director Infrastructure	4/11/2013	
s. 15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority			
		DI - Director Infrastructure	4/11/2013	
s. 15(2)	duty to include details of arrangement in public roads register			
		DI - Director Infrastructure	4/11/2013	
s. 16(7)	power to enter into an arrangement under s.15			
		DI - Director Infrastructure	4/11/2013	
s. 16(8)	duty to enter details of determination in public roads register			
		DI - Director Infrastructure	4/11/2013	
s. 17(2)	duty to register public road in public roads register			where Council is the coordinating road authority
		DI - Director Infrastructure	4/11/2013	

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ROAD MANAGEMENT ACT 2004

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 17(3)	duty to register a road reasonably required for general public use in public roads register			where Council is the coordinating road authority
	DI - Director Infrastructure		4/11/2013	
	DI - Director Infrastructure		4/11/2013	
	MSAM - Manager Strategic Asset Management		27/08/2018	
s. 17(4)	duty to remove road no longer reasonably required for general public use from public roads register			where Council is the coordinating road authority
	DI - Director Infrastructure		4/11/2013	
	Not Delegated -		26/08/2019	
s. 18(1)	power to designate ancillary area			where Council is the coordinating road authority, and obtain consent in circumstances specified in s.18(2)
	DI - Director Infrastructure		4/11/2013	
s. 18(3)	duty to record designation in public roads register			where Council is the coordinating road authority
	DI - Director Infrastructure		4/11/2013	
s. 19(1)	duty to keep register of public roads in respect of which it is the coordinating road authority			
	DI - Director Infrastructure		4/11/2013	
s. 19(4)	duty to specify details of discontinuance in public roads register			
	DI - Director Infrastructure		4/11/2013	
s. 19(5)	duty to ensure public roads register is available for public inspection			
	DI - Director Infrastructure		4/11/2013	
s. 21	function of replying to request for information or advice			obtain consent in circumstances specified in section 11(2)
	DI - Director Infrastructure		4/11/2013	
s. 22(2)	function of commenting on proposed direction			
	DI - Director Infrastructure		4/11/2013	
s. 22(4)	duty to publish a copy or summary of any direction made under s.22 by the Minister in its annual report.			
	DI - Director Infrastructure		4/11/2013	
s. 22(5)	duty to give effect to a direction under s.22.			
	DI - Director Infrastructure		4/11/2013	

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

ROAD MANAGEMENT ACT 2004

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 40(1)	duty to inspect maintain and repair a public road.			
		DI - Director Infrastructure	15/02/2016	
		MO - Manager Operations	4/11/2013	
		MSAM - Manager Strategic Asset Management	27/08/2018	
s. 40(5)	power to inspect maintain and repair a road which is not a public road			
		DI - Director Infrastructure	15/02/2016	
		MI - Manager Engineering Services	15/02/2016	
		MO - Manager Operations	4/11/2013	
		MSAM - Manager Strategic Asset Management	27/08/2018	
s. 41(1)	power to determine the standard of construction inspection maintenance and repair			
		DI - Director Infrastructure	4/11/2013	
s. 42(1)	power to declare a public road as a controlled access road			power of coordinating road authority and sch 2 also applies
		DI - Director Infrastructure	4/11/2013	
s. 42(2)	power to amend or revoke declaration by notice published in Government Gazette			power of coordinating road authority and sch 2 also applies
		DI - Director Infrastructure	4/11/2013	
s. 42A(3)	duty to consult with VicRoads before road is specified			where Council is the coordinating road authority, if road is a municipal road or part thereof
		DI - Director Infrastructure	4/11/2013	
s. 42A(4)	power to approve Ministers decision to specify a road as a specified freight road			where Council is the coordinating road authority, if road is a municipal road or part thereof and where road is to be specified a freight road
		DI - Director Infrastructure	4/11/2013	
s. 48EA	duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)			where Council is the responsible road authority, infrastructure manager or works manager
		MO - Manager Operations	4/11/2013	

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

ROAD MANAGEMENT ACT 2004

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 48M(3)	function of consulting with the relevant authority for purposes of developing guidelines under s.48M			
	DI - Director Infrastructure		15/02/2016	
	MI - Manager Engineering Services		4/11/2013	
	MSAM - Manager Strategic Asset Management		27/08/2018	
s. 49	power to develop and publish a road management plan			
	DI - Director Infrastructure		4/11/2013	
s. 51	power to determine standards by incorporating the standards in a road management plan			
	DI - Director Infrastructure		4/11/2013	
s. 53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan			
	DI - Director Infrastructure		15/02/2016	
	MSAM - Manager Strategic Asset Management		27/08/2018	
s. 54(2)	duty to give notice of proposal to make a road management plan			
	DI - Director Infrastructure		15/02/2016	
	MSAM - Manager Strategic Asset Management		27/08/2018	
s. 54(5)	duty to conduct a review of road management plan at prescribed intervals			
	DI - Director Infrastructure		15/02/2016	
	MSAM - Manager Strategic Asset Management		27/08/2018	
s. 54(6)	power to amend road management plan			
	DI - Director Infrastructure		4/11/2013	
	MSAM - Manager Strategic Asset Management		27/08/2018	
s. 54(7)	duty to incorporate the amendments into the road management plan			
	DI - Director Infrastructure		15/02/2016	
	MSAM - Manager Strategic Asset Management		27/08/2018	
s. 55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper			
	DI - Director Infrastructure		15/02/2016	
	MSAM - Manager Strategic Asset Management		27/08/2018	

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ROAD MANAGEMENT ACT 2004

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 63(1)	power to consent to conduct of works on road			where Council is the coordinating road authority
		DI - Director Infrastructure	15/02/2016	
		MI - Manager Engineering Services	4/11/2013	
		MO - Manager Operations	27/08/2018	
s. 63(2)(e)	power to conduct or to authorise the conduct of works in on under or over a road in an emergency			where Council is the infrastructure manager
		DI - Director Infrastructure	4/11/2013	
		MO - Manager Operations	26/08/2019	
s. 64(1)	duty to comply with cl 13 of Sch 7			where Council is the infrastructure manager or works manager
		DI - Director Infrastructure	15/02/2016	
		MI - Manager Engineering Services	4/11/2013	
		MO - Manager Operations	4/11/2013	
s. 66(1)	power to consent to structure etc			where Council is the coordinating road authority
		DI - Director Infrastructure	15/02/2016	
		MI - Manager Engineering Services	4/11/2013	
		MSAM - Manager Strategic Asset Management	27/08/2018	
s. 67(2)	function of receiving the name + address of the person responsible for distributing the sign or bill			where Council is the coordinating road authority
		DI - Director Infrastructure	15/02/2016	
		MI - Manager Engineering Services	4/11/2013	
		MO - Manager Operations	27/08/2018	
s. 67(3)	power to request information			where Council is the coordinating road authority
		DI - Director Infrastructure	15/02/2016	
		MI - Manager Engineering Services	4/11/2013	
		MO - Manager Operations	27/08/2018	

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ROAD MANAGEMENT ACT 2004

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s. 68(2)	power to request information			where Council is the coordinating road authority
	DI - Director Infrastructure		15/02/2016	
	MI - Manager Engineering Services		4/11/2013	
	MO - Manager Operations		27/08/2018	
s. 71(3)	power to appoint an authorised officer			
	DI - Director Infrastructure		4/11/2013	
s. 72	duty to issue an identity card to each authorised officer			
	DI - Director Infrastructure		4/11/2013	
s. 85	function of receiving report from authorised officer			
	DI - Director Infrastructure		4/11/2013	
s. 86	duty to keep register re s.85 matters			
	DI - Director Infrastructure		4/11/2013	
s. 87(1)	function of receiving complaints			
	DI - Director Infrastructure		4/11/2013	
s. 87(2)	duty to investigate complaint and provide report			
	DI - Director Infrastructure		4/11/2013	
s.112(2)	power to recover damages in court			
	DI - Director Infrastructure		4/11/2013	
s.116	power to cause or carry out inspection			
	CRHR - Business Partner Risk & HR		4/11/2013	
	DI - Director Infrastructure		27/08/2018	
	MI - Manager Engineering Services		27/08/2018	
	MO - Manager Operations		27/08/2018	
	MSAM - Manager Strategic Asset Management		27/08/2018	
s.119(2)	function of consulting with the Head, Transport for Victoria			
	DI - Director Infrastructure		4/11/2013	
	MI - Manager Engineering Services		26/08/2019	

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ROAD MANAGEMENT ACT 2004

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
s.120(1)	power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)			
	DI - Director Infrastructure		4/11/2013	
s.120(2)	duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s.120(1)			
	DI - Director Infrastructure		4/11/2013	
s.121(1)	power to enter into an agreement in respect of works			
	DI - Director Infrastructure		4/11/2013	
s.122(1)	power to charge and recover fees			
	DI - Director Infrastructure		4/11/2013	
s.123(1)	power to charge for any service			
	DI - Director Infrastructure		4/11/2013	
sch 2 Cl 2(1)	power to make a decision in respect of controlled access roads			
	DI - Director Infrastructure		4/11/2013	
sch 2 Cl 3(1)	duty to make policy about controlled access roads			
	DI - Director Infrastructure		4/11/2013	
sch 2 Cl 3(2)	power to amend revoke or substitute policy about controlled access roads			
	DI - Director Infrastructure		4/11/2013	
sch 2 Cl 4	function of receiving details of proposal from the Head, Transport for Victoria and power to make a submission			
	DI - Director Infrastructure		4/11/2013	
sch 2 Cl 5	duty to publish notice of declaration			
	DI - Director Infrastructure		4/11/2013	
sch 7 Cl 7(1)	duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve			where Council is the infrastructure manager or works manager
	DI - Director Infrastructure		4/11/2013	

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ROAD MANAGEMENT ACT 2004

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
sch 7 Cl 8(1)	duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road			where Council is the infrastructure manager or works manager
	DI - Director Infrastructure		4/11/2013	
sch 7 Cl 9(1)	duty to comply with request for information from a coordinating road authority an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and (contd)			(contd) technical advice or assistance in conduct of works where Council is the infrastructure manager or works manager responsible for non-road infrastructure
	DI - Director Infrastructure		15/02/2015	
	MI - Manager Engineering Services		4/11/2013	
	MO - Manager Operations		4/11/2013	
	MSAM - Manager Strategic Asset Management		27/08/2018	
sch 7 Cl 9(2)	duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records appear to be in an unsafe condition or appear to need maintenance			where Council is the infrastructure manager or works manager
	DI - Director Infrastructure		15/02/2016	
	MI - Manager Engineering Services		4/11/2013	
	MO - Manager Operations		4/11/2013	
	MSAM - Manager Strategic Asset Management		27/08/2018	
sch 7 Cl 10(2)	where sch 7 cl 10(1) applies duty to where possible conduct appropriate consultation with persons likely to be significantly affected			where Council is the infrastructure manager or works manager
	DI - Director Infrastructure		15/02/2016	
	MI - Manager Engineering Services		4/11/2013	
	MO - Manager Operations		4/11/2013	
	MSAM - Manager Strategic Asset Management		27/08/2018	

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ROAD MANAGEMENT ACT 2004

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
sch 7 Cl 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works			where Council is the coordinating road authority
		DI - Director Infrastructure	15/02/2016	
		MI - Manager Engineering Services	4/11/2013	
		MO - Manager Operations	4/11/2013	
sch 7 Cl 12(3)	power to take measures to ensure reinstatement works are completed			where Council is the coordinating road authority
		DI - Director Infrastructure	15/02/2016	
		MI - Manager Engineering Services	4/11/2013	
		MO - Manager Operations	4/11/2013	
sch 7 Cl 12(4)	duty to ensure that works are conducted by an appropriately qualified person			where Council is the coordinating road authority
		DI - Director Infrastructure	15/02/2016	
		MI - Manager Engineering Services	4/11/2013	
		MO - Manager Operations	4/11/2013	
sch 7 Cl 12(5)	power to recover costs			where Council is the coordinating road authority
		DI - Director Infrastructure	15/02/2016	
		MI - Manager Engineering Services	4/11/2013	
		MO - Manager Operations	4/11/2013	
sch 7 Cl 13(1) cl 13(2)	duty to notify relevant coordinating road authority within 7 days that works have been completed subject to sch 7			where Council is the works manager
		DI - Director Infrastructure	15/02/2016	
		MI - Manager Engineering Services	4/11/2013	
		MO - Manager Operations	4/11/2013	

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

ROAD MANAGEMENT ACT 2004

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
sch 7 Cl 13(2)	power to vary notice period			where Council is the coordinating road authority
		DI - Director Infrastructure	15/02/2016	
		MI - Manager Engineering Services	4/11/2013	
		MO - Manager Operations	4/11/2013	
		MSAM - Manager Strategic Asset Management	27/08/2018	
sch 7 Cl 13(3)	duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)			where Council is the infrastructure manager
		DI - Director Infrastructure	15/02/2016	
		MI - Manager Engineering Services	4/11/2013	
		MO - Manager Operations	4/11/2013	
		MSAM - Manager Strategic Asset Management	27/08/2018	
sch 7 Cl 16(1)	power to consent to proposed works			where Council is the coordinating road authority
		DI - Director Infrastructure	15/02/2016	
		MI - Manager Engineering Services	4/11/2013	
		MO - Manager Operations	4/11/2013	
		MSAM - Manager Strategic Asset Management	27/08/2018	
sch 7 Cl 16(4)	duty to consult			where Council is the coordinating road authority, responsible authority or infrastructure manager
		DI - Director Infrastructure	15/02/2016	
		MI - Manager Engineering Services	4/11/2013	
		MO - Manager Operations	4/11/2013	
		MSAM - Manager Strategic Asset Management	27/08/2018	
sch 7 Cl 16(5)	power to consent to proposed works			where Council is the coordinating road authority
		DI - Director Infrastructure	15/02/2016	
		MI - Manager Engineering Services	4/11/2013	
		MO - Manager Operations	4/11/2013	
		MSAM - Manager Strategic Asset Management	27/08/2018	

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ROAD MANAGEMENT ACT 2004

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
sch 7 Cl 16(6)	power to set reasonable conditions on consent			where Council is the coordinating road authority
		DI - Director Infrastructure	15/02/2016	
		MI - Manager Engineering Services	4/11/2013	
		MO - Manager Operations	4/11/2013	
		MSAM - Manager Strategic Asset Management	27/08/2018	
sch 7 Cl 16(8)	power to include consents and conditions			where Council is the coordinating road authority
		DI - Director Infrastructure	15/02/2016	
		MI - Manager Engineering Services	4/11/2013	
		MO - Manager Operations	4/11/2013	
		MSAM - Manager Strategic Asset Management	27/08/2018	
sch 7 Cl 17(2)	power to refuse to give consent and duty to give reasons for refusal			where Council is the coordinating road authority
		DI - Director Infrastructure	15/02/2016	
		MI - Manager Engineering Services	4/11/2013	
		MO - Manager Operations	4/11/2013	
		MSAM - Manager Strategic Asset Management	27/08/2018	
sch 7 Cl 18(1)	power to enter into an agreement			where Council is the coordinating road authority
		DI - Director Infrastructure	15/02/2016	
		MI - Manager Engineering Services	4/11/2013	
		MO - Manager Operations	4/11/2013	
		MSAM - Manager Strategic Asset Management	27/08/2018	
sch 7 Cl 19(1)	power to give notice requiring rectification of works			where Council is the coordinating road authority
		DI - Director Infrastructure	15/02/2016	
		MI - Manager Engineering Services	4/11/2013	
		MO - Manager Operations	4/11/2013	
		MSAM - Manager Strategic Asset Management	27/08/2018	

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ROAD MANAGEMENT ACT 2004

Provision	Provision Details	Delegate - Initials, Position Name, Current Employee	Last Updated	Further Information
sch 7 Cl 19(2)+(3)	power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred			where Council is the coordinating road authority
	DI - Director Infrastructure		15/02/2016	
	MI - Manager Engineering Services		4/11/2013	
	MO - Manager Operations		4/11/2013	
	MSAM - Manager Strategic Asset Management		27/08/2018	
sch 7 Cl 20(1)	power to require removal relocation replacement or upgrade of existing non-road infrastructure			where Council is the coordinating road authority
	DI - Director Infrastructure		15/02/2016	
	MI - Manager Engineering Services		4/11/2013	
	MO - Manager Operations		4/11/2013	
	MSAM - Manager Strategic Asset Management		27/08/2018	
sch 7A Cl 3(1)(d)	duty to pay installation and operation costs of street lighting - where road is not an arterial road			where Council is the responsible road authority
	DI - Director Infrastructure		4/11/2013	
sch 7A Cl 3(1)(e)	duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas			where Council is the responsible road authority
	DI - Director Infrastructure		4/11/2013	
sch 7A Cl 2	power to cause street lights to be installed on roads			power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
	DI - Director Infrastructure		4/11/2013	
sch 7A Cl(3)(1)(f)	duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with cls 3(2) and 4			duty of Council as responsible road authority that installed the light (re: installation costs) and where council is relevant municipal council (re: operating costs)
	DI - Director Infrastructure		4/11/2013	



GOVERNANCE RULES

(DRAFT V3) AUGUST 2020

GRAEME HARRISON
ADOPTED BY COUNCIL : << INSERT DATE >>

GOVERNANCE RULES

Introduction

1. Nature of Rules

These are the Governance Rules of **Horsham Rural City** Council, made in accordance with section 60 of the *Local Government Act 2020*.

