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## COUNCIL MEETING AGENDA - 29 AUGUST 2023

### *Vision:*

*Indigo Shire - leading sustainable growth, community and cultural diversity, and climate action.*

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**TO BE HELD:** Tuesday, 29 August 2023 at 6.30pm

**LOCATION:** Council Chambers, 2 Kurrajong Way, Beechworth, and livestreamed on Council's website

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<b>ATTENDEES:</b>	<b>NAME</b>	<b>TITLE</b>
	Cr Sophie Price	Mayor
	Cr Bernard Gaffney	Deputy Mayor
	Cr Peter Croucher	Councillor
	Cr Sue Gold	Councillor
	Cr Roberta Horne	Councillor
	Cr Diane Shephard	Councillor
	Cr Emmerick Teissl	Councillor
	Trevor Ierino	Chief Executive Officer
	Ian Ellett	Director Infrastructure Services
	Greg Pinkerton	Director Planning & Corporate Services
	Sally Rice	Director Community & Economic Development
	Annabel Harding	Governance Coordinator

*Council meetings are live streamed and recorded. The voices and images of those participating in the meeting, and in the gallery, may be captured as part of this recording.*

### **Acknowledgement of Country**

Indigo Shire Council acknowledges the original custodians of these lands. The people of the rivers and the hills have walked these lands for thousands of years as well as today, and we pay respect to the elders of the past and present.

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1. **WELCOME**
2. **ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND**
3. **APOLOGIES AND LEAVE OF ABSENCE**
4. **DECLARATION OF CONFLICT OF INTEREST**
5. **OPEN FORUM**

*Responses given by Councillors and Council Staff during Open Forum are the opinion of the individual responders, and accurate at the time of response, to the best of their knowledge.*

6. **COMMUNITY AND COUNCIL ACHIEVEMENTS**
7. **CONDOLENCES**
8. **CONFIRMATION OF MINUTES FROM PREVIOUS MEETING(S)**

### **RECOMMENDATION**

That the following Minutes be confirmed:

1. Minutes of the Council Meeting held on 25 July 2023, as published on Council's website;  
and
2. Confidential Minutes of the Council Meeting held on 25 July 2023, as provided to Councillors under separate cover.

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### 9. BUSINESS ARISING FROM PREVIOUS MINUTES

Questions from two questioners were provided to the Open Forum section of the Council meeting on 25 July 2023, however neither questioner was present. Under Governance Rule 35(e.), a questioner must be present at the meeting for the question to be dealt with. As the questioners were not present at the meeting, the following written responses were provided instead:

#### Question from Tiffany Ellis

*The question is in relation to the indefinite closure of the Gorge road through the Historic Park by Parks Victoria. I am wondering if Council would obtain access to the Engineers report and subsequent recommendations to repair the bridge after the flood damage last year?*

*And I am curious to know if there is an option to have pedestrian passage across the bridge, even if motor vehicles are not permitted until repair or replacement is completed?*

Response Provided by Sally Rice, Director Community & Economic Development

Parks Victoria are currently working with their insurer and a forensic engineer to determine the extent of the damage to the Spring Creek Bridge and to determine what works need to be undertaken to repair and reopen the bridge. Reinstating pedestrian access to The Gorge Scenic Drive is something that Parks Victoria are currently looking into, and once engineering advice has been obtained regarding this specific action they will have a clearer understanding of if this is possible.

#### Question from Kelvin Granger and Dean Hurlston, Council Watch

*Can council please advise the dollar (\$) amount of "cost shifting from State Government" they estimate they incurred in 2022/23 Financial Year?*

Response Provided by Greg Pinkerton, Director Planning & Corporate Services

Council's response is that this is an important topic, and cost shifting is one of the significant pressures on local government. The Municipal Association of Victoria (MAV) regularly advocates for greater recognition of cost shifting and is actively participating in the *State Upper House inquiry into Local Government Finances*. As the peak local government organisation in Victoria the MAV is an important resource for information on issues impacting Councils, including cost shifting.

From Indigo Shire Council's perspective it is difficult to answer your question specifically because you have not provided a definition of cost shifting or a clear way of calculating a dollar amount. Cost shifting comes in many forms, including direct service delivery, as well as increased legislative and governance requirements on Councils. Without a clear definition of what you are seeking I am not able to provide a dollar estimate.

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## **COUNCIL MEETING AGENDA - 29 AUGUST 2023**

### **10. PETITIONS**

Nil reports

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### 11. PLANNING & CORPORATE SERVICES

#### 11.1 JULY 2023 FINANCE REPORT

File No: 2023/605

Sharon Phillips - Acting Manager Finance

Planning & Corporate Services

#### For Decision

#### **RECOMMENDATION**

That Council accepts the July 2023 finance report.

#### PURPOSE OF REPORT

The purpose of this report is to inform Council of the financial position for the 2023/24 financial year to 31 July 2023.

#### BACKGROUND

Each month Council reports the year to date (YTD) financial result. The year to date figures contained within this report and attachments compare the July result against the YTD adopted annual budget.

It is important to note that this report covers the month of July, however the late close of the June period results in some unusual results in the first month of each financial year. Therefore, this report should be read as an indicative position, and greater clarity will be seen as the next few months are reported.

#### DISCUSSION

The income statement shows that Council is \$223k unfavourable on a year to date basis compared to the 2023/24 annual budget.

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July 2023 - income statement						
Account Group	Year to Date ( YTD )				2023/24 Annual Budget	July YTD 2022/23 Actual
	YTD actuals	YTD budget	YTD Variance \$	YTD Variance %		
<b>Income</b>						
Contributions - Developer	0	0	0	(100%)	31,213	0
Contributions - Operating	351	467	(116)	(25%)	37,083	1,058
Operating Grants	31,809	28,980	2,829	10%	7,067,189	29,132
Interest Income	(20,745)	(20,745)	0	0%	590,200	(1,716)
Other Revenue	130,866	135,097	(4,231)	(3%)	2,518,677	155,877
Rates & charges	19,626,400	19,576,460	49,940	0%	19,710,441	0
Reimbursements	2,277	3,425	(1,148)	(34%)	71,916	21,653
Statutory Fees & Fines	55,298	62,241	(6,943)	(11%)	1,257,326	65,265
User Charges	727,655	732,503	(4,848)	(1%)	4,545,341	804,768
<b>Total Income</b>	<b>20,553,910</b>	<b>20,518,428</b>	<b>35,482</b>	<b>0%</b>	<b>35,829,385</b>	<b>1,076,036</b>
<b>Expense</b>						
Borrowing Costs	3,331	3,167	(164)	(5%)	31,079	3,198
Contract Payments	692,123	496,808	(195,315)	(39%)	7,412,723	676,127
Depreciation	633,167	633,482	315	0%	7,579,686	623,285
Employee Costs	809,739	857,752	48,013	6%	14,602,772	749,864
Materials & Consumables	1,660,890	1,579,426	(81,464)	(5%)	5,512,839	1,085,698
Other Expenses	475,041	439,966	(35,075)	(8%)	3,236,133	403,521
Utilities	26,480	31,894	5,414	17%	622,960	26,146
<b>Total Expense</b>	<b>4,300,770</b>	<b>4,042,495</b>	<b>(258,275)</b>	<b>(6%)</b>	<b>38,998,192</b>	<b>3,567,839</b>
<b>Surplus / (Deficit)*</b>	<b>16,253,140</b>	<b>16,475,933</b>	<b>(222,793)</b>	<b>(1%)</b>	<b>(3,168,807)</b>	<b>(2,491,803)</b>
* For both actual and budget a positive net result means a favourable contribution to Council, which is referred to as a Surplus and a negative net result means a unfavourable contribution to Council, which is referred to as a Deficit.						
(Red variance) is unfavourable						
Black variance is favourable						

### Expenditure

#### Contract Payments

YTD unfavourable variance of **\$195k** is due to

- \$86k in Natural Disasters costs to be recovered when works complete.
- \$32k in Building and property. Timing variance for unplanned rectification works.
- \$29k Bogong Group Bushfire Resilience project – Carry over grant funded from 2022/23.
- \$16.5k in Environmental Health Contractors to cover staff vacancy and alpine work.
- \$12k in Risk Management. Unbudgeted Work cover Insurance.
- \$19.5k across multiple smaller variances, including Temporary Employment costs, Building Maintenance and training.

#### Materials and Consumables

YTD unfavourable variance of **\$81k** is mainly due to a \$79k higher than budgeted Asset and Public Liability insurance costs.



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### CASH

Council's Cash position at the end of July 2023 was \$11.4 million. This is lower than the same period last year (\$15.92 million).

#### Indigo Shire Council - Cash & Investment Report as at 31st July 2023

<b>Bank</b>	<b>Term</b>	<b>Rate %</b>	<b>Due Rollover</b>	<b>Amount</b>
WAW	153	3.75	7/09/2023	1,000,000
Hume Bank	184	3.30	5/11/2023	500,000
IMB Bank	123	5.05	6/12/2023	1,000,000
Defence Bank	90	3.50	26/08/2023	1,000,000
Rabobank Bank	153	3.90	4/09/2023	1,000,000
Bank Vic	180	4.45	9/10/2023	1,000,000
Bendigo Bank	184	5.30	10/01/2024	1,000,000
<b><u>Total of All Investments</u></b>				<b>6,500,000</b>
Indigo Shire Operating Account		3.50		4,905,673
WAW Credit Union S13		0.01		114
<b><u>Total Operating Cash Position</u></b>				<b><u>4,905,786</u></b>
<b><u>Total Cash Position</u></b>				<b><u>11,405,786</u></b>

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### CAPITAL WORKS

The combined YTD project expenditure as at the end of July, across both the Capital Works and Non ISC asset project areas totals \$418,664 this total is comprised of \$411,988 in capital projects and \$6,676 against Non ISC assets. This represents 2.3% of the capital works budgeted program.

Capital works expenditure	2022/23			2023/24		
	Annual Budget	YTD actuals	% Complete	Annual Budget	YTD actuals	% Complete
Capital works total	16,797,980	226,249	1.3%	17,732,000	411,988	2.3%

A more detailed commentary on capital works and major project expenditure is provided in the monthly capital report later in the Council meeting agenda.

### STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.1 Our financial management is sound, responsible and effective.

### SOCIAL/COMMUNITY IMPLICATIONS

This report provides details of Council's performance across a range of services, works and programs that support and enhance the wellbeing of residents and visitors to Indigo Shire.

### ENVIRONMENTAL IMPLICATIONS

In May 2017 Council adopted the following resolution.

*That Council:*

1. *divests its investments (when they become due) to financial institutions that do not invest in the fossil fuel industry;*
2. *divests future long-term borrowings when they fall due, to financial institutions that do not invest in the fossil fuel industry;*
3. *notes that Council will retain the current (non-divested) transactional banking provider at this time, however Council will advise this bank the intention to move to a divested provider in the future if they continue to support the fossil fuel industry; and*
4. *writes to Council's current banking providers to advise them of Council's stance on fossil-free financial institutions*

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In accordance with this resolution;

- All investments are held with financial institutions that have divested their interests away from fossil fuel companies.
- Transactional banking has not been reassessed since the resolution and remains with a non-divested bank.

### FINANCIAL IMPLICATIONS

Addressed throughout the report.

### LEGISLATIVE IMPLICATIONS

The Local Government Act requires Council to report financial information quarterly. Indigo Shire Council report financials on a monthly basis, as well as a more comprehensive Report at completion of each quarter.

All financial reporting is compliant with the Australian Accounting Standards and audited annually by the Victorian Auditor General Office.

### RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Poor performance against budget	Possible	Moderate	Medium	Regular monitoring and reporting of financial position

### COMMUNITY ENGAGEMENT

#### CONSULTATION/COMMUNICATION UNDERTAKEN

Nil

#### CONSULTATION/COMMUNICATION PROPOSED

Each month Council reports on financial performance in the public Council Meeting. This is part of the annual performance planning and reporting cycle that also includes annual budgets (operating and capital), monthly reports, and annual financial and performance reporting.

### CONCLUSION

In summary, the first month of the financial year is behind when comparing to the YTD budget expectations. Historically July is a complicated by various adjustments that relate to the end of financial year process, with the August report being more indicative of the early tracking in the new financial year.

### DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Greg Pinkerton – Director Planning & Corporate Services

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- Sharon Phillips – Acting Manager Finance

### Attachments

1.   Service Plan Statement - July

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

### 12. COMMUNITY & ECONOMIC DEVELOPMENT

#### 12.1 VICTORIAN GOLDFIELDS WORLD HERITAGE LISTING BID - MOU

File No: 2023/601

Susannah Doyle - Manager Tourism

Community & Economic Development

#### For Decision

#### RECOMMENDATION

That Council:

1. Endorses the Memorandum of Understanding between Indigo Shire Council and the Victorian Goldfields World Heritage Listing Bid stakeholders;
2. Authorises the CEO to sign the Memorandum of Understanding for and on behalf of Indigo Shire Council; and
3. Commit to participating in the Victorian Goldfields UNESCO Bid.

#### PURPOSE OF REPORT

This report provides Council the mechanism through which it considers:

- Endorsing and signing, a Memorandum of Understanding with the Victorian Goldfields World Heritage Listing Bid stakeholders; and
- Committing to Indigo Shire Council's participation in the Victorian Goldfields UNESCO Bid process.

#### BACKGROUND

A journey to pursue World Heritage Listing (the Bid) to recognise and celebrate the history and heritage of the Victorian Goldfields on the global stage began more than 35 years ago. Over the subsequent years the Bid has evolved substantially.

The aim of the Bid is to recognise the Victorian Goldfields outstanding global heritage significance; if successful it will become a catalyst for transformative regional regeneration. It will bring investment and job opportunities, and build sustainable economies and communities particularly to address the ongoing impacts to the visitor economy from COVID-19.

The Bid seeks to leverage the World Heritage inscription to showcase the story of the Victorian Goldfields, from its Indigenous cultural history to its significant natural and built landscape offerings and put Victoria on the global stage as a visitor destination for national and international visitors.

At Council Briefing on 4 July 2023 representatives from the Cities of Greater Bendigo and Ballarat provided Council with a presentation on the existing **Central Victorian Goldfields** tentative bid for World Heritage Listing with UNESCO. They also spoke of the inclusion of Indigo Shire Council and one other regional LGA to create an expanded **Victorian Goldfields** tentative Bid process.

The Bid for World Heritage listing has previously been a partnership of 13 Local Governments and the Victorian Goldfields Tourism Executive in conjunction with the Victorian Government. With the proposed inclusion of Indigo and one other regional LGA in the tentative Bid is expanded to 15 Local Government areas, working together with State Government and Federal Government to pursue the Listing. In 2023 the Victorian State Government announce a State Budget allocation of \$3.8M to progress world heritage projects including the Victorian Goldfields.