2. Date of Commencement

These Governance Rules commence on 1 September 2020.

3. Contents

These Governance Rules are divided into the following Chapters:

Chapter	Name
Chapter 1	Governance Framework
Chapter 2	Meeting Procedure for Council Meetings
Chapter 3	Meeting Procedure for Delegated Committees
Chapter 4	Meeting Procedure for Community Asset Committees
Chapter 5	Disclosure of Conflicts Of Interest
Chapter 6	Miscellaneous
Chapter 7	Election Period Policy

4. Definitions

In these Governance Rules, unless the context suggests otherwise the following words and phrases mean:

Act means the *Local Government Act 2020*.

Chief Executive Officer includes an Acting Chief Executive Officer.

Community Asset Committee means a Community Asset Committee established under section 65 of the Act.

Council means **Horsham Rural City** Council.

Council meeting has the same meaning as in the Act.

Delegated Committee means a Delegated Committee established under section 63 of the Act.

Mayor means the Mayor of *Council*.

these Rules means these Governance Rules.

Chapter 1 – Governance Framework

1. Context

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

- (a) the overarching governance principles specified in section 9(2) of the *Act*; and
- (b) the following documents adopted or approved by *Council*:
 - (i) Council Plan
 - (ii) Councillor Code of Conduct

2. Decision Making

- (a) In any matter in which a decision must be made by *Council* (including persons acting with the delegated authority of *Council*), *Council* must consider the matter and make a decision:
 - (i) fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
 - (ii) on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations
- (b) *Council* must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of *Council* is entitled to communicate their views and have their interests considered).
- (c) Without limiting anything in paragraph (b) of this sub-Rule:
 - (i) before making a decision that will directly affect the rights of a person, *Council* (including any person acting with the delegated authority of *Council*) must identify the person or persons whose rights will be directly affected, give notice of the decision which *Council* must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made;
 - (ii) if a report to be considered at a *Council meeting* concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered;
 - (iii) if a report to be considered at a *Delegated Committee* meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered; and
 - (iv) if a member of Council staff proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the member of Council staff must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such person or persons were provided with an opportunity to communicate their views and their interests considered.

Chapter 2 – Meeting Procedure for Council Meetings

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Part A – Introduction

1. Title

This Chapter will be known as the "Meeting Procedure Local Law".

2. Purpose of this Chapter

The purpose of this Chapter is to:

- 2.1 provide for the election of the Mayor and any Deputy Mayor;
- 2.2 provide for the appointment of any Acting Mayor; and
- 2.3 provide for the procedures governing the conduct of *Council meetings*.

3. Definitions and Notes

3.1 In this Chapter:

"*agenda*" means the notice of a meeting setting out the business to be transacted at the meeting;

"*Chair*" means the Chairperson of a meeting and includes a Councillor who is appointed by resolution to chair a meeting under section 61(3) of the *Act*;

"*minute book*" means the collective record of proceedings of *Council*;

"*municipal district*" means the municipal district of *Council*;

"*notice of motion*" means a notice setting out the text of a motion, which it is proposed to move at the next relevant meeting;

"*notice of rescission*" means a *notice of motion* to rescind a resolution made by *Council*; and

"*written*" includes duplicated, lithographed, photocopied, printed and typed, and extends to both hard copy and soft copy form, and *writing* has a corresponding meaning.

3.2 Introductions to Parts, headings and notes are explanatory notes and do not form part of this Chapter. They are provided to assist understanding.

Part B – Election of Mayor, Deputy Mayor and Chairs of Delegated Committees

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

4. Election of the *Mayor*

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

5. Method of Voting

The election of the *Mayor* must be carried out by a show of hands.

6. Determining the election of the *Mayor*

6.1 The *Chief Executive Officer* must open the meeting at which the *Mayor* is to be elected, and invite nominations for the office of *Mayor*.

6.2 Any nominations for the office of *Mayor* must be:

6.2.1 in writing and in a form prescribed by the *Chief Executive Officer*; and

6.2.2 seconded by another Councillor.

6.3 Once nominations for the office of *Mayor* have been received, the following provisions will govern the election of the *Mayor*:

6.3.1 if there is only one nomination, the candidate nominated must be declared to be duly elected;

6.3.2 if there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates;

6.3.3 in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;

6.3.4 in the event that no candidate receives an absolute majority of the votes, and it is not resolved to conduct a new election at a later date and time, the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates;

6.3.5 if one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;

6.3.6 in the event of two or more candidates having an equality of votes and one of them having to be declared:

(a) a defeated candidate; and

(b) duly elected

the declaration will be determined by lot.

- 6.3.7 if a lot is conducted, the *Chief Executive Officer* will have the conduct of the lot and the following provisions will apply:
- (a) each candidate will draw one lot;
 - (b) the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
 - (c) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected).

7. Election of Deputy Mayor and Chairs of Delegated Committees

Any election for:

- 7.1 any office of Deputy Mayor; or
- 7.2 Chair of a *Delegated Committee*

will be regulated by Rules 4-6 (inclusive) of this Chapter, as if the reference to the:

- 7.3 *Chief Executive Officer* is a reference to the *Mayor*; and
- 7.4 *Mayor* is a reference to the Deputy Mayor or the Chair of the *Delegated Committee* (as the case may be).

8. Appointment of Acting Mayor

If *Council* has not established an office of Deputy Mayor and it becomes required to appoint an Acting Mayor, it can do so by:

- 8.1 resolving that a specified Councillor be so appointed; or
- 8.2 following the procedure set out in Rules 5 and 6 (inclusive) of this Chapter, at its discretion.

9. Ceremonial Mayoral Speeches

- 9.1 Upon being elected, the Mayor and outgoing Mayor may make a ceremonial speech.
- 9.2 The purpose of the ceremonial Mayoral speeches is to highlight priorities for the year ahead and the previous year.

Part C – Meetings Procedure

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

Division 1 – Notices of Meetings and Delivery of Agendas

10. Dates and Times of Meetings Fixed by *Council*

Subject to Rule 12, *Council* must from time to time fix the date, time and place of all *Council meetings*.

11. *Council* May Alter Meeting Dates

Council may change the date, time and place of any *Council meeting* which has been fixed by it and must provide reasonable notice of the change to the public.

12. Meetings Not Fixed by *Council*

12.1 The *Mayor* or at least 3 Councillors may by a *written* notice call a *Council meeting*.

12.2 The notice must specify the date and time of the *Council meeting* and the business to be transacted.

12.3 The *Chief Executive Officer* must convene the *Council meeting* as specified in the notice.

12.4 Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the *written* notice can be transacted at the *Council meeting*.

13. Notice Of Meeting

13.1 A notice of meeting, incorporating or accompanied by an *agenda* of the business to be dealt with, must be delivered or sent electronically to every Councillor for all *Council meetings* at least 96 hours before the meeting.

13.2 Notwithstanding sub-Rule 13.1, a notice of meeting need not be delivered or sent electronically to any Councillor who has been granted leave of absence unless the Councillor has requested the *Chief Executive Officer* in *writing* to continue to give notice of any meeting during the period of his or her absence.

13.3 That the agenda be made available to members of the public by 5pm 4 days prior to the meeting via the website.

13.4 Reasonable notice of each *Council meeting* must be provided to the public. *Council* may do this:

13.4.1 for *meetings* which it has fixed by preparing a schedule of meetings annually, twice yearly or from time to time, and arranging publication of such schedule in a newspaper generally circulating in the *municipal district* either at various times throughout the year, or prior to each such *Council meeting*; and

13.4.2 for any meeting by giving notice on its website and:

(a) in each of its Customer Service Centres; and/or

- (b) in at least one newspaper generally circulating in the *municipal district*.

Division 2 – Quorums

14. Inability To Obtain A Quorum

If after 30 minutes from the scheduled starting time of any *Council meeting*, a quorum cannot be obtained:

- 14.1 the meeting will be deemed to have lapsed;
- 14.2 the *Mayor* must convene another *Council meeting*, the *agenda* for which will be identical to the *agenda* for the lapsed meeting; and
- 14.3 the *Chief Executive Officer* must give all Councillors *written* notice of the meeting convened by the *Mayor*.

15. Inability To Maintain A Quorum

- 15.1 If during any *Council meeting*, a quorum cannot be maintained then Rule 14 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.
- 15.2 Sub-Rule 15.1 does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in the matter to be considered.

16. Adjourned Meetings

- 16.1 *Council* may adjourn any meeting to another date or time but cannot in the absence of disorder or a threat to the safety of any Councillor or member of Council staff adjourn a meeting in session to another place.
- 16.2 The *Chief Executive Officer* must give *written* notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.
- 16.3 If it is impracticable for the notice given under sub-Rule 16.2 to be in *writing*, the *Chief Executive Officer* must give notice to each Councillor by telephone or in person.

17. Time limits for Meetings

- 17.1 A *Council meeting* must not continue after 9:30pm unless a majority of Councillors present vote in favour of it continuing.
- 17.2 A meeting cannot be continued for more than 30 minutes (or a further 30 minutes, if a majority of Councillors has already voted to continue it for 30 minutes).
- 17.3 In the absence of such continuance, the meeting must stand adjourned to a time, date and place announced by the *Chair* immediately prior to the meeting standing adjourned. In that event, the provisions of sub-Rules 16.2 and 16.3 apply.

18. Cancellation or Postponement of a Meeting

- 18.1 The *Chief Executive Officer* following consultation with the Mayor if possible may, in the case of an emergency necessitating the cancellation or postponement of a *Council meeting*, cancel or postpone a *Council meeting*.

- 18.2 The *Chief Executive Officer* must present to the immediately following *Council meeting* a *written* report on any exercise of the power conferred by sub-Rule 18.1.

Division 3 – Business of Meetings

19. Agenda and the Order Of Business

The *agenda* for and the order of business for a *Council meeting* is to be determined by the *Chief Executive Officer* so as to facilitate and maintain open, efficient and effective processes of government.

20. Change To Order Of Business

Once an *agenda* has been sent to Councillors, the order of business for that *Council meeting* may be altered with the consent of *Council*.

21. Urgent Business

If the *agenda* for an *Council meeting* makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of *Council* and only then if it:

- 21.1 relates to or arises out of a matter which has arisen since distribution of the *agenda*; and
- 21.2 cannot safely or conveniently be deferred until the next *Council meeting*.

Division 4 – Motions and Debate

22. Councillors May Propose *Notices Of Motion*

Councillors may ensure that an issue is listed on an *agenda* by lodging a *Notice of Motion*.

23. Notice Of Motion

- 23.1 A *notice of motion* must be in *writing* signed by a Councillor, and be lodged with or sent to the *Chief Executive Officer* at least 24 hours before the Agenda is finalised and distributed to allow sufficient time for him or her to include the *notice of motion* in agenda papers for a *Council meeting*.
- 23.2 The *Chief Executive Officer* following consultation with the Mayor if possible may reject any *notice of motion* which:
- 23.2.1 is vague or unclear in intention
- 23.2.2 it is beyond *Council's* power to pass; or
- 23.2.3 if passed would result in *Council* otherwise acting invalidly
- but must:
- 23.2.4 give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and
- 23.2.5 notify in *writing* the Councillor who lodged it of the rejection and reasons for the rejection.
- 23.3 The full text of any *notice of motion* accepted by the *Chief Executive Officer* must be included in the *agenda*.

- 23.4 The *Chief Executive Officer* must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.
- 23.5 Except by leave of *Council*, each *notice of motion* before any meeting must be considered in the order in which they were entered in the notice of motion register.
- 23.6 If a Councillor who has given a *notice of motion* is absent from the meeting or fails to move the motion when called upon by the *Chair*, any other Councillor may move the motion.
- 23.7 If a *notice of motion* is not moved at the *Council meeting* at which it is listed, it lapses
- 23.8 Unless the Council resolves to relist at a future meeting a Notice of Motion which has been lost or not moved, a similar motion must not be put before the Council for at least three (3) months from the date it was lost.

24. Chair's Duty

Any motion which is determined by the *Chair* to be:

- 24.1 defamatory;
- 24.2 objectionable in language or nature;
- 24.3 vague or unclear in intention;
- 24.4 outside the powers of *Council*; or
- 24.5 irrelevant to the item of business on the *agenda* and has not been admitted as urgent, or purports to be an amendment but is not,

must not be accepted by the *Chair*.

25. Introducing a Report

- 25.1 Before a *written* report is considered by *Council* and any motion moved in relation to such report, a member of Council staff may introduce the report by indicating in not more than 2 minutes:
- 25.1.1 its background; or
- 25.1.2 the reasons for any recommendation which appears.
- 25.2 Unless *Council* resolves otherwise, a member of Council staff need not read any written report to *Council* in full.

26. Introducing A Motion or an Amendment

The procedure for moving any motion or amendment is:

- 26.1 the mover must state the motion without speaking to it;
- 26.2 the motion must be seconded and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder;
- 26.3 if a motion or an amendment is moved and seconded the *Chair* must ask:

"Is the motion or amendment opposed? Does any Councillor wish to speak to the motion or amendment?"

- 26.4 if no Councillor indicates opposition or a desire to speak to it, the *Chair* may declare the motion or amendment carried without discussion;
- 26.5 if a Councillor indicates opposition or a desire to speak to it, then the *Chair* must call on the mover to address the meeting;
- 26.6 after the mover has addressed the meeting, the seconder may address the meeting;
- 26.7 after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting,) the *Chair* must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion; and
- 26.8 if, after the mover has addressed the meeting, the *Chair* has invited debate and no Councillor speaks to the motion, then the *Chair* must put the motion to the vote.

27. Right Of Reply

- 27.1 The mover of a motion, including an amendment, has a right of reply to matters raised during debate.
- 27.2 After the right of reply has been taken but subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion, the motion must immediately be put to the vote without any further discussion or debate.

28. Moving An Amendment

- 28.1 Subject to sub-Rule 28.2 a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.
- 28.2 A motion to confirm a previous resolution of *Council* cannot be amended.
- 28.3 An amendment must not be directly opposite to the motion.

29. Who May Propose An Amendment

- 29.1 An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.
- 29.2 Any one Councillor cannot move more than two amendments in succession.

30. How Many Amendments May Be Proposed

- 30.1 Any number of amendments may be proposed to a motion but only one amendment may be accepted by the *Chair* at any one time.
- 30.2 No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.

31. An Amendment Once Carried

- 31.1 If the amendment is carried, the motion as amended then becomes the motion before the meeting, and the amended motion must then be put.
- 31.2 The mover of the original motion retains the right of reply to that motion.

32. Foreshadowing Motions

- 32.1 At any time during debate a Councillor may foreshadow a motion so as to inform *Council* of his or her intention to move a motion at a later stage in the meeting dealing with the same subject matter, but this does not extend any special right to the foreshadowed motion.
- 32.2 A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the *Chair* being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- 32.3 The *Chief Executive Officer* or person taking the minutes of the meeting is not expected to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.
- 32.4 The *Chair* is not obliged to accept foreshadowed motions.

33. Withdrawal Of Motions

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

34. Separation Of Motions

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

35. Chair May Separate Motions

The *Chair* may decide to put any motion to the vote in several parts.

36. Priority of address

After a motion is seconded and the mover has addressed the meeting, the seconder may address the meeting or reserve their address until later in the debate. The Chairperson may then call upon any Councillor who wishes to speak against the motion, then any other Councillors for and against the motion then debate in turn.

Except for the purposes of proposing an amendment or for the purposes of raising a point of order no Councillor may speak more than once on any motion.

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

37. Motions In Writing

- 37.1 The *Chair* may require that a complex or detailed motion be in writing.
- 37.2 *Council* may adjourn the meeting while the motion is being *written* or *Council* may defer the matter until the motion has been *written*, allowing the meeting to proceed uninterrupted.

38. Repeating Motion and/or Amendment

The *Chair* may request the person taking the minutes of the *Council meeting* to read the motion or amendment to the meeting before the vote is taken.

39. Debate Must Be Relevant To The Motion

- 39.1 Debate must always be relevant to the motion before the Chair, and, if not, the *Chair* must request the speaker to confine debate to the motion.
- 39.2 If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the *Chair* may direct the speaker to be seated and not speak further in respect of the motion then before the Chair.
- 39.3 A speaker to whom a direction has been given under sub-Rule 39.2 must comply with that direction.

40. Speaking Times

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

- 40.1 the mover of a motion or an amendment which has been opposed: 5 minutes;
- 40.2 any other Councillor: 3 minutes; and
- 40.3 the mover of a motion exercising a right of reply: 2 minutes.