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This report recommends that Indigo Shire Council resolves to endorse the Memorandum of Understanding (MoU). The process would then be for the 13 existing stakeholder Councils to consider the MoU and Indigo's inclusion in the bid. The same process is concurrently being progressed with one other regional LGA.

The MoU is between the current Central Goldfields bid participating Councils and Indigo Shire and one other regional LGA (collectively referred to as the 'Parties') concerning the Victorian Goldfields World Heritage Bid.

The MoU is in recognition of the Parties common interests and objectives, and to supplement and strengthen the existing understandings amongst the Parties with respect to cooperation for and commitment to progressing the Victorian Goldfields World Heritage Bid. This MOU is strictly limited to the Parties expressing a desire for cooperation. It is not a legal agreement; however, all Parties commit to using their best endeavours to achieve its purpose.

### DISCUSSION

#### **ECONOMIC BENEFITS**

Significant economic benefits are predicted to be the result of a successful Bid. A report has been commissioned to inform the preparation of the Central Victorian Goldfields Bid. This report, the Central Victorian Goldfields UNESCO World Heritage Benefits Analysis, Summary Report Oct 2022, estimates that in the first ten years after listing, the central goldfields (without the expanded Victorian Goldfields footprint), will attract an additional 2.2 million new visitors, with spending \$440 million above 2019 levels.

The report notes that while growth will continue to occur in the major tourist centres with significant heritage assets, such as Ballarat and Bendigo, growth will also be experienced in other centres across the region. This growth has the potential to drive investment in new accommodation and visitor facilities and services.

The analysis shows that total investment in accommodation alone, to meet visitor demand across the region, would be in the order of \$570 million over 10 years. In the first ten years after listing, the projected growth in visitors will lead to an increase of around 1,750 jobs in the major tourist areas and smaller centres across the region and total regional income is estimated to be \$150 million higher.

Expanding the Central Victorian Goldfields bid by including Indigo and one other regional LGA to become the Victorian Goldfields Bid is predicted to have significant economic outcomes for the Indigo Shire. This is based on the work undertaken in the report noted above, and in light of the experiences of other areas around the world that have achieved UNESCO World Heritage Listing.

Further work, in relation to the economic benefits to Indigo Shire will be undertaken, as required, as part of the review of the expanded masterplan.

#### **SERIAL LISTING**

A **serial** World Heritage nomination is proposed, consisting of around 8-12 separate component sites. Each component will be an outstanding and representative attribute of a goldfields site or landscape. Collectively the components comprise the **cultural landscape** nomination and detail the breadth and depth of values expressed in the Statement of Outstanding Universal Value (OUV).

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The OUV has been drafted and a comparative analysis that demonstrates the international and potential World Heritage significance as an outstanding 19th century goldrush landscape have been completed (Gamble2020). These documents provide the framework for identifying appropriate components of the serial nomination and will be expanded as required for the Victorian Bid.

A Tentative List submission to the Australian Government is under development by the Bid Partnership and is supported by the work of UK World Heritage expert Barry Gamble and Extent Heritage. The submission will detail the components selected for inclusion in the listing including their protection and management and provide a justification for the OUV Statement for the Central Victorian Goldfields. Inclusion on Australia's Tentative list will require the support of the Australian Government and is an essential first step, prior to the development of a World Heritage nomination.

### **FIRST NATIONS**

Traditional Owner groups have been informed of the invitation for Indigo to participate in the Victorian Goldfields Bid process and the MOU now under consideration. An invitation to meet and discuss the context and background of the Bid and potential opportunities arising from it has been included in initial correspondence. It is important to emphasise that First Nations' participation is determined by First Nations communities and the principles of Free, Prior and Informed Consent are fundamental.

The Victorian Goldfields include many places of significance to First Nations communities. These are protected under the Aboriginal Heritage Act. Places of significance to First Nations communities reflect their past and continuing associations with Country, evidenced in places, stories and landscapes. Traditional Owners share the story of the Victorian Goldfields landscape and are represented by at least seven Registered Aboriginal Parties (RAPs); and across Indigo further Traditional Owner groups.

Through engagement, these communities may choose to share their knowledge and have their values and places recognised in the developing narrative of the World Heritage Bid. World Heritage recognition is increasingly placing emphasis on the history, heritage, and stories of Traditional Owners.

In respect to the Victorian Goldfield this relates to pre-European settlement and displacement of traditional lands, the pastoral expansion, the gold era – the creation of 'upside down country', the building of cities and towns, agricultural development and the increasing involvement and responsibility of Traditional Owners for Country. A critical consideration is that First Nations' values and associations with Country are recognized, interpreted and communicated in ways that are culturally correct and safe, as determined by First Nations communities. World Heritage listing may facilitate truth telling to a global audience.

### **HERITAGE CONTROLS**

Heritage controls remain under Local, State and Federal jurisdiction. UNESCO does not impose planning controls. Indigo's Planning Scheme and current State Heritage listed buildings and sites are understood to provide the necessary controls to meet inclusion requirements for a World Heritage Listing Bid.

UNESCO requires the Statement of OUV within the Bid to identify and validate the values of the proposed sites/landscapes. If a World Heritage listed site or landscape has its OUV removed or depleted, then the values that substantiated the listing cease to exist and UNESCO simply removes the World Heritage status.

In this way it is an incentive for land and building managers, Councils and Governments of listed sites to retain and conserve OUV sites and landscapes.

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### Options

1. Endorse the MOU and Indigo’s participation in the Victorian Goldfields World Heritage tentative Bid process.
2. Do not endorse the MOU and Indigo’s participation in the Victorian Goldfields World Heritage tentative Bid process. This is not recommended.

### STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	2. Liveability
Strategic Objective	2.4 Our heritage and cultural assets are highly valued and protected and we celebrate our unique place in Australia’s rich history.
Strategic Action	2.4.5 Maximise the opportunities for enhanced community and visitor experiences at key historic buildings and precincts

World Heritage Listing of one or more significant sites in Indigo aligns with Council plan objectives to celebrate and maximise the experiences at key historic buildings and precincts. UNESCO listed sites/landscapes bring opportunity to reach new audiences and support the conservation and interpretation of key sites.

### SOCIAL/COMMUNITY IMPLICATIONS

The listing celebrates and protects the richness of the region’s multi-layered history – from the First Peoples living on Country to the gold rush and subsequent waves of immigration. At the same time, initiatives also uplift today’s communities and align with their aspirations for the future. Benefits include:

- Community identity and pride
- Conservation of heritage
- Socioeconomic revitalisation
- Celebrate culture

The qualitative benefits and implications are that the community enjoys the profile and standing a UNESCO listed site/landscape brings. More tangible is the associated investment to increase accessible cultural heritage and to support self-determined First Nations truth telling.

### ENVIRONMENTAL IMPLICATIONS

The Victorian Goldfields Masterplan (under development) embraces the United Nations Sustainable Development Goals (SDGs):

- SDG 8 – Decent work and economic growth
- SDG9 – Industry, innovation and infrastructure
- SDG10 – Reduced inequalities
- SDG 11 – Sustainable cities and communities
- SDG 13 – Climate action
- SDG 15 – Life on Land



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### FINANCIAL IMPLICATIONS

	Approved Budget \$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	0	0	0	
Expense	0	\$11,500	\$11,500	\$4,000 stakeholder contribution \$7,500 masterplan revision contribution
Net Result	0	\$11,500	\$11,500	

Along with the financial contribution detailed above, participation in the Bid process will require a significant amount of staff time and resources. Both the direct financial, and in-kind support required from Indigo Shire Council will be absorbed within existing resource allocations.

This is a significant opportunity for Indigo Shire and its communities. Recognition, through World Heritage Listing provides potential opportunities for funding to undertake preservation and interpretation works.

### LEGISLATIVE IMPLICATIONS

N/A

### RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Lack of understanding in community regarding the process and requirements	Likely	Minor	Low	Information provision and responding to questions via web and social. Content development for website for detailed FAQs.

### COMMUNITY ENGAGEMENT

#### **Engagement undertaken**

An introductory letter regarding Indigo Shire potentially becoming a Party to the Bid has been sent to Traditional Owner groups.

#### **Engagement proposed**

If Indigo is confirmed as a participant in the Bid, information and updates will be provided via Council website and socials. This will include details of the Master planning work that would follow and the broader Bid development progresses.

Meetings with Traditional Owner groups will occur as determined by Traditional Owner communities.

### CONCLUSION

The recommendation is for Council to endorse the MOU and progress Indigo's participation in the Victorian Goldfields World Heritage Listing Bid process.

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

This is a significant opportunity for Indigo Shire and its communities. Our heritage assets, built, landscapes and histories that meet the high threshold for World Heritage would be recognised on the world stage and preservation and interpretation opportunities, including funding, are associated with this status.

### DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Sally Rice – Director Community & Economic Development
- Susannah Doyle – Manager Tourism

### **Attachments**

1. [!\[\]\(c6a8736a601a632e2c96605cf66055ed\_img.jpg\) !\[\]\(64ef2b19d70b31fbbfce0e0e2aa3d7b4\_img.jpg\)](#) Memorandum of Understanding Victoria Goldfields World Heritage Listing Bid

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

### 13. INFRASTRUCTURE SERVICES

#### 13.1 CONTRACT NO. 2223/030-02 - CHILTERN TENNIS COURTS REDEVELOPMENT

File No: 2023/581

Nathan Mullane - Acting Director Infrastructure    Infrastructure Services  
Services

#### For Decision

#### RECOMMENDATION

That Council:

1. Awards Contract No. 2223/030-02 Chiltern Tennis Courts Redevelopment to iDwala Pty Ltd for the Lump Sum of \$464,060.40 ex GST;
2. Authorises the CEO to execute the contract documentation; and
3. Authorises the CEO the financial delegation to approve contract variations up to a total of 10 per cent of the signed contract value.

#### PURPOSE OF REPORT

The purpose of the report is to provide an evaluation of tenders received for design and construction of the Chiltern Tennis Courts Redevelopment and to provide a recommendation to Council for the award of a contract.

#### BACKGROUND

The project is to redevelop courts one and two of the existing four courts, and has been programmed in Council's capital works program. A budget allowance of \$476,213 is available. Included within this is Council's role to project manage the delivery of the design and construction.

In October 2022 Council signed a funding agreement with Sport and Recreation Victoria for grant funding of \$300,000 from the *Local Sport Infrastructure program - Community Facilities Stream*, to contribute to the project. In addition to this grant the Chiltern Tennis Club has contributed \$10,000 with Council funding the balance of \$166,213.

Chiltern Tennis Club dates back to 1878 which was the Presbyterian and Catholic Tennis Club, which was the precursor organisation to the later officially formed Chiltern Tennis Club in 1907; a long standing club that help to form the network of the Chiltern community. The courts are now located at Conness Street Chiltern, adjoining the Chiltern Hall facility, which can also be entered from Alliance Street. The courts currently are quite run-down and an OHS risk to the community that use them, and the current standard of the facility has potentially reduced participation of some user groups; such as the aged and those with a disability.

In order to facilitate the funding application, a consultant was engaged to provide a concept plan for the development. This has formed the framework for the design and construction process moving forward. The agreed scope of works for the project is to demolish the existing two courts, and construct two new tennis courts on a similar footprint on a concrete base with acrylic surfacing to Tennis Australia compliant measurements, enclosed within 3.6m high four-chain mesh fencing, improved drainage and a preventative tree root barrier. Lighting will be to 350 Lux for club competition with low level LED lights on 12m high poles.

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

The tender for the works includes design and construction of the tennis courts, lighting, fencing, drainage and all other associated works, including merging the existing courts to the new courts with larger run-off areas, which change the footprint and the connecting fencing, as an all-inclusive project.

Tenders were advertised on Council's eProcure portal on 13 June 2023. Tenders closed at 4.00pm on 11 July 2023.

A tender evaluation panel comprising Council's Manager Capital Works & Waste, Coordinator Capital Works and the related Project Manager assessed the tenders based on weighted criteria, as detailed in the tender documents, as follows:

1. Price	50%
2. Qualifications & Previous Performance	20%
3. Sustainability of Design and Delivery	10%
4. Environmental Sustainability	10%
5. Local Content and Benefit	10%

The panel assessed the tender from iDwala Pty Ltd as representing the best overall value for Council based on the above criteria. This tenderer demonstrated a thorough understanding of the requirements of the contract and has successfully completed a number of similar projects. iDwala Pty Ltd recently constructed the new tennis courts and lighting at Beechworth Tennis Courts as well as the multi-purpose courts at Wahgunyah.

The tender evaluation scores and further details of the assessment are included in the attached (confidential) Tender Evaluation Report.

The decision to award the contract is referred to Council as the contract value exceeds the financial delegation of the CEO.

### DISCUSSION

Currently the existing poor condition of the courts (cracked), lighting (dull and expensive), fencing (broken and ineffective) and run offs (raised, uneven and rabbit-holed) at Chiltern Tennis Club compromises the Club's ability to attract new players and retain existing members in coaching, competitions and social play. The inability to offer such activities limits the club's potential to grow its membership base; impacts its financial position, limits pathways for talented players (who are then forced to leave the club and play elsewhere) and negatively impacts the overall experience of its existing players and casual users. New courts will significantly enhance this existing sports precinct for the local community and broader region to enjoy. This important development will create increased participation in tennis by providing a competition grade, compliant facility.

### Options:

Consideration was given to whether to separately tender for detailed design and then construction, however this successive process is likely to take longer than if just one contractor, and was not considered likely to produce a cheaper outcome. Also it is not workable for the construction contractor to optimise the practical outcomes with the designer after the design has been completed.

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

### STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	2. Liveability
Strategic Objective	2.3 Our infrastructure is renewed using sound asset management practices and expanded to meet the changing needs of our communities and the impact of climate change.

Upgrades to the Chiltern Tennis Courts is anticipated to increase the broad range of community activities available to all ages, as currently the courts are a tripping hazard for users and some access is limited, and this restricts players who are managing balance, mobility or disability. This would also better allow competition and events inclusive of all ages and abilities.

The construction of the two new tennis courts at Chiltern Tennis Courts supports Council’s Strategic Objective by replacing the existing two tennis courts with new; delivers best asset management practices, and upgrading the run-off areas and LED lighting meets current Tennis Australia competition standards and climate change strategies.

### SOCIAL/COMMUNITY IMPLICATIONS

The better surface finish and extended runoff areas of the new courts will ensure people of all ages and abilities will be able to participate at social and competition levels in the sport, and feel valued and included.