41. Addressing the Meeting

If the *Chair* so determines:

- 41.1 any person addressing the *Chair* must refer to the *Chair* as:

41.1.1 Madam Mayor; or

41.1.2 Mr Mayor; or

41.1.3 Madam Chair; or

41.1.4 Mr Chair

as the case may be;

- 41.2 all Councillors, other than the *Mayor*, must be addressed as

Cr(name).

- 41.3 all members of Council staff, must be addressed as Mr or Ms

.....(name) as appropriate or by their official title.

42. Right to Ask Questions

- 42.1 A Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the Chair.
- 42.2 The *Chair* has the right to limit questions and direct that debate be commenced or resumed.

Division 5 – Procedural Motions**43. Procedural Motions**

- 43.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the *Chair*.
- 43.2 Procedural motions require a seconder.
- 43.3 Notwithstanding any other provision in this Chapter, procedural motions must be dealt with in accordance with the following table:

PROCEDURAL MOTIONS TABLE

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
1. Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or *date	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking; (c) When the matter is one in respect of which a call of the <i>Council</i> has been made for that meeting in accordance with section 85 of the <i>Act</i> , or (d) When the motion would have the effect of causing <i>Council</i> to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected	Yes
3. The closure	That the motion be now put	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	During nominations for <i>Chair</i>	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	Debate continues unaffected	No

Division 6 – Rescission Motions

44. Notice of Rescission

- 44.1 A Councillor may propose a *notice of rescission* provided:
- 44.1.1 it has been signed and dated by at least three Councillors;
 - 44.1.2 the resolution proposed to be rescinded has not been acted on; and
 - 44.1.3 the *notice of rescission* is delivered to the *Chief Executive Officer* within 24 hours of the resolution having been made setting out -
 - (a) the resolution to be rescinded; and
 - (b) the meeting and date when the resolution was carried.

It should be remembered that a notice of rescission is a form of notice of motion.

Accordingly, all provisions in this Chapter regulating notices of motion equally apply to notices of rescission.

- 44.2 A resolution will be deemed to have been acted on if:
- 44.2.1 its contents have or substance has been communicated in *writing* to a person whose interests are materially affected by it; or
 - 44.2.2 a statutory process has been commenced
- so as to vest enforceable rights in or obligations on *Council* or any other person.
- 44.3 The *Chief Executive Officer* or an appropriate member of Council staff must defer implementing a resolution which:
- 44.3.1 has not been acted on; and
 - 44.3.2 is the subject of a *notice of rescission* which has been delivered to the *Chief Executive Officer* in accordance with sub-Rule 44.1.3,
- unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

By way of example, assume that, on a Monday evening, Council resolves to have legal representation at a planning appeal to be heard on the following Monday. Assume also that, immediately after that resolution is made, a Councillor lodges a notice of motion to rescind that resolution. Finally, assume that the notice of rescission would not be dealt with until the next Monday evening (being the evening of the day on which the planning appeal is to be heard).

In these circumstances, deferring implementation of the resolution would have the effect of depriving the resolution of efficacy. This is because the notice of rescission would not be debated until after the very thing contemplated by the resolution had come and gone. In other words, by the time the notice of rescission was dealt with the opportunity for legal representation at the planning appeal would have been lost.

Sub-Rule 44.3 would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the resolution rather than deferring implementation of it.

45. If Lost

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

46. If Not Moved

If a motion for rescission is not moved at the meeting at which it is listed, it lapses.

47. May Be Moved By Any Councillor

A motion for rescission listed on an *agenda* may be moved by any Councillor present but may not be amended.

48. When Not Required

48.1 Unless sub-Rule 48.2 applies, a motion for rescission is not required where *Council* wishes to change policy.

48.2 The following standards apply if *Council* wishes to change policy:

48.2.1 if the policy has been in force in its original or amended form for less than 12 months, a *notice of rescission* must be presented to *Council*; and

48.2.2 any intention to change a *Council* policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

Division 7 – Points of Order

49. Chair To Decide

The *Chair* must decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the point raised without entering into any discussion or comment.

50. Chair May Adjourn To Consider

50.1 The *Chair* may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.

50.2 All other questions before the meeting are suspended until the point of order is decided.

51. Dissent From Chair's Ruling

51.1 A Councillor may move that the meeting disagree with the *Chair's* ruling on a point of order, by moving:

"That the *Chair's* ruling [setting out that ruling or part of that ruling] be dissented from".

- 51.2 When a motion in accordance with this Rule is moved and seconded, the *Chair* must leave the Chair and the Deputy Mayor (or, if there is no Deputy Mayor or the Deputy Mayor is not present, temporary *Chair* elected by the meeting) must take his or her place.
- 51.3 The Deputy Mayor or temporary *Chair* must invite the mover to state the reasons for his or her dissent and the *Chair* may then reply.
- 51.4 The Deputy Mayor or temporary *Chair* must put the motion in the following form:
"That the *Chair's* ruling be dissented from."
- 51.5 If the vote is in the negative, the *Chair* resumes the Chair and the meeting proceeds.
- 51.6 If the vote is in the affirmative, the *Chair* must then resume the Chair, reverse or vary (as the case may be) his or her previous ruling and proceed.
- 51.7 The defeat of the *Chair's* ruling is in no way a motion of censure or non- confidence in the *Chair*, and should not be so regarded by the meeting.

52. Procedure For Point Of Order

A Councillor raising a point of order must:

- 52.1 state the point of order; and
- 52.2 state any section, Rule, paragraph or provision relevant to the point of order before resuming his or her seat.

53. Valid Points Of Order

A point of order may be raised in relation to:

- 53.1 a motion, which, under Rule 24, or a question which, under Rule 54, should not be accepted by the *Chair*;
- 53.2 a question of procedure; or
- 53.3 any act of disorder.

Rising to express a difference of opinion or to contradict a speaker is not a point of order.

Division 8 – Public Question Time

54. Question Time

- 54.1 There must be a public question time at every *Council meeting* fixed under Rule 0 to enable members of the public to submit questions to *Council*.
- 54.2 Sub-Rule 54.1 does not apply during any period when a meeting is closed to members of the public in accordance with section 66(2) of the *Act*.

- 54.3 Public question time will not exceed 15 minutes in duration, however the Council may determine an extensions of a further 15 minutes.
- 54.4 Questions submitted to *Council* must be:
- 54.4.1 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
 - 54.4.2 placed in the receptacle designated for the purpose at the place of the meeting prior to 5pm on the day of the *Council meeting*, or be lodged electronically at the prescribed email address prior to 5pm on the Friday prior to the day of the *Council meeting*.
- 54.5 No person may submit more than two questions at any one meeting.
- 54.6 If a person has submitted two questions to a meeting, the second question:
- 54.6.1 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
 - 54.6.2 may not be asked if the time allotted for public question time has expired.
- 54.7 The *Chair* 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 Rule.
- 54.8 Notwithstanding sub-Rule 54.6, 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.
- 54.9 A question may be disallowed by the *Chair* if the *Chair* determines that it:
- 54.9.1 relates to a matter outside the duties, functions and powers of *Council*;
 - 54.9.2 is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - 54.9.3 deals with a subject matter already answered;
 - 54.9.4 is aimed at embarrassing a Councillor or a member of Council staff;
 - 54.9.5 relates to personnel matters;
 - 54.9.6 relates to the personal hardship of any resident or ratepayer;
 - 54.9.7 relates to industrial matters;
 - 54.9.8 relates to contractual matters;
 - 54.9.9 relates to proposed developments;
 - 54.9.10 relates to legal advice;
 - 54.9.11 relates to matters affecting the security of *Council* property; or
 - 54.9.12 relates to any other matter which *Council* considers would prejudice *Council* or any person.

- 54.10 A submitter to a question that has been disallowed will be notified in writing the reason/s for not allowing the question.
- 54.11 Any question which has been disallowed by the *Chair* must be made available to any other Councillor upon request.
- 54.12 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.
- 54.13 Like questions may be grouped together and a single answer provided.
- 54.14 The *Chair* may nominate a Councillor or the *Chief Executive Officer* to respond to a question.
- 54.15 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 to the person who asked the question.
- 54.16 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.

Division 9 – Petitions and Joint Letters

55. Petitions and Joint Letters

- 55.1 Unless *Council* determines to consider it as an item of urgent business, no motion (other than a motion to receive the same) may be made on any petition, joint letter, memorial or other like application until the next *Council meeting* after that at which it has been presented.
- 55.2 It is incumbent on every Councillor presenting a petition or joint letter to acquaint himself or herself with the contents of that petition or joint letter, and to ascertain that it does not contain language disrespectful to *Council*.
- 55.3 If a Councillor is presenting a petition or joint letter to *Council* must:
- 55.3.1 write or otherwise record his or her name at the beginning of the petition or joint letter; and
- 55.3.2 confine himself or herself to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of the prayer or request.
- 55.4 Every petition or joint letter presented to *Council* must be in *writing* (other than pencil), typing or printing, contain the request of the petitioners or signatories and be signed by at least 12 people.
- 55.5 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.
- 55.6 Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by *Council*.

- 55.7 Every page of a petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter.
- 55.8 If a petition, joint letter, memorial or other like application relates to an operational matter, *Council* must refer it to the *Chief Executive Officer* for consideration.

Division 10 – Voting

56. How Motion Determined

To determine a motion before a meeting, the *Chair* must first call for those in favour of the motion and then those opposed to the motion, and must then declare the result to the meeting.

57. Silence

Voting must take place in silence.

58. Recount

The *Chair* may direct that a vote be recounted to satisfy himself or herself of the result.

59. Casting Vote

In the event of a tied vote, the *Chair* must exercise a casting vote.

60. By Show Of Hands

Voting on any matter is by show of hands.

61. Procedure For A Division

61.1 Immediately after any question is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.

61.2 When a division is called for, the vote already taken must be treated as set aside and the division shall decide the question, motion or amendment.

61.3 When a division is called for, the *Chair* must:

61.3.1 first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise one of his or her hands. The *Chair* must then state, and the *Chief Executive Officer* or any authorised officer must record, the names of those Councillors voting in the affirmative; and

61.3.2 then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise one of his or her hands. The *Chair* must then state, and the *Chief Executive Officer* or any authorised officer must record, the names of those Councillors voting in the negative.

62. No Discussion Once Declared

Once a vote on a question has been taken, no further discussion relating to the question is allowed unless the discussion involves:

- 62.1 a Councillor requesting, before the next item of business is considered, that his or her opposition to a resolution be recorded in the minutes or a register maintained for that purpose; or
- 62.2 foreshadowing a *notice of rescission* where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

For example, Rule 62 would allow some discussion if, immediately after a resolution was made, a Councillor foreshadowed lodging a notice of rescission to rescind that resolution.

Equally, Rule 62 would permit discussion about a matter which would otherwise be left in limbo because a notice of rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.

Without a positive resolution – to the effect that a planning permit now be granted – the planning permit application will be left in limbo. Hence the reference, in sub-Rule 62.2, to discussion about a positive motion were a resolution has just been rescinded.

Division 11 – Minutes

63. Confirmation of Minutes

- 63.1 At every *Council meeting* the minutes of the preceding meeting(s) must be dealt with as follows:
- 63.1.1 a copy of the minutes must be delivered to each Councillor no later than 96 hours before the meeting;
- 63.1.2 if no Councillor indicates opposition, the minutes must be declared to be confirmed;
- 63.1.3 if a Councillor indicates opposition to the minutes:
- (a) he or she must specify the item(s) to which he or she objects;
 - (b) the objected item(s) must be considered separately and in the order in which they appear in the minutes;
 - (c) the Councillor objecting must move accordingly without speaking to the motion;
 - (d) the motion must be seconded;
 - (e) the *Chair* must ask:
"Is the motion opposed?"
 - (f) if no Councillor indicates opposition, then the *Chair* must declare the motion carried without discussion and then ask the second of the questions described in sub-Rule 63.1.3(k);
 - (g) if a Councillor indicates opposition, then the *Chair* must call on the mover to address the meeting;

- (h) after the mover has addressed the meeting, the seconder may address the meeting;
- (i) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the *Chair* must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;
- (j) if, after the mover has addressed the meeting, the *Chair* invites debate and no Councillor speaks to the motion, the *Chair* must put the motion; and
- (k) the *Chair* must, after all objections have been dealt with, ultimately ask:
 - "The question is that the minutes be confirmed" or
 - "The question is that the minutes, as amended, be confirmed",
 and he or she must put the question to the vote accordingly;

63.1.4 a resolution of *Council* must confirm the minutes and the minutes must, if practicable, be signed by the *Chair* of the meeting at which they have been confirmed;

63.1.5 the minutes must be entered in the *minute book* and each item in the *minute book* must be entered consecutively; and

63.1.6 unless otherwise resolved or required by law, minutes of a *Delegated Committee* requiring confirmation by *Council* must not be available to the public until confirmed by *Council*.

64. No Debate on Confirmation Of Minutes

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

65. Deferral Of Confirmation Of Minutes

Council may defer the confirmation of minutes until later in the *Council meeting* or until the next meeting if considered appropriate.

66. Form and Availability of Minutes

66.1 The *Chief Executive Officer* (or other person authorised by the *Chief Executive Officer* to attend the meeting and to take the minutes of such meeting) must keep minutes of each *Council meeting*, and those minutes must record:

66.1.1 the date, place, time and nature of the meeting;

66.1.2 the names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance;

66.1.3 the names of the members of Council staff present;

- 66.1.4 any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 5;
 - 66.1.5 arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
 - 66.1.6 each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
 - 66.1.7 the vote cast by each Councillor upon a division;
 - 66.1.8 the vote cast by any Councillor who has requested that his or her vote be recorded in the minutes;
 - 66.1.9 questions upon notice;
 - 66.1.10 the failure of a quorum;
 - 66.1.11 any adjournment of the meeting and the reasons for that adjournment; and
 - 66.1.12 the time at which standing orders were suspended and resumed.
- 66.2 The *Chief Executive Officer* must ensure that the minutes of any *Council meeting* are:
- 66.2.1 published on *Council's* website; and
 - 66.2.2 available for inspection at *Council's* office during normal business hours.
- 66.3 Nothing in sub-Rule 66.2 requires *Council* or the *Chief Executive Officer* to make public any minutes relating to a *Council meeting* or part of a *Council meeting* closed to members of the public in accordance with section 66 of the *Act*.

Division 12 – Behaviour

67. Public Addressing The Meeting

- 67.1 Members of the public do not have a right to address *Council* and may only do so with the consent of the *Chair* or by prior arrangement.
- 67.2 Any member of the public addressing *Council* must extend due courtesy and respect to *Council* and the processes under which it operates and must take direction from the *Chair* whenever called on to do so.
- 67.3 A member of the public present at a *Council meeting* must not disrupt the meeting.

68. Chair May Remove

The *Chair* may order and cause the removal of any person, other than a Councillor, who disrupts any meeting or fails to comply with a direction given under sub-Rule 67.2.

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

69. Chair may adjourn disorderly meeting

If the *Chair* is of the opinion that disorder at the *Council* table or in the gallery makes it desirable to adjourn the *Council meeting*, he or she may adjourn the meeting to a later time on the same day or to some later day as he or she thinks proper. In that event, the provisions of sub-Rules 16.2 and 16.3 apply.

70. Removal from Chamber

The *Chair*, or *Council* in the case of a suspension, may ask the *Chief Executive Officer* or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Chapter and whom the *Chair* has ordered to be removed from the gallery under Rule 71.

Division 13 – Additional Duties of Chair

71. The Chair's Duties And Discretions

In addition to the duties and discretions provided in this Chapter, the *Chair*:

71.1 must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community; and

71.2 must call to order any person who is disruptive or unruly during any meeting.

Division 14 – Suspension of Standing Orders

72. Suspension of Standing Orders

72.1 To expedite the business of a meeting, *Council* may suspend standing orders.

The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.

Its purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.

72.2 The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of *Council*. An appropriate motion would be:

"That standing order be suspended to enable discussion on....."

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

72.4 Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:

"That standing orders be resumed."

Division 15 – Miscellaneous

73. Meetings Conducted Remotely

If:

73.1 by law a meeting may be conducted electronically; and

73.2 *Council* decides that a meeting is to be conducted electronically,

the *Chair* may, with the consent of the meeting, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the meeting.

74. Procedure not provided in this Chapter

In all cases not specifically provided for by this Chapter, the Chairperson must decide the procedure to be followed based on law or generally accepted meeting protocols.

75. Criticism of members of Council staff

75.1 The *Chief Executive Officer* may make a brief statement at a *Council meeting* in respect of any statement by a Councillor made at the *Council meeting* criticising him or her or any member of Council staff.

75.2 A statement under sub-Rule 75.1 must be made by the *Chief Executive Officer*, through the *Chair*, as soon as it practicable after the Councillor who made the statement has resumed his or her seat.