### ENVIRONMENTAL IMPLICATIONS

Tenders were assessed including a 10% weighting for environmental sustainability outcomes in accordance with the Procurement Policy 2021. Court Lighting is specified to be LED for energy efficiency, which better meets climate change strategy to mitigate impact on the health of our community, environment and the planet by reducing energy consumption.

The concept plan has been modified for detailed design to avoid impacting the large elm trees along Conness Street, which will also reduce further financial implications of tree removal and root damage to pavements.

### FINANCIAL IMPLICATIONS

	Approved Budget \$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	\$310,000	\$310,000	\$0	\$300,000 grant, \$10,000 Tennis Club, \$166,213 Council
Expense	\$476,213	\$485,866	\$9,653	Forecast Total Project Expenditure comprises: <ul style="list-style-type: none"> <li>• Preliminaries and project management costs (\$21,806)</li> <li>• Contract amount (\$464,060)</li> </ul> <p>Note contract amount includes a provisional sum of \$15,000</p>
Net Result	(\$166,213)	(\$175,866)	(\$9,653.40)	

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

The project is being delivered over two financial years (2022/2023 and 2023/2024) for a total project budget of \$476,213 as follows:

\$300,000	State Government grant: 2022 Local Sport Infrastructure Fund – Community Facilities Stream
\$10,000	Chiltern Tennis Club
<u>\$166,213</u>	<u>Council (Capital Works allocation)</u>
\$476,213	TOTAL

After expenditure for preliminaries which includes survey and geotechnical costs for the project and allowing for project management costs, the remaining available budget for construction is \$454,407

There is some risk of over-expenditure as the recommended contract sum of \$464,060 exceeds the remaining available budget by \$9,653. However, the contract price includes a Provisional Sum of \$15,000 which may not be required in full. If the projected over-budget amount (\$9,653.40) can be saved from the Provisional Sum, then the project will remain within the total available budget.

### LEGISLATIVE IMPLICATIONS

This recommendation is being made following a procurement process that is compliant with Council’s Procurement Policy (2021) and the Local Government Act 2020.

It is considered good governance when exercising financial delegations to consider the likely or possible total value over the life of the contract rather than just the original contract sum. It is not practical for individual variations to a contract to be referred to Council for approval as the resultant delays may interrupt the progress of works and incur additional costs.

It is therefore recommended that Council authorises financial delegation to the CEO to approve variations to the contract sum, up to a suggested total of 10% of the contract value.

### RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Tender is not approved	Unlikely	Minor	Low	Procurement process ensures that due diligence has been applied to determine best value tender
Construction commencement date is delayed	Possible	Insignificant	Low	Communication with Chiltern Tennis Club and SRV to extend funding agreement milestone for completion beyond 30 April 2024

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Design/construction failure	Unlikely	Minor	Low	Consultant has provided concept design and Council project manager will monitor final design and construction

### COMMUNITY ENGAGEMENT

#### **Engagement undertaken**

#### CONSULTATION/COMMUNICATION UNDERTAKEN

Level of public participation	Promise to the public/stakeholders	Examples of techniques used/to use
Involve	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how input influenced that decision.	Close consultation with Chiltern Tennis Club at concept stage and during detailed design and construction
Consult	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how input influenced the decision.	Consultation with user groups and Chiltern Tennis Club and adjoining user groups
Inform	We will keep you informed.	Project works information delivered by letterbox drop to nearby residents. Progress updates on Council website. Construction sign erected on site.

Relevant stakeholders have been consulted during the planning, design and procurement stages of the project.

#### **Engagement outcomes**

#### CONSULTATION/COMMUNICATION OUTCOMES

Level of public participation	Promise to the public/stakeholders	Description of Outcomes
Consult	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how input influenced the decision.	Chiltern tennis Club representatives were consulted as part of the scope development for the project and provided feedback relating to colours for Courts to suit old Club colours, blue and white (in lieu of gold) Prefer no fence in between new and old courts – open access.

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

Level of public participation	Promise to the public/stakeholders	Description of Outcomes
Involve	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how input influenced that decision.	Larger Oak trees along Conness street will be saved, smaller oak tree along Alliance Street closest to courts will have to be removed. Small replacement of trees along Alliance Street to be considered if these can be included within budget

### Engagement proposed

#### CONSULTATION/COMMUNICATION PROPOSED

Level of public participation	Promise to the public/stakeholders	Examples of techniques used/to use
Inform	We will keep you informed.	Stakeholders will be updated with the award of the construction contract and progress of the project. Project updates will be provided on Council's website during construction.

### CONCLUSION

It is recommended that Council accepts the tender for construction of the Chiltern Tennis Courts from iDwala Pty Ltd for the Lump Sum of \$464,060.40 EX GST and authorises the CEO to approve contract variations up to an acceptable limit.

### DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Ian Ellett, Director Infrastructure Services
- Nathan Mullane, Manager Capital Projects & Waste
- Mary Townsend, Project Manager

### CONFIDENTIAL ATTACHMENTS

The attachments to this report are confidential under the following sections of the Act:

- *3(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.*

This section applies because the matter concerns commercial contracts around which negotiations have not been finalised, and it would prejudice the Council's position in the negotiations.



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## COUNCIL MEETING AGENDA - 29 AUGUST 2023

- *3(g) private commercial information, being information provided by a business, commercial or financial undertaking that -
  - (i) relates to trade secrets; or
  - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.*

This section applies because the information contains details of the rates charged across the business and it would unreasonably expose the business by providing an unfair advantage to their competitors.

### **Attachments**

1. Chiltern Tennis Court Redevelopment - Tender Matrix (Confidential)
2. Chiltern Tennis Courts - Tender Recommendation (Confidential)

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

### 13.2 JULY CAPITAL WORKS REPORT

File No: 2023/629

Nathan Mullane - Manager Capital Works and Infrastructure Services  
Waste

#### For Information

#### RECOMMENDATION

That Council notes the July Capital Works Report and year to date progress in the delivery of the capital works program.

#### PURPOSE OF THIS REPORT

The purpose of this report is to update Council about progress of the 2023/24 capital works program and to provide details on individual projects.

At the June Council meeting, Council adopted the 2023/2024 annual budget and capital works program which included an allocation of \$19.931 million total budget (\$17.732m capital, \$2.199m Non-ISC).

	Budgeted Expenditure			Budgeted Income		
	Capital	Non-ISC	Combined	Capital	Non-ISC	Combined
2023/24 Adopted Budget	17,732,000	2,199,000	19,931,700	(8,940,000)	(584,000)	(9,524,000)

	YTD Expenditure (July)			YTD Income (July)		
	Capital	Non-ISC	Combined	Capital	Non-ISC	Combined
February YTD Actuals	375,652	43,016	418,668	(45)	0	(45)

#### DISCUSSION

Details of individual project year-to-date expenditure and income are included in the July Capital Works Monitor attached to this report.

#### Capital Works Activities of Note

##### **Chiltern Community Hub Construction**

Construction activities at the Chiltern Community Hub have progressed towards finalisation. The external landscaping works and car park construction have been completed, along with the major building works. Some minor defects are still being rectified by the builder, but these are not expected to result in any significant disruption for facility users. The opening of the Community Hub has been welcomed as providing a high quality and modern community facility.

##### **Chiltern Caravan Park**

Construction works on the redevelopment of facilities at the Chiltern Caravan Park have commenced. The renovation of the toilet and shower amenities block are progressing well, thus far.