Chapter 3 – Meeting Procedure for Delegated Committees

1. Meeting Procedure Generally

If *Council* establishes a *Delegated Committee*:

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

2. Meeting Procedure Can Be Varied

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

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

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

Chapter 4 – Meeting Procedure for Community Asset Committees

1. Introduction

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

2. Meeting Procedure

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

Chapter 5 – Disclosure of Conflicts of Interest

1. Introduction

The following Rules in this Chapter apply only upon Division 1A of Part 4 of the *Local Government Act 1989* being repealed.*

2. Definition

In this Chapter:

- 2.1 “meeting conducted under the auspices of *Council*” means a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in Rule 1 of Chapter 6 (whether such a meeting is known as a ‘Councillor Briefing’ or by some other name); and
- 2.2 a member of a *Delegated Committee* includes a Councillor.

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

A Councillor who has a conflict of interest in a matter being considered at a *Council meeting* at which he or she:

- 3.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Council meeting* immediately before the matter is considered; or
- 3.2 intends to be present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Council meeting* commences a written notice:
- 3.2.1 advising of the conflict of interest;
- 3.2.2 explaining the nature of the conflict of interest; and
- 3.2.3 detailing, if the nature of the conflict of interest involves a Councillor’s relationship with or a gift from another person, the:
- (a) name of the other person;
- (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
- (c) nature of that other person’s interest in the matter,

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

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

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

A member of a *Delegated Committee* who has a conflict of interest in a matter being considered at a *Delegated Committee* meeting at which he or she:

* At the time of making these Rules the date on which Division 1A of Part 4 of the *Local Government Act 1989* is expected to be repealed is 24 October 2020.

- 4.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Delegated Committee* meeting immediately before the matter is considered; or
- 4.2 intends to present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Delegated Committee* meeting commences a written notice:
- 4.2.1 advising of the conflict of interest;
- 4.2.2 explaining the nature of the conflict of interest; and
- 4.2.3 detailing, if the nature of the conflict of interest involves a member of a *Delegated Committee's* relationship with or a gift from another person the:
- (a) name of the other person;
- (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
- 4.2.4 nature of that other person's interest in the matter,
- and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

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

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

A Councillor who has a conflict of interest in a matter being considered at a *Community Asset Committee* meeting at which he or she:

- 5.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Community Asset Committee* meeting immediately before the matter is considered; or
- 5.2 intends to present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Community Asset Committee* meeting commences a written notice:
- 5.2.1 advising of the conflict of interest;
- 5.2.2 explaining the nature of the conflict of interest; and
- 5.2.3 detailing, if the nature of the conflict of interest involves a member of a Councillor's relationship with or a gift from another person the:
- (a) name of the other person;
- (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
- 5.2.4 nature of that other person's interest in the matter,

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

The Councillor must, in either event, leave the *Committee Asset Committee* meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

6. Disclosure at a Meeting Conducted Under the Auspices of Council

A Councillor who has a conflict of interest in a matter being considered by a meeting held under the auspices of *Council* at which he or she is present must:

- 6.1 disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the meeting immediately before the matter is considered;
- 6.2 absent himself or herself from any discussion of the matter; and
- 6.3 as soon as practicable after the meeting concludes provide to the *Chief Executive Officer* a written notice recording that the disclosure was made and accurately summarising the explanation given to those present at the meeting.

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

7.1 A member of Council staff who, in his or her capacity as a member of Council staff, has a conflict of interest in a matter in respect of which he or she is preparing or contributing to the preparation of a Report for the consideration of a:

- 7.1.1 *Council meeting*;
- 7.1.2 *Delegated Committee meeting*;
- 7.1.3 *Community Asset Committee meeting*

must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* disclosing the conflict of interest and explaining the nature of the conflict of interest.

7.2 The *Chief Executive Officer* must ensure that the Report referred to in sub-Rule 7.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.

7.3 If the member of Council staff referred to in sub-Rule 7.1 is the *Chief Executive Officer*:

- 7.3.1 the written notice referred to in sub-Rule 7.1 must be given to the *Mayor*; and
- 7.3.2 the obligation imposed by sub-Rule 7.2 may be discharged by any other member of Council staff responsible for the preparation of the Report.

8. Disclosure of Conflict of Interest by Members of Council Staff in the Exercise of Delegated Power

8.1 A member of Council staff who has a conflict of interest in a matter requiring a decision to be made by the member of Council staff as delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* explaining the nature of the conflict of interest.

8.2 If the member of Council staff referred to in sub-Rule 8.1 is the *Chief Executive Officer* the written notice must be given to the *Mayor*.

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

9.1 A member of Council staff who has a conflict of interest in a matter requiring a statutory function to be performed under an Act by the member of Council staff must, upon becoming aware of the conflict of interest, immediately provide a written notice to the *Chief Executive Officer* explaining the nature of the conflict of interest.

9.2 If the member of Council staff referred to in sub-Rule 9.1 is the *Chief Executive Officer* the written notice must be given to the *Mayor*.

10. Retention of Written Notices

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

Chapter 6 – Miscellaneous

1. Informal Meetings of Councillors

If there is a meeting of Councillors that:

- 1.1 is scheduled or planned for the purpose of discussing the business of *Council* or briefing Councillors;
- 1.2 is attended by at least one member of Council staff; and
- 1.3 is not a *Council meeting*, *Delegated Committee* meeting or *Community Asset Committee* meeting

the *Chief Executive Officer* must ensure that a summary of the matters discussed at the meeting are:

- (a) tabled at the next convenient *Council meeting*; and
- (b) recorded in the minutes of that *Council meeting*.

2. Confidential Information

- 2.1 If, after the repeal of section 77(2)(c) of the *Local Government Act 1989*, the *Chief Executive Officer* is of the opinion that information relating to a meeting is confidential information within the meaning of the *Act*, he or she may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.
- 2.2 Information which has been designated by the *Chief Executive Officer* as confidential information within the meaning of the *Act*, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.

Chapter 7 – Election Period Policy
COUNCIL ELECTION PERIOD POLICY

1. PURPOSE

This policy provides a framework for the conduct of Council business during the 2020 general election period. It establishes a series of caretaker practices, which aim to ensure that major decisions and actions of the current Council do not bind the incoming Council and limit its freedom of action, and ensure the use of Council resources and information throughout the election period is in accordance with the caretaker provisions of the *Local Government Act 1989*. This policy is designed to prevent the Council from making inappropriate decisions or using resources inappropriately during the election period before the general election.

2. INTRODUCTION

Victorian Councils are required to observe special “caretaker arrangements” during a general election period. Caretaker arrangements aim to avoid the use of public resources in a way that may unduly affect the election result and minimise decisions that may unduly limit the decision-making ability of the incoming council. Section 93B of the *Local Government Act 1989* requires that Council prepare, adopt and maintain an election period policy in relation to procedures to be applied by Council during the election period for a general election.

3. SCOPE

This policy applies to individual Councillors, the Council as a Body Corporate, Special Committees of the Council, the Chief Executive Officer, Executive Managers, all Council staff and any person acting on behalf of the organisation under a delegation.

4. PRINCIPLES

Councillors and staff are committed to the lawful, transparent, fair and un-biased conduct of Council elections and will ensure that the terms, conditions and arrangements provided for under this policy will be adhered to. In addition, the reporting requirements contained in the Council’s Protected Disclosure Guidelines and the Management of Protected Disclosures Procedure will be followed where disclosures of improper or corrupt conduct or detrimental action by Councillors or employees, in regard to election-related matters, are made.

4.1 Major Policy Decisions

4.1.1 Section 93A of the Local Government Act prohibits a council, a special committee or a person acting under delegation from making major policy decisions during the election caretaker period as follows:

- Decisions relating to the employment or remuneration of a permanent Chief Executive Officer of the Council
- Decisions to enter into contracts that are valued at more than \$266,850 (for purchases of goods or services) or \$200,000 (for carrying out of works). The amount of \$266,850 refers to 1% of Council’s revenue from rates levied for 2018/19.
- Decisions to enter into entrepreneurial ventures that are valued at more than \$266,850, which is 1% of Council’s revenue from rates levied for 2018/19.

4.1.2 In accordance with the requirements under the Local Government Act, Council is mindful that it should not make major policy decisions during the election caretaker period which would not, in the normal course of business, be reversible by a future Council.

4.1.3 At the point of adopting this policy, Horsham Rural City Council does not believe there are any significant decisions that should be carried over to the new Council. Council will ensure that any significant contracts for normal Council business which have been included in the Council budget can be entered into prior to the caretaker period or delayed until the incoming Council is in place.

4.1.4 If Council considers that there are extraordinary circumstances where the municipality or local community would be significantly disadvantaged by not making a particular Major Policy Decision, Council will, by resolution, request an exemption from the Minister for Local Government in accordance with section 93A(2) of the Local Government Act.

4.2 Council Publications and Communications

Section 55D of the Local Government Act prohibits Council from printing, publishing and distributing material that is electoral matter during an election period. Electoral matter is broadly defined to be matter which is intended or likely to affect voting in an election. This limitation does not apply to electoral material that is only about the election process.

There is a requirement that the Chief Executive Officer is familiar with the requirements of the Local Government Act, and any other requirements, with respect to the printing, publishing and/or distribution of electoral publications.

The Chief Executive Officer will review and certify all publications throughout the election period prior to publication, to ensure that they comply with the requirements of Section 55D. This includes Council newsletters, handbills, pamphlets, advertisements and notices, media releases, brochures, leaflets and mail-outs (whether electronic or otherwise). This also applies to publication of material on Council's website and the social media.

In accordance with the Local Government Act:

- the Chief Executive Officer must not intentionally or recklessly certify an electoral advertisement, handbill, pamphlet or notice during the election period unless it only contains information about the election process
- the Chief Executive Officer must not delegate the power to certify any advertisement, handbill, pamphlet or notice under this section to a member of Council staff
- a Councillor or member of Council staff must not intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed an electoral advertisement, handbill, pamphlet or notice during the election period on behalf of, or in the name of, the Council or on behalf of, or in the name of, a Councillor using Council resources if the electoral advertisement, handbill, pamphlet or notice has not been certified by the Chief Executive Officer under this section.

The requirements, above, do not apply to the publication of any document published before the commencement of the election period and to publication of any document required to be published in accordance with, or under, any Act or regulation.

Official media statements will only be made by the Chief Executive Officer during the election period, including radio and television interviews. In as much as it is possible throughout the election period, Council publicity and communications will be restricted to promoting normal Council activities and services and informing residents about the election process.

4.3 Council and Special Committee meetings

The Chief Executive Officer will ensure that arrangements are in place so that papers prepared for council or special committee meetings during the election period do not include any agenda matter that could potentially influence voters' intentions at the forthcoming election or could encourage councillor candidates to use the matter as part of their campaign platform.

During the election period, Councillors will refrain from moving motions on or raise matters at a meeting that could potentially influence voting at the election. Council will not consider decisions relating to the following matters during the election period:

- allocation of community grants or other direct funding to community organisations
- major planning scheme amendments
- changes to strategic objectives and strategies in the council plan.

4.4 Use of Public Resources

Public resources must not be used in any way that may influence the way people vote in the general election or give Councillors any inappropriate real or perceived electoral advantage. The following guidelines during the election period will apply:

- Council resources, including offices, support staff, hospitality, equipment, email, mobile phones and stationery will be used exclusively for normal Council business and will not be used in connection with election campaigning.
- Any resource provided to a Councillor which has an expressly permitted private-use component (e.g. the mayoral vehicle) may still be used for private purposes, but nothing in connection with election campaigning.
- Reimbursement of out-of-pocket expenses for sitting Councillors during the election period will only apply to costs that have been incurred in the performance of normal Council duties and not for expenses that could be perceived as supporting, or being connected with, a candidate's election campaign.
- The council logo, letterhead or other Horsham Rural City Council branding will not be used for, or linked in any way to, a candidate's election campaign.
- Council officers will not be asked to undertake any tasks connected with a candidate's election campaign.
- Any requests for provision of information or advice held by Council, made by a sitting Councillor or candidate, should be directed to the Chief Executive Officer or appropriate senior management member. There shall be complete transparency in the provision of all information and advice and any information or advice provided to a sitting Councillor or candidate as part of the conduct of the Council election will be provided equally to all candidates and made available in an accessible format if requested.

Councillors will continue to automatically access council-held documents during the election period, but only as is necessary for them to perform their current role and functions.

4.5 Public Consultation, Council Events and other activities

Consultation forms an integral part of policy development and operations; however, consultation undertaken close to a general election may become an election issue in itself and influence voting. Issues raised through the consultation and decisions that follow may also unreasonably bind the incoming council.

Events

The scheduling of council events in the lead-up to elections also frequently raises concerns over their potential use by sitting councillors for electioneering purposes. Events and functions can take many forms including conferences, workshops, forums, launches/openings, promotional activities, and social occasions (such as dinners, receptions and balls).

Any public consultation or scheduling of council events during the election period will be reviewed by the Chief Executive Officer who may determine that an individual activity or event is:

- not permitted to proceed; or
- is permitted to proceed but subject to any restrictions which the Chief Executive Officer may impose.

Consultation

If the Chief Executive Officer determines that consultation must be undertaken or an event held during this time, the Chief Executive Officer (on behalf of the Council) must justify to the community the special circumstances making it necessary and how risks over influencing the election will be mitigated or prevented.

Public consultation must be undertaken during an election period if the consultation is mandated by legislation.

Where consultation is discretionary then the consultation can occur during the election period but only after the Chief Executive Officer determines whether or not the consultation will influence the outcome of the election. If the matter subject to the consultation is likely to be closely associated in the minds of voters with a particular candidate or group of candidates then it may be prudent for the Chief Executive Officer to delay the consultation until after the election period.

Councillor attendance at events and functions

Councillors can continue to attend events and functions during an election period provided that their attendance is consistent with the ordinary course of their Council duties.

If a Councillor is asked to give a speech at an event or function during an election period then they should take particular care to only use or provide information that would generally be the nature of a speech to the relevant audience.

Council staff activities during an election period

Council staff should not undertake any activity that may influence the outcome of an election, except where the activity relates to the election process and is authorised by the Chief Executive Officer.

Council staff should not authorise, use or allocate a Council resource for any purpose which may influence voting in the election, except where it relates to the election process and is authorised by the Chief Executive Officer. This includes making Council resources available to Councillors for campaign purposes. Council staff must not assist any Councillor with their election campaign at any time, including outside working hours. Where the use of Council resources could be construed as being related to a candidate’s election campaign, the incident must be reported to the Chief Executive Officer.

4.6 Record keeping

The Chief Executive Officer shall keep a documented record of all:

- documentation reviewed
- documentation approved
- media or other statements released
- information or advice provided on request to a sitting Councillor or candidate
- information relating to events and consultation permitted to proceed, under this policy during the election period.

5. COMMUNICATION

Individual Councillors, Reception (Civic Centre and Natimuk), Website, Intranet

6. RESPONSIBILITY

Policy Owner: Director Corporate Services

7. DEFINITIONS

Definition	Meaning
Council as a Body Corporate	Refers to decisions and actions arising from a meeting of the Horsham Rural City Council.
Delegation	Principally a formal document issued by the Council or the Chief Executive Officer which empowers another officer or officers to undertake an action, duty or responsibility, but an individual may have authority arising from an informal or implied direction or instruction (delegation) from a body or senior person.

Election period (also known as Caretaker Period)	Is defined in the Local Government Act to be the period from the last day of nominations until the election day (a 32 day period). In conjunction with Section 44(1) of the Interpretation of Legislation Act, the first day of the period for the 2020 general election will therefore be Tuesday, 22nd September 2020.
Inappropriate decision/s	Is a decision or decisions made during the election period that would affect voting in the election or one that could reasonably be deferred until after the election.
Special Committee	A committee established by a Council under Section 86 of the Local Government Act or a committee that exercises a power, or performs a duty or function, of the Council that has been delegated to that committee under any Act.

8. SUPPORTING DOCUMENTS

Document	Location
Local Government Act 1989	Internet
Protected Disclosures Guidelines	HRCC Intranet
Management of Protected Disclosures Procedure	HRCC Intranet

9. DOCUMENT CONTROL

Version Number	Approval Date	Approval By	Amendment	Review Date
01	15 February 2016	Council	Replaces Council Election Caretaker Arrangements Policy 2012	1 October 2019
02	28 October 2019	Council	Review	1 October 2023

NOTE: This policy must be reviewed at least twelve months prior to each general election of Council (Section 93B(2) of the Local Government Act). The next review is therefore due in 2023.

XXXXXXXXXXXXXXXXXX

28 July 2020

Councillors
Horsham Rural City Council
PO Box 511
HORSHAM VIC 3402
VIA E-mail

Dear Councillors,

Draft Governance Rules

1. I write in response to the advertised Draft Governance Rules circulated for public comment. I did start a thorough analysis (see below) but ceased this activity when I struck upon the Model Governance Rules developed by the relevant State government department, Local Government Victoria (LGV) via the Engage Victoria website (click [here](#)).
2. On perusing the LGV Model Rules, I cannot see any need for any other rules than these prepared by LGV. They, in my opinion, provided a strong basis for transparent and ethical decision-making, while providing access to, and the ability for the public to question their elected officials.
3. The draft proposed by the CEO and Council staff:
 - a. continue to restrict access to elected officials by the public;
 - b. prohibit good governance through restricting the elected Councillors ability to move certain motions;
 - c. elevate the Directors to the level of Councillors—which is inappropriate and possibly not legal—by allowing them to address the meeting and introduce reports. Aside from the legal question, it is totally inappropriate.
4. Another concern is why the CEO engaged Maddocks Lawyers to draft the circulated by the CEO when they could have got the free rules from the web site above. In a time where fiscal frugality is required, I cannot fathom the use of ratepayers' money for something that was available for free.
5. Finally, given that a new Council is most likely to be elected—as four Councillors are not standing—it would be imprudent and impertinent to impose such a draconian set of Governance Rules on a new Council for them to unpack. I hope that you will reject them, and implement the LGV Rules for the new Council and the public to start afresh.
6. Submitted for your consideration.