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### **Kiewa Bowls Club**

The installation of the new synthetic playing surface has been completed. This project was a partnership between council and the Bowls Club, and has been able to be delivered under budget, resulting in both parties sharing in the budget savings, which will be able to go into other important projects.

### Capital Works Commentary

#### **Inclement Weather**

The seasonal wintery conditions are restricting the achievement of much productive civil constructions works on several projects. We are hopeful that the approaching spring will bring more favourable conditions, and will allow a number of projects to get underway.

#### **Industry Shortages**

We continue to see risks associated with industry shortages – for both staff, and more broadly industry competition. Suppliers and contractors report a need for additional staff resources within their businesses to be able to keep up with current workloads. Whilst our own Council procurement practices are often hampered by low response rates from businesses when going to the open market, and also when seeking direct quotes.

#### **Cost Overruns**

Challenges around project costs continue to present which has been a theme of the last couple of years, exacerbated somewhat by the issues mentioned above. There are a small number of projects where costs are expected to exceed available budgets and we may need to defer some items in the capital budget to facilitate these overruns.

More information will be provided over the next couple of months as details become clearer and some adjustment to the budget will likely need consideration at the Q1 budget review.

#### **Local Roads & Community Infrastructure (LRCI) Funding Programs**

For a number of years Council has received funding via the Federal Government’s LRCI Program which we have utilised in the budget for the delivery of priority road and community infrastructure project. The current budget includes \$1.068 million of this funding under what has been announced as ‘Part A’ of the Phase 4 program. Further to this, we have been advised of an additional ‘Part B’ component in Phase 4 of \$616,313. This separate amount is only to be allocated for road projects, within selected rural councils.

Please note that a recommendation will be presented at the September Council meeting in relation to the allocation of these additional funds. With the road network heavily impacted by the wet conditions of the past two years, the significant need is to increase our repair works to sealed pavement through the sealed road rehabilitation and major patching programs. Additional details on these programs will be provided at the September meeting.

### STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	2. Liveability
Strategic Objective	2.2 Our built environment, streetscapes, facilities, amenities and open spaces are safe, inviting, attractive, well maintained, contributing to a sustainable sense of place and pride.

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

There is no specific reference in the Council Plan about the broader capital works program, however many of the individual projects and programs are referred to specifically in the Council Plan.

### SOCIAL/COMMUNITY IMPLICATIONS

Capital works projects often have a direct positive impact on the community. Project staff engage closely with the community and stakeholders to identify the project scope and ensure expectations align with deliverables.

### ENVIRONMENTAL IMPLICATIONS

Project staff continue to consider potential environmental impact in all aspects of their works and to adopted works practices to minimise the impact.

Each discrete project's environmental impact is assessed by project officers during the planning and implementation of the project. When required an Environmental Management Plan (EMP) is developed to control and minimise the potential impact.

### FINANCIAL IMPLICATIONS

Details of expenditure and income are set out in the Capital Works monitor attached to this report. This report details the progress of the capital works program.

### LEGISLATIVE IMPLICATIONS

Council is required to responsibly manage and report on the budget quarterly including capital works.

The procurement requirements of the Local Government Act as well as Council's Procurement Policy are adhered to with all expenditure.

### RISK & OPPORTUNITY MANAGEMENT

Every project has unique risks and opportunities. Risk management is conducted at the project level and is embedded as part of the project delivery methodology.

### COMMUNITY ENGAGEMENT

Community and other stakeholder engagement is done on a project level and varies according to the project deliverables and impacts on the community.

### CONCLUSION

The 2023/24 capital Works year is off to a strong start with several projects wrapping up, and a number in a position to get underway in the first quarter of the financial year.

Recent staff recruitments will support the capital works delivery performance, and should allow delayed projects to get underway, with planning and preconstruction activities being worked through currently.

This year's Capital Works Program is significant in size and will challenge the delivery capacity of the organisation in a number of areas. As the year progresses, we need to be open and responsive to the need to reassess our ability to achieve the program outcomes. With an increased focus on sound project management practices such as risk and budget management, stakeholder engagement, and scope control we look forward to achieving the right outcomes for our communities in the most effective way.

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

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

### DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Ian Ellett – Director Infrastructure Services
- Nathan Mullane –Manager Capital Works & Waste

### **Attachments**

1.   Capital Works Monitor

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

### 14. EXECUTIVE MANAGEMENT

#### 14.1 SWEARING IN OF COUNCILLORS

File No: 2023/602

Carla Hanlon - Executive Manager People & Governance      Executive Management

#### For Information

#### **RECOMMENDATION**

That Council notes that, in accordance with section 30(2) of the *Local Government Act 2020*, Councillor Sue Gold took an affirmation of office on 14 August 2023.

#### PURPOSE OF REPORT

To present the record of the Swearing In of a Councillor in accordance with section 30(2)(c) of the *Local Government Act 2020* (the Act).

#### BACKGROUND

Section 30 of The Act requires:

(2) The oath or affirmation of office must be—

- (a) administered by the Chief Executive Officer; and
- (b) dated and signed before the Chief Executive Officer; and
- (c) recorded in the minutes of the Council, whether or not the oath or affirmation was taken at a Council meeting.

The Act provides that a person elected to be a Councillor is not capable of acting as a Councillor until the person has taken the oath or affirmation of office in the manner prescribed by the regulations.

The oath or affirmation of office must be administered by the Chief Executive Officer; dated and signed before the Chief Executive Officer; and recorded in the minutes of the Council, whether or not the oath or affirmation was taken at a Council meeting.

In accordance with section 7 of the *Oaths and Affirmations Act 2018*, a person who is required to take an oath may choose whether to take an oath or to make an affirmation.

#### DISCUSSION

Cr Larry Goldsworthy advised of his resignation as Councillor on 30 June 2023. As a result of the extraordinary vacancy, a countback was held by the Victorian Electoral Commission on 9 August 2023 and Sue Gold was duly elected as a Councillor for Indigo Shire.

The Councillor-elect attended a swearing-in ceremony at Council Chambers on Monday 14 August 2023, and was duly sworn in, in accordance with the requirements of the Act. The affirmation given was as follows:

*I solemnly and sincerely declare and affirm that:*

*I will undertake the duties of the office of Councillor in the best interests of the municipal community.*

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

*I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the Councillor Code of Conduct.*

*I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 and any other Act to the best of my skill and judgement.*

### Options

The inclusion of the swearing-in of Councillors in Council minutes is a requirement under the Act.

### STRATEGIC CONTEXT

COUNCIL PLAN 2017 – 2021	
Theme	5. Indigo's Civic Leadership & Governance
Strategic Objective	5.2 Council provide good governance and its business is open and transparent

The report puts the process of the swearing-in of Councillors into the public record as required under the Act.

### SOCIAL/COMMUNITY IMPLICATIONS

The report reflects the voting prerogative of the community and its selection of its elected representatives.

### ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

### FINANCIAL IMPLICATIONS

There are no financial implications.

### LEGISLATIVE IMPLICATIONS

The report fulfils the requirement of section 30(2)(c) of the Act.

### RISK & OPPORTUNITY MANAGEMENT

This is a statutory function of Council with minimal risk.

### COMMUNITY ENGAGEMENT

This is a statutory function with no community engagement required.

### CONSULTATION/COMMUNICATION PROPOSED

The public minutes will be available on Council's website.

### DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130(2) of the *Local Government Act 2020 and Governance Rule 24*, the following officers declare that they have no interests to disclose in providing this report:

- Carla Hanlon – Executive Manager People & Governance
- Annabel Harding – Governance Coordinator



**COUNCIL MEETING AGENDA - 29 AUGUST 2023**

**Attachments**

Nil



## COUNCIL MEETING AGENDA - 29 AUGUST 2023

### 14.2 COUNCIL EXPENSE AND RESOURCES POLICY

File No: 2023/607

Carla Hanlon - Executive Manager People & Governance      Executive Management

#### For Decision

#### RECOMMENDATION

That Council adopts the reviewed *Council Expense and Resources Policy (2023)*.

#### PURPOSE OF REPORT

The report presents the reviewed Council Expense and Resources Policy in its final form after public exhibition.

#### BACKGROUND

Council is required by section 41 of the *Local Government Act 2020* ('the Act') to adopt and maintain an expenses policy in relation to the reimbursement of out-of-pocket expenses for Councillors and members of delegated committees. Council last adopted this policy in August 2020.

The draft policy was endorsed by Council at the June meeting, and was placed on public exhibition from 27 June to 28 July 2023. No public submissions were received, however the page was visited 48 times and the draft policy was downloaded 11 times, indicating interest from the community.

#### DISCUSSION

Since the draft policy was presented to the June Council meeting, two changes have been proposed. These are:

1. Inclusion of 'Community Events and Functions' section to provide definition and process for reimbursement; and
2. Update of travel reimbursement rate – from 0.7977 cents per km to 0.91 cents per km. This is in line with the EBA which was approved in May 2023.

The full list of changes are detailed in the table below.

In reviewing the policy, the Governance team has considered a range of issues including:

- Changes to the way Councillor allowances are determined.
- Regular resources which are provided to Councillors but are not currently outlined in the policy.
- Reflections on the Act and advice from the Local Government Inspectorate.

As a result, a number of items which are provided to Councillors as a matter of course, such as newspaper subscriptions, are included. This provides not only greater transparency about Councillor expenses, but indicates the level of support a prospective Councillor may expect to carry out their role.

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

In line with the Council’s Policy, Directive and Procedure Framework the policy will be reviewed on the following schedule:

- 23 May - Councillor briefing
- 27 June - Council meeting for community consultation
- 29 August - Council meeting for adoption.

Suggested changes to the policy are as follows:

Section	Change	Comments
Title	Add “and resources”	More clearly states the purpose of the policy which is to outline not just expense processes but the resources provided to Councillors to assist them to carry out their role. Gives a more accurate representation to the community of the resources made available to Councillors.
Purpose	Included overarching governance principles of the Act s 9(2)	Reinforces the governance principles of the Act at a policy level.
Councillor Allowances	Added Remote Area Allowance	Was omitted from current policy but is part of the determination of the Victorian Independent Remuneration Tribunal.
Information Technology	Tightened security and access requirements	Commensurate with growing risks around information technology
Councillor resources	Added from Act about councillor / staff interactions	The Act explicitly gives the CEO the responsibility to put in place policies and procedures to govern Councillor interactions with staff.
Councillor resources	Access to offices described	Articulates the access Councillors can expect to Council buildings.
Councillor resources	Added Personal Accident Insurance	Personal Accident Insurance is applicable to Councillors when carrying out their role.
Councillor resources	Added requirement to notify of an incident that may lead to an insurance claim	A requirement by Council’s insurers.
Wellbeing	Added section	Articulates wellbeing programs available to Councillors.
Traveling expenses	Added Mayor’s vehicle requirement	This is provided to the Mayor and should be included.

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

Section	Change	Comments
Traveling expenses	Changed approval to CEO	In the 2020 report from the Local Government Inspectorate <i>Councillor expenses and allowances: equitable treatment and enhanced integrity</i> the Chief Municipal Inspector says “Councillor expenses <b>must</b> be authorised by council employees with the appropriate financial delegation, not the mayor.” The Mayor has no financial delegation and as an individual has no authority under the Act to authorise a payment. Added “in consultation with the Mayor”.
Conferences, professional development and training	Added information about induction	Articulates Council’s commitment to providing Councillors with appropriate resources to assist them in carrying out their role. Also reflects requirement of the Act.
Community Events and Functions	New section added	Includes a definition of an event/function and process for reimbursement.
Professional and legal advice	Provides a mechanism for Councillors to seek external advice to assist in carrying out their roles.	Where Councillors need advice additionally to that supplied by the CEO/officers, this articulates their options and provides a budget item to support it.
Memberships and subscriptions	Added subscriptions provided to Councillors.	Provides further information on resources provided already.
Administration process	Added requirement to demonstrate expense as bona fide	Reflects recommendations from 2020 LGI report. The reimbursement claim form has also been updated.
Reporting	Added in reporting requirements	Reflects recommendations from 2020 LGI report. Mandated reporting detail informs members of the public about the transparency requirements.
Review	Added in extra trigger for review	A review should follow any adverse finding by a regulatory body.
Communication	Added in communication inclusions	Ensures people with roles and responsibilities in the policy are informed.
Schedule A	Expense reimbursement limits	Limits have been lifted to reflect the recent rises in hospitality costs.
Attachment 1 – Expense Claim Form	Travel /Fuel Reimbursement rate updated from 0.7977 cents per km to 0.91 cents per km, in line with the EBA rate.	The EBA was reviewed and approved in May this year. The rate had been increased to 0.91cents per km.

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

### Options

Councillors may reject the changes. This is not recommended as they reflect the Local Government Act 2020 and advice from the Local Government Inspectorate.

### STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.
Strategic Action	5.5.1 Develop and deliver an ongoing internal Integrity Program to ensure both staff and Councillors are aware of and carrying out their responsibilities with the highest levels of governance

The changes to the policy support the Council’s Public Transparency Policy.

### SOCIAL/COMMUNITY IMPLICATIONS

“Councillor expenses and claims for reimbursement often attract public attention. Because councils are publicly funded, their systems for managing expenditure are subject to particular scrutiny. The integrity and transparency of those systems are critical for maintaining public confidence in the important work of local government.” – Chief Municipal Inspector, *Councillor expenses and allowances: equitable treatment and enhanced integrity 2020*.

### ENVIRONMENTAL IMPLICATIONS

Nil

### FINANCIAL IMPLICATIONS

	Approved Budget \$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	0	0	0	
Expense	0	5,000	5,000	External professional / legal advice for Councillors
Net Result	0	(5,000)	(5,000)	

### LEGISLATIVE IMPLICATIONS

The changes to the policy support the overarching governance principles, particularly section 9(2):

*(b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;*

....

*The transparency of Council decisions, actions and information is to be ensured.*

The adoption of this policy supports Council in meeting its obligation to adopt and maintain an expenses policy under Section 41 of the *Local Government Act 2020*.

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

### RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Community disapproval of level of expenses / resources	Unlikely	Minor	Low	Articulate purpose of policy and requirements to provide resources.
Inappropriate use of Council expense opportunities and resources	Unlikely	Moderate	Low	Provide induction and ongoing information about appropriate processes for claiming expenses. Update expense claim form. Provide quarterly report to individual Councillors to enable them to self-monitor.

### COMMUNITY ENGAGEMENT

#### **External engagement**

The draft Council Expense & Resources Policy was placed on public exhibition for 30 days from 27 June to 29 July 2023, and submissions invited. No public submissions were received, however the page was visited 48 times and the draft policy was downloaded 11 times, indicating interest from the community.