XXXXXXXXXXXXXXXXXX

Clause	• Issue/Concern	Proposed Correction
4	<ul style="list-style-type: none"> A large of definitions included in the Local Government Victoria (LGV) proposed draft is missing. 	<ul style="list-style-type: none"> Include the LGV definitions
Chapter 1	<ul style="list-style-type: none"> 	
1	<ul style="list-style-type: none"> Context: not relevant 	<ul style="list-style-type: none"> Remove
2	<ul style="list-style-type: none"> Decision-making: the inclusion of this section demonstrates a poor understanding of the application of the <i>Natural Justice</i> rule. This rule would be covered community consultation for Council decisions and through council's policy for 2 (c) (iv). Clause 2 (c) (iv) is also not relevant to Council meetings, to which the Governance Rules apply. Staff are not part of Council meetings and do not—generally—participate. 	<ul style="list-style-type: none"> Delete.
Chapter 2	<ul style="list-style-type: none"> 	
1 & 2	<ul style="list-style-type: none"> Irrelevant 	<ul style="list-style-type: none"> Delete
3	<ul style="list-style-type: none"> Definitions are missing 	<ul style="list-style-type: none"> moved to front of document and add all from LGV draft
Part B	<ul style="list-style-type: none"> Election of Mayor 	<ul style="list-style-type: none"> Add “/Deputy Mayor”
4	<ul style="list-style-type: none"> Election of Mayor 	<ul style="list-style-type: none"> Replace with LGV draft
5	<ul style="list-style-type: none"> Method of voting 	<ul style="list-style-type: none"> include “electronic method” as per LGV draft
6.1	<ul style="list-style-type: none"> Superfluous 	<ul style="list-style-type: none"> delete
6.2.1 & 6.2.2	<ul style="list-style-type: none"> Form as approved by CEO Seconded by another Councillor 	<ul style="list-style-type: none"> delete. The LGV draft and legislation do not require this, and the CEO's role is functionary, in that they chair this

		meeting only. To include the form, seeks to impose the CEO into this meeting in a manner that is not required.
6.3.3	<ul style="list-style-type: none"> an absolute majority is not required under the LGV draft or legislation 	<ul style="list-style-type: none"> replace with LGV draft “equal to or greater than half of the Councillors present”.
6.3.4	<ul style="list-style-type: none"> voting 	<ul style="list-style-type: none"> replace with LGV draft
6.3.5	<ul style="list-style-type: none"> wording “absolute majority” 	<ul style="list-style-type: none"> delete wording “absolute majority”
6.3.6 and 6.3.7	<ul style="list-style-type: none"> Voting by ‘Lot’ The position of Mayor and Deputy Mayor should not be decided by lottery. 	<ul style="list-style-type: none"> delete If Councillors are unable to decide, then the meeting needs to be adjourned.
7 and 8	<ul style="list-style-type: none"> the Chair of delegated Committees falls within the purview of the Mayor (if they are a Councillor)—section 19. This clause seeks to override a Statutory right, which it cannot do. 	<ul style="list-style-type: none"> Delete and reference section 19 of the <i>Local Government Act 2020</i>
MISSING	<ul style="list-style-type: none"> The LGV draft rules has a provision for the Ceremonial Mayoral Speech. This is missing in these draft rules. 	<ul style="list-style-type: none"> Insert Clause 7 from the LGV draft rules.
MEETING PROCEDURES		○
11	<ul style="list-style-type: none"> requiring 3 councillors to call an unscheduled meeting is unrealistic and imposes a burden that may never be met. It also may breach the Human Rights of a Councillor by restricting their ability to participate in the process of government. 	<ul style="list-style-type: none"> Replace with the LGV draft which requires only 1 councillor, including meeting postponement
12.1	<ul style="list-style-type: none"> giving Councillors the agenda and attachments 48 hours before a Council meeting is unrealistic and a more cynical person may see this as an attempt to limit the ability of Councillors to fully digest the agenda and 	<ul style="list-style-type: none"> Replace with LGV draft with 5 business days as a minimum

	attachments before the meeting.	
12.3	<ul style="list-style-type: none"> the agenda would be made available to the public two days before their elected officials. 	<ul style="list-style-type: none"> Replace with LGV draft with 5 business days as a minimum Include HRCC before website
12.4		<ul style="list-style-type: none"> Include HRCC before website ensure all papers are included not just one
13–15		<ul style="list-style-type: none"> Replace with more practical version in the LGV draft rules
17		<ul style="list-style-type: none"> include “following consultation with the Mayor”, after CEO
18	<ul style="list-style-type: none"> Agenda items 	<ul style="list-style-type: none"> include “following consultation with the Mayor”, after CEO
20	<ul style="list-style-type: none"> Urgent business: limits the ability of Councillors to have urgent business included 	<ul style="list-style-type: none"> Replace with LGV draft
22.2	<ul style="list-style-type: none"> Rejecting motions 	<ul style="list-style-type: none"> include “following consultation with the Mayor”, after CEO
24	<ul style="list-style-type: none"> Introducing a report. This is not required on several levels. Staff are not members of Council and therefore have no role in the Council meeting. To allow this to proceed as written lifts the staff to the level of Councillors. If a report needs an introduction, then the report is flawed. Any report written for Councillor consideration should stand on its own. If it doesn’t, then it should be withdrawn and rewritten. 	<ul style="list-style-type: none"> Delete completely

<p>43</p>	<ul style="list-style-type: none"> • requiring 3 councillors to call an unscheduled meeting is unrealistic and imposes a burden that may never be met. It also may breach the Human Rights of a Councillor by restricting their ability to participate in the process of government. 	<ul style="list-style-type: none"> ▪ Replace with the LGV draft which requires only 1 councillor
<p>53</p>	<ul style="list-style-type: none"> • Public Question time In my assessment, this approach limits the ability of the public to question their elected officials. It also does not allow for a Public Forum as per the LGV's draft. This is not practical and inappropriate. 	<ul style="list-style-type: none"> ▪ Replace this section with the LGV draft including the public forum.
<p>54.4</p>	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> ▪ change to 10 as per LGV draft

XXXXXXXXXXXXXX

28 July 2020

Councillors
Horsham Rural City Council
PO Box 511
HORSHAM VIC 3402
VIA E-mail

Dear Councillors,

Addendum to Draft Governance Rules Submission

1. I wish to have the following added to my submission sent in the morning of 28 July 2020.
2. After a deeper review of the HRCC Draft Governance Rules, I wish to comment on:
 - a. Clause 22.8 is not good governance. To limit the submission of lapsed or failed motions to 3 months from the date it was lost is not appropriate. Essentially if a motion is lost on a technicality, it means that a Councillor has to wait three months before resubmission. Depending on the matter, it may hinder the effective governance by Councillors.
 - b. Clause 28.2: there should be no limit on the number of amendments moved by a Councillor. It may take more than two amendments to get the wording and intent correct.
 - c. Clause 31.3: a foreshadowed motion is council business and should be minuted.
 - d. Clause 31.4: this allows the Mayor/Chair to reject a foreshadowed motion if they do not agree with it.
 - e. Clause 35: the order of addressing a motion should be in rotating order one (1) for the motion then one (1) against the motion until all debate is finished.
 - f. Division 5: Procedural Motions—the table should be that which is in the LGV draft.
 - g. Clause 47.2: the LGV draft should be adopted in place of this clause.
 - h. Clause 53.9: several subclauses (3), (4), (5), (8), (9), (10), should be deleted. This limits the ability of the community to ask a range of questions. Speech should not be limited; it should be welcomed. Based on these clauses, I would have not been able to ask most of my questions over the course of this Council. That, I submit may breach the *Charter of Human Rights and Responsibilities* by restricting my ability to participate in the machinery of government.
 - i. Clause 64: minute confirmation should never be deferred.
 - j. Clause 74: this is redundant as the Councillor Code of Conduct covers this behaviour. Additionally, it limits the ability of elected officials to highlight issues with staffing matters. If the CEO is so aggrieved they can take it up with the Councillor out of the meeting. That said, the Mayor should be alert enough to stop this before it happens. Finally, the CEO is not a member of Council and has

legislated duties in relation to the *Council Meeting*. No rule should exceed that legally mandate role.

Clauses Missing

- k. Recording of Proceedings
 - l. Audit and Risk Committee as per LGV draft.
 - m. Joint Council Meetings as per section 62 of the *Local Government Act 2020*.
 - n. Election Period Policy as required by section 69 of the *Local Government Act 2020*.
3. The last point (n.) is important, and I ponder the legality of the draft circulated—if adopted—as the community has not had the ability to comment on the *Election Period Policy*.
 4. Submitted for your consideration.

XXXXXXXXXXXXX

Local Government Act 2020

Submission date: 29 July 2020, 4:57PM

Receipt number: 2

Related form version: 6

Question	Response
Have your say – Local Government Act 2020 implementation	
Your Details	
First Name	XXXXXXXXXX
Last Name	XXXXXXXXXX
Email	XXXXXXXXXX
Address	XXXXXXXXXX
Submission details	
What would you like to make a submission on?	Council Expenses Policy Governance Rules Public Transparency Policy
Please enter your submission regarding the Council Expense Policy below. You can also upload further information separately below.	Having looked at other Councils policies, I believe HRCC policy needs to be more concise and less based on approval of the CEO to give clear understanding for Councillors an better governance of expenses for ratepayers.
Please enter your submission regarding the Governance Rules below. You can also upload further information separately below.	I have studied this draft and compared to many others including the "model" from LGV and would like to present the following points: <ul style="list-style-type: none"> - #4 - list of definitions incomplete - if the "definitions" listed in the LGV Model were used, it would give a clearer understanding B needs to include the LGV insert covering section 25 and 26 as they are the specific provisions of the Act governing the election of the Mayor - B #5 does this need to show that it includes online meeting, given the Covid situation? - B #6.3.7 Believe that the position of Mayor is too important to be decided by a "draw", suggest as per some other Councils, perhaps remeet the following day - B # 7.2 - my interpretation of the Act is that the Mayor appoints the chair of the Delegated Committees. <p>PART C - MEETING PROCEDURE</p>

Believe the "purpose" and "meeting roles" sections of the LGV model should be inserted as they give a clear understanding of purpose and roles for better understanding for the Community

C #10 - "reasonable" notice should be min 14 days

C #11 - believe this section is clearer if the LGV model is used

C # 12.1 - 48 hours before needs to change to 4 business days. This should be manageable given meetings are only monthly and it gives Councillors a more appropriate length of time.

C # 12.2 - believe that notice and attachments should be automatically sent to Councillors on leave of absence without the need to request in writing - these are sent electronically and it keeps the Councillor informed

C #12.3 - should also be 4 business days

C # 12.4 - "Reasonable notice" does not inform the public when to expect to know meeting dates. These should be provided a minimum of 14 days prior to the meeting

C #12.4.2 (b)replace with "in the newspapers generally circulating in the municipal district

C #14 include Quorum calculation

C #15 include electronic notice to also be included

Div 3 - Business of Meetings

Believe the "overview" form the LGV model should be inserted as gives a clear understanding to all

#18 believe this should be determined by the "mayor in conjunction with the CEO"

#20 use LGV model very a clear and concise

#24 Introducing a report - DELETE this section - do not believe this is appropriate - professionals submitting reports to Council should present concise and appropriate reports covering all that is needed.

#31 - use the LGV model - very clear and concise

#31.4 - delete - this is not included in LGV model so question why it is included in HRCC Division 6

#43.1.1 - change to signed and dated by at least TWO councillors - (the last 3.5 years clearly show why this should not be 3!!!)

Division 8 Public Question time given the state of dissatisfaction in our Community believe that the right to a

supplementary question should be inserted in this section as has currently been the case.

#53.10 - in the interests of openness and transparency - this should include if any question is disallowed - then the member of the public should be notified in writing the reasons for not allowing the question

#53.16 - INSERT - Public Questions are recorded in the minutes and recordings and broadcast to the public.

#58 - LGV covers this with a better explanation

Division 11 - Minutes

#62.1.1 - change to copy of minutes must be delivered to each Councillor no later than 7 business days prior to the meeting.

Also believe LGV model for this section gives a better explanation and clearer ruling

#64 - don't believe confirmation of minutes should be deferred

Division 14 suspension of standing orders believe LGV model is better

Item # 74 Believe this should be deleted as Councillor Code of Conduct covers this and should be adhered to.

There doesn't appear to be an item covering recording of meetings and proceedings (unless I have missed it)

Not sure why Maddock Lawyers seem to have completed some of the sections at the rear of the rules - the LGV model for Conflict of Interest etc is much clearer and believe it should be used

Will there be another opportunity for consultation one the Audit and Risk Committee and Election Policy have been added

Believe it is extremely important to include the "Adequate and sufficient debate" sections 61,62,63 from the LGV model - good debate equals a better chance of better results for the municipality.

<p>Please enter your submission regarding the Public Transparency Policy below. You can also upload further information separately below.</p>	<p>From the community perspective the "public interest test" needs to be more clearly defined to be more easily understood by the Community. It is clear from recent years that this is a very big issue locally, so maybe we need some more consultation/discussion to ensure that what is being prepared by staff for this policy, reflects the expectations of ratepayers for transparency. Happy to be involved is this was to happen</p>
<p>Submission upload</p>	

HRCC Governance Rules Feedback Received

#1 Feedback Received (28.07.2020)

#2 Feedback Received (29.07.2020)

#3 Feedback Received (30.07.2020)

SECTION	SECTION DESCRIPTION	SUBMITTERS ISSUE/CONCERN	SUBMITTERS SUGGESTED CHANGES	HRCC RESPONSE	HRCC PROPOSED CHANGES
4	Introduction - 4. Definitions	A large of definitions included in the Local Government Victoria (LGV) proposed draft is missing.	Include the LGV definitions	Definitions are included as considered appropriate.	Nil
4	Introduction - 4. Definitions	- #4 - list of definitions incomplete - if the "definitions" listed in the LGV Model were used, it would give a clearer understanding		Definitions are included as considered appropriate.	Nil
Chapter 1					
1	Governance Framework – 1. Context	Context: not relevant	Remove	Its necessary background and context setting.	Nil
2	Governance Framework – 2. Decision Making	<ul style="list-style-type: none"> Decision-making: the inclusion of this section demonstrates a poor understanding of the application of the <i>Natural Justice</i> rule. This rule would be covered community consultation for Council decisions and through council's policy for 2 (c) (iv). Clause 2 (c) (iv) is also not relevant to Council meetings, to which the Governance Rules apply. Staff are not part of Council meetings and do not–generally–participate. 	Delete.	It's recommended by Maddocks.	Nil
Chapter 2					
1 & 2	Part A – Introduction – 1. Title & 2. Purpose of this Charter	Irrelevant	Delete	Disagree.	Nil
3	Part A – Introduction – 3. Definitions & Notes	Definitions are missing	moved to front of document and add all from LGV draft	Definitions are included as considered appropriate.	Nil
Part B	Part B – Election of Mayor	Election of Mayor	Add “/Deputy Mayor”	Add Deputy Mayor in heading.	Suggested change included

APPENDIX 9.8C

SECTION	SECTION DESCRIPTION	SUBMITTERS ISSUE/CONCERN	SUBMITTERS SUGGESTED CHANGES	HRCR RESPONSE	HRCR PROPOSED CHANGES
Part B	Part B – Election of Mayor	B needs to include the LGV insert covering section 25 and 26 as they are the specific provisions of the Act governing the election of the Mayor		Background information is not required in document.	Nil
4	Part B – Election of Mayor	Election of Mayor	Replace with LGV draft	We are using the Maddocks versions as it aligns more closely with our current practices.	Nil
5	Part B – Election of Mayor – Method of Voting	Method of voting	include “electronic method” as per LGV draft	Section 72 deals with electronic methods.	Nil
- B #5	Part B – Election of Mayor – Method of Voting	- B #5 does this need to show that it includes online meeting, given the Covid situation?		As above.	Nil
6.1	Part B – Election of Mayor – Determining the Election of the Mayor	Superfluous	delete	Reflects our current custom and practice.	Nil
6.2.1 & 6.2.2	Part B – Election of Mayor – Determining the Election of the Mayor	<ul style="list-style-type: none"> Form as approved by CEO Seconded by another Councillor 	delete. The LGV draft and legislation do not require this, and the CEO’s role is functionary, in that they chair this meeting only. To include the form, seeks to impose the CEO into this meeting in a manner that is not required	Disagree. The CEO’s role is administrative only – prescribing the relevant nomination form. The provision will help ensure that the nomination is in an appropriate form.	Nil
6.3.3	Part B – Election of Mayor – Determining the Election of the Mayor	an absolute majority is not required under the LGV draft or legislation	replace with LGV draft “equal to or greater than half of the Councillors present”.	This is covered in the LGAct 2020 Section 25 – Election of Mayor.	Nil
6.3.4	Part B – Election of Mayor – Determining the Election of the Mayor	voting	replace with LGV draft	The process that is there, reflects our current Meeting Procedure.	Nil
6.3.5	Part B – Election of Mayor – Determining the Election of the Mayor	wording “absolute majority”	delete wording “absolute majority”	The process that is there reflects our current Meeting Procedure.	Nil

APPENDIX 9.8C

SECTION	SECTION DESCRIPTION	SUBMITTERS ISSUE/CONCERN	SUBMITTERS SUGGESTED CHANGES	HRCC RESPONSE	HRCC PROPOSED CHANGES
6.3.6 and 6.3.7	Part B – Election of Mayor – Determining the Election of the Mayor	<ul style="list-style-type: none"> • Voting by ‘Lot’ • The position of Mayor and Deputy Mayor should not be decided by lottery. 	<ul style="list-style-type: none"> ▪ Delete ▪ If Councillors are unable to decide, then the meeting needs to be adjourned. 	The process that is there reflects our current Meeting Procedure.	Nil
- B #6.3.7	Part B – Election of Mayor – Determining the Election of the Mayor	Believe that the position of Mayor is too important to be decided by a "draw", suggest as per some other Councils, perhaps remeet the following day	<ul style="list-style-type: none"> ▪ 	The process that is there reflects our current Meeting Procedure. Noting that, Clause 6.3.4 gives Councillors the right to suspend the election and resume the election at another time.	Nil
7 and 8	Part B – Election of Mayor – Election of Deputy Mayor and Chairs of Delegated Committees	<ul style="list-style-type: none"> • the Chair of delegated Committees falls within the purview of the Mayor (if they are a Councillor)–section 19. This clause seeks to override a Statutory right, which it cannot do. 	Delete and reference section 19 of the <i>Local Government Act 2020</i>	Section 63.2a says a Councillor appointed by the Council is to Chair the Meeting of a Delegated Committee. Section 19(1)(a) allows the Mayor to appoint the Councillor. If it’s a competitive process its good governance to have an election.	Nil
MISSING	Part B – Election of Mayor	The LGV draft rules has a provision for the Ceremonial Mayoral Speech. This is missing in these draft rules.	Insert Clause 7 from the LGV draft rules.	Ceremonial Speech this could be added.	Suggested change included
MEETING PROCEDURES					
PART C - MEETING PROCEDURE 1 of 4	Part C – Meeting Procedures	Believe the "purpose" and "meeting roles" sections of the LGV model should be inserted as they give a clear understanding of purpose and roles for better understanding for the Community		This is quite lengthy and may dilute the key items. It could be included if Council feels it’s relevant to include that level of detail.	Nil
C #10	Part C – Meeting Procedures – Council May Alter Meeting Dates	C #10 - "reasonable" notice should be min 14 days		The Local Government Act 2020 is a Principles based Act and we are following these principles and not being as prescriptive as the previous Act.	Nil

APPENDIX 9.8C

SECTION	SECTION DESCRIPTION	SUBMITTERS ISSUE/CONCERN	SUBMITTERS SUGGESTED CHANGES	HRCC RESPONSE	HRCC PROPOSED CHANGES
11	Part C – Meeting Procedures – 11. Meetings Not Fixed by Council	<ul style="list-style-type: none"> requiring 3 councillors to call an unscheduled meeting is unrealistic and imposes a burden that may never be met. It also may breach the Human Rights of a Councillor by restricting their ability to participate in the process of government. 	Replace with the LGV draft which requires only 1 councillor, including meeting postponement	Disagree The requirement mirrors what was section 84 of the <i>Local Government Act 1989</i> . It helps prevent unnecessary meetings being called.	Nil
C #11 -	Part C – Meeting Procedures – 11. Meetings Not Fixed by Council	C #11 - believe this section is clearer if the LGV model is used		As above.	Nil
12.1	Part C – Meeting Procedures – 12. Notice of Meeting	<ul style="list-style-type: none"> giving Councillors the agenda and attachments 48 hours before a Council meeting is unrealistic and a more cynical person may see this as an attempt to limit the ability of Councillors to fully digest the agenda and attachments before the meeting. 	Replace with LGV draft with 5 business days as a minimum	This was an error and should have been amended to 4 days / 96 hours in line with 12.3.	Suggested change included
C # 12.1	Part C – Meeting Procedures – 12. Notice of Meeting	C # 12.1 - 48 hours before needs to change to 4 business days. This should be manageable given meetings are only monthly and it gives Councillors a more appropriate length of time.		As above.	Suggested change included
C # 12.2	Part C – Meeting Procedures – 12. Notice of Meeting	C # 12.2 - believe that notice and attachments should be automatically sent to Councillors on leave of absence without the need to request in writing - these are sent electronically and it keeps the Councillor informed		It's a Duty of Care not to provide the documents unless they ask for them when they are on a Leave of Absence.	Nil

APPENDIX 9.8C

SECTION	SECTION DESCRIPTION	SUBMITTERS ISSUE/CONCERN	SUBMITTERS SUGGESTED CHANGES	HRCC RESPONSE	HRCC PROPOSED CHANGES
12.3	Part C – Meeting Procedures – 12. Notice of Meeting	the agenda would be made available to the public two days before their elected officials.	<ul style="list-style-type: none"> ▪ Replace with LGV draft with 5 business days as a minimum ▪ Include HRCC before website 	See above.	Nil
C #12.3	Part C – Meeting Procedures – 12. Notice of Meeting	C #12.3 - should also be 4 business days	<ul style="list-style-type: none"> ▪ 	See above.	Nil
12.4	Part C – Meeting Procedures – 12. Notice of Meeting		<ul style="list-style-type: none"> ▪ Include HRCC before website ▪ ensure all papers are included not just one 	Current practice is to include in Council’s Public Notices.	Nil
C # 12.4	Part C – Meeting Procedures – 12. Notice of Meeting	C # 12.4 - "Reasonable notice" does not inform the public when to expect to know meeting dates. These should be provided a minimum of 14 days prior to the meeting	<ul style="list-style-type: none"> ▪ 	The Local Government Act 2020 is a Principles based Act and we are following these principles.	Nil
C #12.4.2 (b)	Part C – Meeting Procedures – 12. Notice of Meeting	C #12.4.2 (b)replace with "in the newspapers generally circulating in the municipal district	<ul style="list-style-type: none"> ▪ 	Current practice is to include in Council’s Public Notices.	Nil
13–15	Part C – Meeting Procedures –13. Inability to Obtain a Quorum		Replace with more practical version in the LGV draft rules	Disagree.	Nil
C #14	Part C – Meeting Procedures – 14. Inability to Maintain a Quorum	C #14 include Quorum calculation		As prescribed in the Act S61(4).	Nil
C #15	Part C – Meeting Procedures – 15. Adjourned Meetings	C #15 include electronic notice to also be included Div 3 - Business of Meetings Believe the "overview" form the LGV model should be inserted as gives a clear understanding to all		Part 15 is clear in its intent.	Nil

APPENDIX 9.8C

SECTION	SECTION DESCRIPTION	SUBMITTERS ISSUE/CONCERN	SUBMITTERS SUGGESTED CHANGES	HRCC RESPONSE	HRCC PROPOSED CHANGES
17	Part C – Meeting Procedures – 17. Cancellation or Postponement of a Meeting		include “following consultation with the Mayor”, after CEO	Could add “Following consultation with the Mayor if possible”.	Suggested change included
18	Part C – Meeting Procedures – 18. Agenda and Order of Business	Agenda items	include “following consultation with the Mayor”, after CEO	Same as our current Meeting Procedure. The provision is consistent with standard practice in the Victorian local government sector.	Nil
#18	Part C – Meeting Procedures – 18. Agenda and Order of Business	#18 believe this should be determined by the "mayor in conjunction with the CEO"		Same as our current Meeting Procedure. The provision is consistent with standard practice in the Victorian local government sector.	Nil
20	Part C – Meeting Procedures – 20. Urgent Business	Urgent business: limits the ability of Councillors to have urgent business included	Replace with LGV draft	Disagree. The provision is consistent with the approach of the Victorian Ombudsman in her December 2016 Report. Decisions are more likely to be informed decisions if Councillors are given advance notice of a proposal.	Nil
#20	Part C – Meeting Procedures – 20. Urgent Business	#20 use LGV model very a clear and concise		Disagree. The provision is consistent with the approach of the Victorian Ombudsman in her December 2016 Report. Decisions are more likely to be informed decisions if Councillors are given advance notice of a proposal.	Nil
22.2	Part C – Meeting Procedures – 22. Notice of Motion	Rejecting motions	include “following consultation with the Mayor”, after CEO	Could add “Following consultation with the Mayor if possible”.	Suggested change included

APPENDIX 9.8C

SECTION	SECTION DESCRIPTION	SUBMITTERS ISSUE/CONCERN	SUBMITTERS SUGGESTED CHANGES	HRCC RESPONSE	HRCC PROPOSED CHANGES
22.8	Part C – Meeting Procedures – 22. Notice of Motion	Is not good governance. To limit the submission of lapsed or failed motions to 3 months from the date it was lost is not appropriate. Essentially if a motion is lost on a technicality, it means that a Councillor has to wait three months before resubmission. Depending on the matter, it may hinder the effective governance by Councillors.		Disagree. Rarely are motions defeated on a technicality. The clause reflects standard practice across the Victorian local government sector.	Nil
24	Part C – Meeting Procedures – 24. Introducing a Report	<ul style="list-style-type: none"> Introducing a report. This is not required on several levels. Staff are not members of Council and therefore have no role in the Council meeting. To allow this to proceed as written lifts the staff to the level of Councillors. If a report needs an introduction, then the report is flawed. Any report written for Councillor consideration should stand on its own. If it doesn't, then it should be withdrawn and rewritten. 	Delete completely	Disagree. The word “may” allows for it to occur if required.	Nil
#24	Part C – Meeting Procedures – 24. Introducing a Report	#24 Introducing a report - DELETE this section - do not believe this is appropriate professionals submitting reports to Council should present concise and appropriate reports covering all that is needed		Disagree. The word “may” allows for it to occur if required.	Nil
28.2	Part C – Meeting Procedures – 28. Who May Propose An Amendment	There should be no limit on the number of amendments moved by a Councillor. It may take more than two amendments to get the wording and intent correct.		Disagree. Unless some limit is imposed a Councillor could frustrate the meeting by moving numerous amendments.	Nil
#31	Part C – Meeting Procedures – 31. Foreshadowing Motions	#31 - use the LGV model - very clear and concise		Disagree (LGV) Clause (10.5.4) also suggest to not record a foreshadowed motion (Unless it is formally moved as a Motion.)	Nil

APPENDIX 9.8C

SECTION	SECTION DESCRIPTION	SUBMITTERS ISSUE/CONCERN	SUBMITTERS SUGGESTED CHANGES	HRCC RESPONSE	HRCC PROPOSED CHANGES
31.3	Part C – Meeting Procedures – 31. Foreshadowing Motions	A foreshadowed motion is council business and should be minuted.		Disagree (LGV) Clause (10.5.4) also suggest to not record a foreshadowed Motion (Unless it is formally moved as a Motion.) Minutes should only record proposed or actual decisions. A foreshadowed motion may, in the end, never be moved (proposed).	Nil
31.4	Part C – Meeting Procedures 31. Foreshadowing Motions	This allows the Mayor/Chair to reject a foreshadowed motion if they do not agree with it.		Yes that’s correct and appropriate to ensure that foreshadowed motions relate to debate before Council.	Nil
31.4	Part C – Meeting Procedures – 31. Foreshadowing Motions	31.4 - delete - this is not included in LGV model so question why it is included in HRCC Division 6		It’s appropriate to ensure that foreshadowed motions relate to debate before Council.	Nil
35	Part C – Meeting Procedures – 35. Priority of Address	The order of addressing a motion should be in rotating order one (1) for the motion then one (1) against the motion until all debate is finished.		This is current practice and could be included.	Suggested change included
Division 5 (42)	Part C – Meeting Procedures – 42. Procedural Motions	Procedural Motions – the table should be that which is in the LGV draft		Disagree. Current draft version is simpler and easier to follow. (formally known as formal motions).	Nil
43	Division 6 – Rescission Motions –43. Notice of Rescission Motions	requiring 3 councillors to call an unscheduled meeting is unrealistic and imposes a burden that may never be met. It also may breach the Human Rights of a Councillor by restricting their ability to participate in the process of government.	Replace with the LGV draft which requires only 1 councillor	Disagree. Allowing a single Councillor to sponsor a Notice of Rescission would create the potential for Council’s will to be frustrated. Council decisions should be implemented unless there is a realistic prospect of the decision being overturned.	Nil

APPENDIX 9.8C

SECTION	SECTION DESCRIPTION	SUBMITTERS ISSUE/CONCERN	SUBMITTERS SUGGESTED CHANGES	HRCC RESPONSE	HRCC PROPOSED CHANGES
#43.1.1	Division 6 – Rescission Motions –43. Notice of Rescission Motions	#43.1.1 - change to signed and dated by at least TWO councillors - (the last 3.5 years clearly show why this should not be 3!!!)		Disagree. HRCC comments concerning clause 43 above equally applicable here.	Nil
47.2	Division 6 – Rescission Motions –47. When Not Required	The LGV draft should be adopted in place of this clause.		Disagree.	Nil
53	Division 8 - Public Question Time	<ul style="list-style-type: none"> Public Question time In my assessment, this approach limits the ability of the public to question their elected officials. It also does not allow for a Public Forum as per the LGV’s draft. This is not practical and inappropriate. 	Replace this section with the LGV draft including the public forum.	Disagree. Ample opportunity is afforded members of the public to ask questions of Councillors.	Nil
Division 8 Public Question time	Division 8 - Public Question Time	Division 8 Public Question time given the state of dissatisfaction in our Community believe that the right to a supplementary question should be inserted in this section as has currently been the case.		Disagree. The supplementary question can sometimes lead to an opportunity for debate.	Nil
53.9	Division 8 - Public Question Time	Several subclauses (3), (4), (5), (8), (9), (10), should be deleted. This limits the ability of the community to ask a range of questions. Speech should not be limited; it should be welcomed. Based on these clauses, I would have not been able to ask most of my questions over the course of this Council. That, I submit may breach the <i>Charter of Human Rights and Responsibilities</i> by restricting my ability to participate in the machinery of government.		Disagree. Our draft reflects our current Meeting Procedure, it is appropriate to disallow public questions of this nature. Reasonable limits can and should be imposed on the asking of questions, to prevent the forum being used for inappropriate purposes.	Nil
#53.10	Division 8 - Public Question Time	#53.10 - in the interests of openness and transparency - this should include if any question is disallowed - then the member of the public should be notified in writing the reasons for not allowing the question		Yes, this should be included, and is in our current Meeting Procedure.	Suggested change included

APPENDIX 9.8C

SECTION	SECTION DESCRIPTION	SUBMITTERS ISSUE/CONCERN	SUBMITTERS SUGGESTED CHANGES	HRCC RESPONSE	HRCC PROPOSED CHANGES
#53.16	Division 8 - Public Question Time	#53.16 - INSERT - Public Questions are recorded in the minutes and recordings and broadcast to the public.		Standing Orders will now not be suspended so proceedings will be recorded in the minutes.	Noted but no change required to Governance Rules, see HRCC Response
54.4	Division 9 - Petitions and Joint letters	•	change to 10 as per LGV draft	Disagree.	Nil
#58	Division 10 – Voting - Casting Vote	#58 - LGV covers this with a better explanation Division 11 – Minutes		Disagree.	Nil
#62.1.1	Division 11 - Minutes	#62.1.1 - change to copy of minutes must be delivered to each Councillor no later than 7 business days prior to the meeting. Also believe LGV model for this section gives a better explanation and clearer ruling		Suggest that it aligns with Clause (12.3), 96 hours. The draft Minutes are distributed to Councillors.	Suggested change included
64	Division 11 - Minutes	Minute confirmation should never be deferred.		Disagree. Sometimes time may be required to correct and confirm details of the Minutes.	Nil
#64	Division 11 - Minutes	#64 - don't believe confirmation of minutes should be deferred Division 14 suspension of standing orders believe LGV model is better Item		Disagree. Sometimes time may be required to correct and confirm details of the Minutes.	Nil
74	Division 15 – Miscellaneous – Criticism of Members of Council Staff	This is redundant as the Councillor Code of Conduct covers this behaviour. Additionally, it limits the ability of elected officials to highlight issues with staffing matters. If the CEO is so aggrieved they can take it up with the Councillor out of the meeting. That said, the Mayor should be alert enough to stop this before it happens. Finally, the CEO is not a member of Council and has legislated duties in relation to the <i>Council Meeting</i> . No rules should exceed that legally mandate role.		Disagree. Contrary to what is said in the submission, the clause does not limit the ability of Councillors to criticize staff. It just gives the CEO the right to respond, on behalf of staff. This includes the right to respond to criticism of the CEO, given that – contrary to what is said by the submitter – the CEO <i>is</i> a member of Council staff.	Nil

APPENDIX 9.8C

SECTION	SECTION DESCRIPTION	SUBMITTERS ISSUE/CONCERN	SUBMITTERS SUGGESTED CHANGES	HRCC RESPONSE	HRCC PROPOSED CHANGES
# 74	Division 15 – Miscellaneous – Criticism of Members of Council Staff	# 74 Believe this should be deleted as Councillor Code of Conduct covers this and should be adhered to. There doesn't appear to be an item covering recording of meetings and proceedings (unless I have missed it) Not sure why Maddock Lawyers seem to have completed some of the sections at the rear of the rules	- the LGV model for Conflict of Interest etc is much clearer and believe it should be used Will there be another opportunity for consultation on the Audit and Risk Committee and Election Policy have been added	Disagree.	Nil
		<p>Clauses Missing -</p> <p>k. Recording of Proceedings</p> <p>l. Audit and Risk Committees as per LGV draft.</p> <p>m. Joint Council Meeting as per section 62 of the <i>Local Government Act 2020</i>.</p> <p>n. Election Period Policy as required by section 69 of the <i>Local Government Act 2020</i>.</p>		<p>(k) Not required under the Local Government Act 2020. Council's Audio Recording of Council Meetings policy covers off on this.</p> <p>(l) Audit & Risk is dealt with in accordance with LGAct 2020 is not required to be included in the Governance Rules.</p> <p>(m) Joint Council Meetings Not required under the Local Government Act 2020.</p> <p>(n) Council has already resolved on its Election Period Policy as required 12 months before a general Council Election and has now been separately placed on Council's website for comment, and will be included in the final document.</p>	Nil
		3. The last point (n) is important, and I ponder the legality of the draft circulated – if adopted- as the community has not had the ability to comment on the <i>Election Period Policy</i> .		See above 'n'.	Nil
	Voting – No Discuss Once Declared	Believe it is extremely important to include the "Adequate and sufficient debate" sections 61,62,63 from the LGV model -	Good debate equals a better chance of better results for the municipality.	Disagree. The LGV Model 10.11 provides general guidance and not rules	Nil

1. PURPOSE

The purpose of this Policy is to:

- 1.1. give effect to the Public Transparency Principles;
- 1.2. describe the ways in which Council Information will be made publicly available;
- 1.3. specify which Council Information will be made publicly available as of course; and
- 1.4. describe the categories of Council Information that may be unavailable to the public.

This Policy is adopted under section 57 of the *Local Government Act 2020* (Act).

2. INTRODUCTION

The objective of this Policy is to formalise Council's support for transparency in its decision-making processes and availability of Council Information and to achieve the purpose stated in Part 1 of this Policy.

3. SCOPE

This Policy applies to Councillors and Officers.

4. PRINCIPLES

4.1. Public Transparency Principles

The Public Transparency Principles are set out in section 58 of the Act as follows:

- 4.1.1. Council decision making processes must be transparent, except when Council is dealing with information that is confidential by virtue of this Act or any other Act.
- 4.1.2. Council Information must be publicly available, unless:
 - the information is confidential by virtue of this Act or any other Act; or
 - public availability of the information would be contrary to the public interest.
- 4.1.3. Council Information must be understandable and accessible to members of the Municipal District.
- 4.1.4. Public awareness of the availability of Council Information must be facilitated.

Council will give effect to and implement the Public Transparency Principles in accordance with this Policy.

4.2. Council Decision-Making Processes

- 4.2.1. Council will ensure that the decision-making processes that it adopts are transparent and open to the Community so that the Community is provided with an opportunity for meaningful engagement with Council and its decision-making processes.
- 4.2.2. Without limiting the generality of clause 0, Council's decision-making processes will:
 - be conducted in accordance with the Act and the Governance Rules;
 - unless considering Confidential Information, be conducted in a forum that is open to, and accessible by, the Community; and
 - be informed by the:
 - (a) views of those members of the Community whose rights and interests will be directly affected by the decision; and

(b) responses, if any, to any process of community engagement conducted by Council in respect of the decision, whether in accordance with its Community Engagement Policy or otherwise.

4.2.3. Further details of Council's decision-making process can be found in Chapter 1 of the Governance Rules.

4.3. Availability of Council Information

4.3.1. All Council Information will be made available to the public, unless the:

- Council Information is Confidential Information; or
- Release of the Council Information is assessed by the Chief Executive Officer as being contrary to the public interest.

4.3.2 A list of the categories of Council Information which will generally, subject to this Policy, be made available either on the Council Website, at the Council Offices or on request.

4.4. Publications

Council publishes a range of newsletters, reports and handbooks for residents, businesses and visitors. These publications are available on the Council Website, at the Council Offices or by a request to Council.

4.5. Accessibility of Council Information

4.5.1. Council Information will be made available on the Council Website, at the Council Offices and/or on request.

4.5.2. Council will, to the extent possible, facilitate access to Council Information by:

- 4.5.2.1. making Council Information available in accordance with this Policy;
- 4.5.2.2. endeavouring to make Council Information accessible electronically and in hard copy, where requested; and
- 4.5.2.3. endeavouring to convert Council Information to different accessible formats where necessary for members of the Community for whom:
 - (a) English is their second language; or
 - (b) disability requires an alternative means of access to be provided.

4.5.3. Where a request is made for access to Council Information that is not on the Council Website or otherwise available at the Council Offices, the Chief Executive Officer will:

- review the request;
- assess whether the Council Information requested is Confidential Information, or its release would be contrary to the public interest; and
- notify the Requestor of the outcome of that assessment.

4.5.4. If the Council Information requested is assessed under clause 4.5.2 as not being Confidential Information, or its release is assessed as not being contrary to the public interest, the Council Information will be provided to the Requestor.

4.5.5. The Council Information will be provided to the Requestor by email unless the:

- Requestor seeks access in a different form, including by reference to the matters stated in clause 4.5.2.3 in which case the Council Information will be provided in that form, unless it is impracticable to do so; or

- Chief Executive Officer, having regard to the nature of the Council Information requested, determines that the Council Information should be provided in a different form, such as by inspection.

4.5.6. Council will provide such support to the Requestor as it considers reasonable to ensure that the Council Information provided is understood by them.

4.5.7. If, under clause 4.5.2 the Council Information requested is assessed as being Confidential Information, or its release is assessed as being contrary to the public interest, the Requestor will be advised:

4.5.7.1. that the request has been denied;

4.5.7.2. of the reasons for the request being denied; and

4.5.7.3. of alternative mechanisms by which they may seek access to the Council Information (eg by making a request made under the *Freedom of Information Act 1982*).

4.5.8. Any request for access to Council Information by way of an alternative mechanism under (clause 4.5.7. dot point 3) will be assessed according to the process applicable to it.

4.5.9. Where:

- Council Information requested is assessed under clause 4.5.2 as being Confidential Information, or its release is assessed as being contrary to the public interest; but
- it is practicable for that Council Information to be provided with deletions so that it is suitable for release to the Requestor; and
- the Chief Executive Officer believes that the Requestor would want the Council Information in that format,

the Council Information will be provided in that format.

4.6. Council Information that is Not Available

Some Council information may not be made publicly available. This will occur if the information is Confidential Information, or its release would be contrary to the public interest.

4.6.1 Confidential Information

What constitutes Confidential Information is set out in section 3(1) of the Act and includes information within the following categories:

Type	Description
Council business information	Information that would prejudice 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.

Type	Description
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, if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
Confidential meeting information	Records of Council and Delegated Committee meetings that are closed to the public to consider confidential information.
Internal arbitration information	Information provided to, or produced by, an arbiter for the purpose of an internal arbitration process, other than the findings and the reasons.
Councillor Conduct Panel information	Information: <ul style="list-style-type: none"> • provided to, or produced by, a Principal Councillor Conduct Registrar, for the purposes of an application to form a Councillor Conduct Panel; or • provided to, or produced by, a Councillor Conduct Panel for the purposes of conducting a hearing, other than a decision or reasons for a decision; or • comprising any part of a statement of reasons or other document under the control of a Councillor Conduct Panel that the Councillor Conduct Panel determines contains confidential information.
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> .

4.6.1.1.

In the interests of transparency, Council may, by resolution, determine to release information to the public even though it is Confidential Information.

4.6.1.2.

A decision under clause 4.6.1.1 will generally only be made if Council, on the advice of the Chief Executive Officer, is satisfied that releasing the Confidential Information would not:

- (a) be inconsistent with any legal or contractual obligation;
- (b) cause disadvantage to any person, including Council; and
- (c) otherwise be contrary to the public interest.

4.6.2 Contrary to the Public Interest

4.6.2.1.

Council Information will not be made publicly available if doing so would be contrary to the public interest.

4.6.2.2.

When assessing whether making certain Council Information publicly available would be contrary to the public interest, the Chief Executive Officer will have regard to, among other things:

- (a) the sensitivity of the Council Information;
- (b) whether the Council Information comprises a draft, or otherwise is no longer current; and
- (c) any adverse effect that releasing the Council Information would have on the effectiveness of Council's decision-making processes.

4.6.2.3.

Without limiting clause 4.6.2.20, factors that might lead to a decision that the release of Council Information is contrary to the public interest might include whether release would be likely to:

- (a) disclose Personal Information or Health Information;
- (b) disclose information or opinions of a preliminary nature such that they might:
 - (i) mislead the Community with respect to Council's position on a matter; or
 - (ii) have a substantial adverse effect on the economy of the Municipal District;
- (c) prejudice discussions or negotiations between Council and any other party, in relation to a contract, legal proceedings or any other matter;
- (d) impair or otherwise impact on:
 - (i) Council's ability to obtain information in future that is similar in nature to the Council Information;
 - (ii) negotiations with respect to employment arrangements for Officers; or
 - (iii) defence, prosecution and settlement of legal proceedings; or
- (e) impact on the reasonable allocation of Council's resources, including in responding to requests for Council Information that are assessed by the Chief Executive Officer as being frivolous, vexatious or repetitious in nature.

4.7. Public Awareness of Availability of Council Information

Council will ensure public awareness of this Policy and the availability of Council Information by:

- 4.7.1 publishing this Policy on the Council Website;
- 4.7.2 making this Policy available for public inspection at Council's offices;
- 4.7.3 converting this Policy to such accessible formats, having regard to clause 4.5.2.3 as the Chief Executive Officer determines; and
- 4.7.4 ensuring that all Officers:
 - are aware of this Policy and its effect; and
 - direct members of the Community to this Policy when access to Council Information is sought.

4.8. Human Rights Charter

This Policy has been assessed against the *Charter of Human Rights and Responsibilities Act 2006* as being consistent with that Act and, in particular, as promoting the rights of members of the Community:

- 4.8.1. not to have their privacy interfered with (section 13); and
- 4.8.2. take part in public life (section 18), by having the opportunity to:
 - participate in the conduct of Council's affairs; and
 - have access to Council and Council Information.

4.9. Dissatisfaction with the Application of this Policy

4.9.1. If a Requestor is dissatisfied with Council's application of, or believes that Council has acted inconsistently with, this Policy, they can report their dissatisfaction to Council's Freedom of Information (FOI) Officer by:

- email to council@hrcc.vic.gov.au or
- telephone on (03) 5382 9777.

4.9.2. If the Requestor believes that the matter remains unresolved, it can be reported to the Victorian

Ombudsman by:

- making a complaint online at <https://www.ombudsman.vic.gov.au/complaints>; or
- telephone on (03) 9613 6222.

4.10. Application of this Policy

4.10.1. This Policy applies to all Council Information, except Council Information which is made available, or is otherwise accessible, under another Act (other than an Act which refers to this Policy).

4.10.2. Without limiting the generality of clause 4.10.1, this Policy does not apply to Council Information which is:

- required to be made available under the *Planning and Environment Act 1987*;
- required to be made available under the *Building Act 1993*; or
- otherwise required to be made available on payment of a fee or charge.

4.11. Authority for this Policy

4.11.1. The Chief Executive Officer is responsible for the application and operation of this Policy.

4.11.2. The Chief Executive Officer may, from time to time, authorise another Officer or Officers to fulfil any of the Chief Executive Officer's functions and duties under this Policy.

4.11.3. Where another Officer is or other Officers are authorised under clause 4.11.2, any reference in this Policy to the Chief Executive Officer is to be read as a reference to that Officer or those Officers.

5. MONITORING, EVALUATION AND REVIEW

Council will review this Policy periodically to ensure that it continues to reflect the expectations of the Community with respect to the availability and accessibility of Council Information.

6. COMMUNICATION

This Policy is available on the Horsham Rural City Council website – www.hrcc.vic.gov.au

7. RESPONSIBILITY

Policy Owner: Manager Governance and Information

8. DEFINITIONS

In this Policy, the following words and phrases mean:

Definition	Meaning
Act	means the <i>Local Government Act 2020</i>
Chief Executive Officer	includes an Acting Chief Executive Officer
Closed Meeting	means a Meeting that is closed to members of the public
Community	means the residents and ratepayers of, and visitors to, the Municipal District and may, depending on the context, refer to all of those people or to particular subsets of those people
Confidential Information	means confidential information as defined in section 3(1) of the Act
Council	means Horsham Rural City Council
Council Information	means all documents and other information held by Council
Council Offices	means the offices of Council located at Roberts Avenue, Horsham
Council Website	means Council's website at www.hrcc.vic.gov.au
Governance Rules	means the governance rules adopted by Council under section 60 of the Act, as amended from time to time
Health Information	means health information as defined in section 3(1) of the <i>Health Records Act 2001</i>
Meeting	means a meeting of Council or a Delegated Committee
Municipal District	means the municipal district of Council
Officer	means a member of Council staff, and includes the Chief Executive Officer
Personal Information	means personal information as defined in section 3(1) of the <i>Privacy and Data Protection Act 2014</i>
Public Interest Test	means Council is not required to make publicly available information if the release would be contrary to the public interest, in accordance with the <i>Local Government Act 2020</i> . When considering public interest, Council will apply the test that exists in the <i>Freedom of Information Act 1982</i> . 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.
Public Transparency Principles	means the public transparency principles set out in section 58 of the Act and reproduced in Part 4 of this Policy
Requestor	means a person making a request to access Council Information under and in accordance with this Policy

9. SUPPORTING DOCUMENTS

Document	Location
HRCC Governance Rules	www.hrcc.vic.gov.au
HRCC Community Engagement Policy	www.hrcc.vic.gov.au
HRCC Information Privacy Policy	www.hrcc.vic.gov.au
<i>Local Government Act 2020</i>	Internet
<i>Local Government Act 1989</i>	Internet
<i>Privacy and Data Protection Act 2014</i>	Internet
<i>Freedom of Information Act 1982</i>	Internet
<i>Charter of Human Rights and Responsibilities Act 2006</i>	Internet
<i>Equal Opportunity Act 2010</i>	Internet

10. DOCUMENT CONTROL

Version Number	Approval Date	Approval By	Amendment	Review Date
01	** August 2020	Council	New Policy, in accordance with the requirements of the <i>Local Government Act 2020</i> .	August 2024

Appendix 1

For the purposes of clause 4.3 of this Policy, the following Council Information will generally, and subject to this Policy, be made available either on the Council Website or on request by a member of the Community.

1. Documents such as:

- Plans and Reports adopted by Council;
- Council Policies;
- Project and Service Plans;
- Service Agreements, Contracts, Leases and Licences; and
- Relevant technical reports and/or research that inform Council's decision-making.

2. Process information such as:

- Application processes for approvals, permits, grants, access to Council services;
- Decision-making processes;
- Guidelines and Manuals;
- Community Engagement Processes; and
- Complaints Handling Processes.

3. The following Council Information will be available on Council's website:

- Council Meeting Agendas;
- Minutes of Council Meetings;
- Audit and Risk Committee Charter;
- Terms of Reference for Delegated Committees;
- Gift Registers for Councillors and Council Staff;
- Travel Registers for Councillors and Council Staff;
- Registers of Conflicts of Interest disclosed by Councillors and Council Staff;
- Registers of Leases entered into by Council;
- Register of Delegations;
- Register of Authorised Officers;
- Register of Election Campaign Donations;
- Summary of Personal Interests; and
- any other Registers or Records required by the Act or any other Act.

ASSEMBLY OF COUNCILLORS REGISTER

**COUNCIL BRIEFING MEETING VIA ZOOM (VIDEO CONFERENCING)
MONDAY 3 AUGUST 2020 AT 6.52PM**

PRESENT: Cr MA Radford, Mayor; Cr P Clarke, Cr DA Grimble (until 7.09pm), Cr A Gulvin Cr J Koenig, Cr L Power; Sunil Bhalla, Chief Executive Officer; Graeme Harrison, Director Corporate Services; John Martin, Director Infrastructure; Kevin O'Brien, Director Communities and Place; Joel Hastings, Acting Manager Investment Attraction and Growth (item 3.1 only); Diana McDonald, Co-ordinator Governance (items 3.2 and 3.3 only)

APOLOGY: Cr J Robinson

1. WELCOME AND INTRODUCTION

Cr Radford welcomed everyone.

2. DISCLOSURE OF CONFLICT OF INTEREST SEC 79, LOCAL GOVERNMENT ACT, 1989 (AS AMENDED)

Nil.

3. COUNCIL MEETING REPORTS FOR DISCUSSION

3.1 Business and Community Support Package

Joel Hastings provided presentation.

3.2 Local Government Act 2020 – Governance Rules

Discussed – final document will be provided to 10 August 2020 Council Briefing meeting.

3.3 Local Government Act 2020 – Delegated Committees

Discussed – final documents will be provided to 10 August 2020 Council Briefing meeting.

4. GENERAL DISCUSSION

4.1 Letter from Dr Anne Webster, Member for Mallee

Discussed.

Meeting closed 8.20pm

ASSEMBLY OF COUNCILLORS REGISTER**COUNCIL BRIEFING MEETING VIA ZOOM (VIDEO CONFERENCING)
MONDAY 10 AUGUST 2020 AT 5.04PM**

PRESENT: Cr MA Radford, Mayor; Cr P Clarke (until 7pm), Cr DA Grimble, Cr A Gulvin, Cr J Koenig, Cr L Power (from 5.20pm), Cr J Robinson; Sunil Bhalla, Chief Executive Officer; Graeme Harrison, Director Corporate Services; John Martin, Director Infrastructure; Kevin O'Brien, Director Communities and Place; Carolynne Hamdorf, Manager Arts, Culture and Recreation (item 3.1 only); Sue Newall, Project Management Contractor (item 3.1 only); Krishna Shrestha, Manager Strategic Asset Management (items 4.1 and 4.2 only); Diana McDonald, Co-ordinator Governance (items 4.3 to 4.6 only)

APOLOGIES: Nil

1. WELCOME AND INTRODUCTION

Cr Radford welcomed everyone.

2. DISCLOSURE OF CONFLICT OF INTEREST SEC 79, LOCAL GOVERNMENT ACT, 1989 (AS AMENDED)

Cr P Clarke declared a conflict of interest in regard to item 4.13, she currently lives in Mardon Drive, Horsham.

3. PRESENTATION

3.1 City to River – Riverfront Activation Concept Plan

Discussed.

4. COUNCIL MEETING REPORTS FOR

4.1 Long Vehicles

Discussed

4.2 Landfill Cell Construction Tender

Discussed.

4.3 Local Government Act 2020 – Governance Rules

Discussed

4.4 Local Government Act 2020 – Transparency Policy

Discussed

4.5 Local Government Act 2020 – Councillor Expenses Policy

Discussed

4.6 Local Government Act 2020 – Audit and Risk Committee Charter

Discussed

4.7 Civic Centre Customer Service Front Entry Tender

Discussed

4.8 Road Construction Tenders – Confidential

Discussed

4.9 Economic Development Report

Discussed

4.10 Delegation Update

Discussed

4.11 Community Satisfaction survey Improvement Plan

Discussed

4.12 Rural Road Network Plan – Consultation

Discussed

4.13 Proposed Reserve Naming – Confidential

Discussed

4.14 Street Name Request – Treacey

Discussed

5. GENERAL DISCUSSION

Meeting closed 8.00pm

Minutes

Horsham Tidy Towns Committee Meeting
To be held on Tuesday, 21 July 2020 at 2:00 pm
Zoom

<https://zoom.us/j/99141961896?pwd=MHVSVlpNbnlBM1JVR1oyL29DbC96dz09>

Attendees: Cr Les Power, Lucy De Wit, Gary Aitken, David Eltringham (acting Chair), Mary-Jean Kerr, Kola Kennedy, Cheryl Linke

Apologies: Gillian Vanderwaal, Don Mitchell, Jan Morris, John Martin, Neil King

1. Welcome

- Acting Chair welcomed Mary-Jean to her first meeting.
- David has spoken to La Vergne and she informed that she has resigned, David thanked her for her time on the committee and she indicated there was no ongoing representation probable.

2. Minutes of the previous meeting – 16 June 2020

Moved: Les Power **Seconded:** Gary Aitken that the minutes of the previous meeting were true and correct.

3. Business arising from previous minutes

Railway Station- issue is not just the building but the committee is also interested in the surroundings and environment and what we can do to make sure it is neat and tidy. A V/Line meeting on the 31st July, may shed some light on this and also on graffiti concerns.

List of issues for bus tour with Councilors'- Moved: Gary, Seconded: Cheryl, that the date be differed for the bus trip with Councilors once Covid restrictions ease.

New Committee members- Geraldine Drum to rejoin the committee as a Lion's club member and Neil to represent as Rotary Club member. Write letters to their individual Service Clubs to suggest that they represent their clubs on our committee- Moved- Cheryl, Seconded- Les. Also write letter to schools requesting for a representative – Action: John to draft letters.

Cleanup on the highway- nothing has been done yet due to Covid, however Tanya Barnes has ensured it will happen when normal activities resume.

Coles/ Woolworths Carparks- David will write letters to property owners and local managers of both supermarkets regarding maintenance, disrepair and cleaning of the carparks.

Dooen Road Entrance- David and Kola will inspect onsite.

Toilet Block east end of the river - keep on action list.

Letter regarding Police Paddock- Les to see John. Concerns that if the entrance road was sealed it might encourage people to do 'burnouts'.

Mini Street Sweeper- *John's notes- had some initial reluctance from staff due to the weight of the machine, though the machine selected was chosen for its power, sweeping/suctioning capacity. There were some damaged pavers in some locations, but that was found to be soft spots. The challenge is that the pavers are porous, and if they had been sealed, it has not been very effective. The sweeper is being used appropriately to try to clean the pavers. There should be no doubt of this given comments that in other areas the sweeper is doing damage to the path in some areas.*

An idea to consider is that as the City to River project progresses to the CBD area, this Committee might seek:

- *To be represented on the Community Reference Group for planning of the works.*
- *For the pavers to be replaced with an improved surface, that is sealed, but is non-slip especially when wet.*

David- believes that the pavers were sealed in 2010 and need to be re done. Committee was also against changing pavers to asphalt. Need for ongoing CBD footpath cleaning program.

4. Correspondence

4.1 Inwards

- Tidy Town Awards night invite- Lucy circulated.
- Tidy Towns 2020 Awards Regional Presentations- 18th August 10am- Lucy to send out more info and resend invite.

5. General Business

5.1 Committee member reports

- **Mary-Jean-** lived here for 7 years after moving from Melbourne. Passionate about waste management and sustainability. Haven't been on a Council committee before but enjoying to see how it all works. Interested in being involved in social media promotions for the Tidy Town Committee.
- **Kola/ Cheryl-** Woolworths carpark, walls and gutters carpark need cleaning. Moved: Cheryl, Seconded: Kola that a letter also be sent to Woolworths re Carpark.
- **Les-** If you would like to see trees planted in any area let Council know.
- **David-** cigarette butt holders on bus shelters have no bottoms which causes butts to fall onto foot path. Need better bus shelter maintenance. Large rubbish bins that were put in the main street a few years ago had artwork on them. Some artwork I now faded and should be replaced.
Line marking around the town needs to be redone as it is hard to see the lines in most areas of the town. Line marking also creates a 'we care' Tidy Town image.
- **Gary-** proposed location for Information Centre to Town Hall is not a good idea as it will make it very difficult for caravans to visit the Centre.

6. Next Meeting

The next meeting 18th August 2020.

7. Meeting Close

David Eltringham
Acting Chairperson
Horsham Tidy Towns Committee

Western Highway Action Committee



WESTERN HIGHWAY ACTION COMMITTEE (WHAC) 10.00AM, Friday 7 August 2020

Via Zoom

Minutes

1. Welcome & Open Meeting Chair, Cr Kevin Erwin

Cr Kevin Erwin – Northern Grampians
Cr Richard Hicks – West Wimmera
Cr Jo Armstrong – Ararat
Cr David Grimble – Horsham
Cr Michelle Mendes – Melton

Damian Vandyke – MRPV
Angela Daraxoglou – DoT
Daniel Kowalczyk - VicRoads

Tim Harrison – Ararat
Michael Evans – Yarriambiack
Douglas Gowans – Pyrenees
John Martin – Horsham
Paul Spencer – Hindmarsh
Sam Romaszko – Melton
Phil Jeffrey – Moorabool
Vaughn Notting – Ballarat
Trenton Fithall – Northern Grampians

2. Apologies:

Cr Grant Tillett, Ballarat
Cr John Keogh, Moorabool
Cr Ferrari, Pyrenees

Julie Cronin, Ararat
Michael Bailey, RRV
Angela Hoy
Mark Marziale, West Wimmera

Motion: That the apologies be accepted. Moved Cr Hicks / Cr Grimble

3. Minutes of Meeting held 12 June 2020

Motion: That the minutes of the meeting of 12 June 2020 be accepted as a true and correct record of that meeting. Moved Cr Grimble / Cr Hicks, Carried.

4. Business from previous Minutes

- Invitation to Paul Northey – unavailable for today's meeting – invited for October
- Letter to Minister re release of Corridor Strategy – see correspondence
- Preparing lobby documents – not yet done.

5. Correspondence

Inward:

Date	From	Subject
July 2020	RRV	Bacchus Marsh East Link Update

Address correspondence to: **WHAC** Secretariat, PO Box 511 Horsham VIC 3402

Phone 03 5382 9724 **Email** lucy.dewit@hrcc.vic.gov.au

Western Highway Action Committee Members

Melton City Moorabool Shire Ballarat City Pyrenees Shire Ararat Rural City Yarriambiack Shire
Northern Grampians Shire Horsham Rural City Hindmarsh Shire West Wimmera Shire



Western Highway Action Committee

July 2020	RRV	Beaufort Bypass Update
30 Jul 20	Ombudsman	Investigation re Western Hwy Duplication

Outward:

Date	To	Subject
31 Jul 20	Minister for Roads	Release of Corridor Strategy

Motion: That the correspondence be received. Moved Cr Grimble / Cr Hicks. Carried.

6. Financial Statement (*circulated*)

Current balance \$59,324.71

Motion: That the finance report be accepted. Moved: Cr Hicks / Cr Grimble, Carried.

7. Reports

- DoT / RRV – Angela Daraxoglou

Report circulated. Key new points:

- Federal funding received for works along the highway.
 - Realignment of the Pykes Ck bend at west end. Works to start this calendar year. **Action – Angela to advise start date, and extent of land acquisition.**
 - Stage 2 of the WRSB near Ballarat.
 - Three other projects awaiting advice re works proposed for Nhill, Horsham and Stawell.
- Beaufort bypass
 - Technical working group meeting next week.
- Ararat bypass – consultant will be on board for route assessment starting next week.
- A range of maintenance projects outlined, including some deep lift asphalt work.
- Development work at the Learmonth Rd interchange anticipated to receive funding in the State budget.
- Bacchus Marsh Eastern Link planning study is continuing, working on a range of alignment options.
- Follow-ups from last meeting:
 - Water coming through pavement near Pykes Ck – maintenance crew is well aware of this and working on a solution. Vaughn Notting advised of a product they are using which is proving successful in similar situations – **Action - Vaughn to circulate information.**
 - Statistics about the impact of Covid on transport. A table was presented in the report, as follows:

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Western Highway Action Committee

	Week commencing 24 Feb (Ballan)	Week commencing 6 Jul (Ballan)	Week commencing 24 Feb (Victoria)	Week commencing 6 Jul (Victoria)
Light vehicles	140,000 (baseline)	79,255 (-43.39%)	3,810,661 (baseline)	2,355,371 (-38.19%)
Heavy rigid vehicles	15,648 (baseline)	11,551 (-26.19%)	417,788 (baseline)	360,973 (-13.6%)
Heavy articulated vehicles	14,877 (baseline)	13,661 (-8.17%)	243,299 (baseline)	231,318 (-4.92%)

Table - Western Highway Traffic volumes by vehicle classification (measured at Ballan)

- DoT had been looking at increasing works while traffic numbers have been low, but Stage 4 Covid restrictions limit the presence of workers on site in the metropolitan area.

Questions / Comments:

- WRSB – has there been an increase in maintenance on WRSB to reduce the time after they are damaged? A – There is a component of funding for maintenance, the time response is improving.
 - Also suggested that Councils with RRV maintenance contracts could be authorised / trained to conduct these repairs.
- **VicRoads North West Metro – Daniel Kowalczyk**
 - Deer Park bypass – buttress works completed.
 - Thornhill Park Rockbank – all lanes now open.
 - Still working on scope of works for \$50M funding commitment.
 - Anticipates being able to provide more detail regarding the Western Interstate Freight Terminal, in Truganina at the next meeting. In short, a precinct south of the Western Freeway is planned with this, which is also intended to link with the OMR corridor. Some early concept designs are emerging to address connections to the Freeway.
- **Major Roads Projects Victoria – Damian Vandyke**
 - Ballarat to Beaufort
 - Holding treatments occurring until weather improves to allow full repair.
 - Ombudsman’s Report into Duplication works
 - Favourable report re the Government process taken for the works
 - There is also a short video on the website that is worth reviewing and additional background information which is of interest.
 - Federal Minister re ATSI Protection Act
 - Minister has declined to make a decision regarding the application to protect some trees east of Ararat. This means that no protection is considered to be required.
 - Needs some clarification of status before full works can now proceed. Being winter the ability to gear up works is not immediate.
 - **Action – that we prepare a public statement about the outcomes of the Ombudsman’s Report and Federal Minister decision. Kevin / Damian / John**

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Western Highway Action Committee

- No update yet re the Ararat-Stawell Section
- **Members**
 - **Melton – Cr Mendes**
 - Main concern from the local community is the lack of an interchange at Bulmans Rd. Traffic is bumper to bumper through Melton, especially with new developments coming online. Bacchus Marsh / Maddingley are also generating more traffic through Melton. Seeking support from the Committee re this priority.
 - Daniel acknowledged that this is a priority for Council and has been for several years. DoT has identified complexities requiring investigation whereby planning provisions for interchanges in Melton allow for three full diamond interchanges in a 3 km stretch, however from an engineering perspective it is likely that only two interchanges would be possible to operate in this section. A decision on investment for a Bulmans Road interchange will need to assess integration outcomes with the adjacent Coburns and Harkness Rds interchange locations. DoT proposes to include this assessment as part of consideration for the \$50m Commonwealth Commitment for infrastructure upgrades on the Western Freeway. DoT is awaiting a Federal decision to proceed with investigations to inform the \$50M program and is proceeding with preparation of procurement documents to enable these investigations to proceed when possible. The scope and timing of any construction works will be subject to a business case.
 - In response, it was suggested that Harkness Rd may not justify an interchange.
 - Daniel advised that future growth has led to planning provision for an interchange at Harkness Rd.
 - **Motion: That WHAC, with Melton and Moorabool Councils, make representations to the Federal Minister for Infrastructure Transport and Regional Development to advance a funding commitment for the Bulmans Rd interchange as an immediate priority. Moved Cr Mendes / Cr Grimble. Carried.**
 - Action – Sam to provide some info to John to support this proposal.
 - **Moorabool – Nil**
 - **Ballarat – Nil**
 - **Pyrenees – Doug Gowans**
 - Looking forward to further community discussion re the Bypass.
 - No action yet on the Red Light Camera. **Action – JM to send a reminder.**
 - **Ararat – Cr Armstrong**

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Western Highway Action Committee

- Waiting patiently for some action on the duplication in light of recent announcements
-
- **Northern Grampians – Nil**
- **Horsham – Cr Grimble**
 - Awaiting advice from RRV re work on the Alternative Truck Route, which is understood to be dependent on the State budget.
 - A permit for a fuel stop east of Horsham is advancing.
- **Hindmarsh - Nil**
- **West Wimmera – Cr Hicks**
 - The border closure continues to be an issue. Some changes in procedures, including a requirement for testing. The local community relies on cross-border trade. The cross-border commissioner is working with Council regarding this. Traffic is very low – Richard lives right on the highway.
- **Yarriambiack – Michael Evans**
 - North West Regional Passenger Study is underway.

Motion: That the reports be received. Moved Cr Hicks / Cr Mendes. Carried

8. General Business

- What is the status of congestion at the Beaufort traffic lights in peak periods? Doug advised that the sequence timing for peak periods has been satisfactorily addressed.
- An invitation has been sent for the ALGA national roads congress in Wagga Wagga in November. It was proposed that we use some of our lobbying information and case studies of recent issues, e.g. the Ombudsman's report, to seek to be on the agenda for the congress. Draft material to be presented to the next meeting. **Action - JM**
- We need to consider future developments, e.g. duplication beyond Stawell. This will be part of our response to the Corridor Strategy, once released. Some of our funding could be used to undertake studies to support our position.

9. Next Meeting

2 October 2020

10. Close

Cr Kevin Erwin
Chair

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