#### **Internal engagement**

The governance team has consulted with the finance team and the EA to CEO, Mayor and Councillors, to identify the real-world operation of expense claims processes and resources.

#### **Engagement proposed**

No further engagement is proposed.

### CONCLUSION

The changes to the policy provide for a more accurate and transparent account of expenses and resources available to Councillors, and support Councillors to use those resources to support their roles.

### DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Carla Hanlon – Executive Manager People and Governance
- Annabel Harding – Governance Coordinator

#### **Attachments**

1.  Council Expense and Resources Policy (2023)

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

### 14.3 PUBLIC INTEREST DISCLOSURES

File No: 2023/618

Carla Hanlon - Executive Manager People &  
Governance

Executive Management

For Decision

#### RECOMMENDATION

That Council:

1. Endorses the reviewed *Public Interest Disclosure Policy (2023)* for public exhibition for a period of thirty days; and
2. Notes that the reviewed *Public Interest Disclosure Policy (2023)* is intended to replace the current *Public Interest Disclosure (Whistleblower) Policy*.

#### PURPOSE OF REPORT

The proposed Public Transparency Policy is presented for Council endorsement of a community consultation period of 30 days. The recommendation also flags the intention for this policy to replace the Confidentiality Policy when it returns to Council for decision.

This policy fulfils Council's requirement to establish and publish procedures under s 58 of the Act and in accordance with the Guidelines of the Independent Broad-based Anti-corruption Commission IBAC published under s 57 of the Public Interest Disclosures Act 2012. The purpose of the Act is to encourage and facilitate the making of disclosures of improper conduct and detrimental action by public officers and public bodies. This report provides an updated version of the Public Interest Disclosure Policy which will supersede Council's current *Public Interest Disclosure (Whistleblower) Policy*.

#### BACKGROUND

On 5 March 2019, the Victorian Parliament passed [new legislation](#) which made changes to Victoria's integrity system. The legislation established a new parliamentary oversight committee, the [Integrity and Oversight Committee](#), consolidating the oversight and performance review of a number of Victorian integrity agencies, including the Independent Broad-based Anti-corruption Commission (IBAC).

The legislation introduced some changes to the *Protected Disclosure Act 2012* to support people making disclosures which are in the public interest. On 1 January 2020, these changes replaced existing 'protected disclosure' arrangements (PDs) with 'public interest disclosures' (PIDs). The Protected Disclosure Act 2012 became the Public Interest Disclosures Act 2012.

On 17 December 2019, Council adopted the Public Interest Disclosure (Whistleblower) Policy. The updated version includes greater detail on the procedures undertaken when assessing and managing a complaint and how Council will manage the welfare of complainants.

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

### DISCUSSION

Council recognises the value of transparency and accountability in its administrative and management practices and supports the making of disclosures that reveal improper conduct. This policy outlines the way in which any individual, including members of the public, staff and Councillors can disclose information which enables the prevention of fraud and corruption.

Council will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure. It will also afford natural justice to the person or body who is the subject of the disclosure. Councils process for Welfare Management of a Public Interest Disclosure (PID) is also outlined. An essential component of this protection is to ensure that information connected to a public interest disclosure, including the identity of a discloser and the contents of that disclosure, are kept strictly confidential.

This policy provides guidance for making a PID and outlines how Council will receive reports about improper conduct and detrimental action that may be public interest disclosures. For the people who make genuine disclosures about improper conduct, it is critical that these disclosures are promptly and appropriately identified and handled. This policy outlines:

- What is a public interest disclosure
- Who can make a disclosure – and to who
- What Council does if it receives a disclosure
- How Council will assess a public interest disclosure
- What protections does the Public Interest Disclosures Act 2012 (PID Act) provide
- What procedures Council has in place

### Options

1. Council could approve this Policy in the presented form
2. Council could not approve this policy. However, this would not include additional information about the handling of complaints. This is not recommended.
3. Council could suggest minor changes to the policy, however it is based on strict legislation and there is little to no room for discretion / influence. This is also not recommended.

### STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.
Strategic Action	5.5.2 Develop and maintain a Governance Schedule to give Council and Community visibility of future legislative requirements

The adoption of this policy, and adherence to the Public Interest Disclosure legislation supports Council ongoing commitment to transparency and accountability.

### SOCIAL/COMMUNITY IMPLICATIONS

Strong, transparent governance practices shape community confidence in the organisation. This is one visible example to the community of how Council provides for good governance practices and encourages the calling out of inappropriate conduct whilst protecting the discloser.

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## COUNCIL MEETING AGENDA - 29 AUGUST 2023

### ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with adoption of this policy.

### FINANCIAL IMPLICATIONS

There are no financial implications associated with adoption of this policy.

### LEGISLATIVE IMPLICATIONS

There is a range of legislation that public sector agencies must comply with in their handling of employee misconduct. Some of the key pieces of legislation are outlined below. It is vital to ensure our internal investigations are conducted in accordance with the below legislation and any relevant employment terms and conditions (e.g. enterprise agreement, Fair Work Act 2009) or Council policies and procedures.

#### Public Interest Disclosures Act 2012

Before misconduct allegations are investigated, they may need to be reported to IBAC as a potential public interest disclosure (PID). The Public Interest Disclosures Act 2012 (PID Act) ensures that people who report improper conduct and corruption in the Victorian public sector can do so in the knowledge that they will be protected. Protections include keeping the identity of the person reporting improper conduct confidential and protecting them from reprisals including bullying, harassment or legal action.

Most public sector agencies will have a PID Coordinator who is nominated to:

- receive potential PIDs
- ensure the welfare of disclosers
- work to make sure staff are aware of the PID legislation.

#### Independent Broad-based Anti-corruption Act 2011 – Mandatory notification of suspected corrupt conduct

Under Section 57 of the Independent Broad-based Anti-corruption Act 2011 (IBAC Act), relevant principal officers (including Department Secretaries and council CEOs) are required to notify IBAC of suspected corrupt conduct. IBAC has issued directions under section 57A that require notifications of suspected corrupt conduct to be made as soon as practicable after the relevant principal officer has formed a reasonable suspicion that corrupt conduct may have occurred or may be occurring.



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## COUNCIL MEETING AGENDA - 29 AUGUST 2023

### Public Administration Act 2004

Public sector bodies including state government departments and agencies are governed by the Public Administration Act 2004. The Public Administration Act defines misconduct as including:

- contravention of the Public Administration Act or Code of Conduct for Victorian Public Sector Employees
- improper conduct in an official capacity
- contravention, without reasonable excuse, of a lawful direction given to an employee by a person authorised to give the direction
- an employee making improper use of their position for personal gain
- an employee making improper use of information they have gained because of their position. Improper use can be gaining financial benefits (or some other benefit) for themselves or someone else. It might be to cause detriment to the public sector.

### Local Government Act 2020

Local government is governed by the Local Government Act 2020. Council integrity measures covered in the Local Government Act include specific offences and penalties associated with misuse of position, conflicts of interest, gifts and benefits, and a councillor code of conduct. The Local Government Act provides for internal arbitration, determination by a Councillor Conduct Panel, and investigation by the Chief Municipal Inspector to manage allegations of misconduct and serious misconduct by a Councillor; corrupt conduct must be reported to IBAC.

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

### RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Rating	Risk	Controls, treatments
Improper handling of complaints	Possible	Major	High		<p>This Policy and Procedure provides a more comprehensive and transparent outline of how complaints are handled. In addition, ongoing vigilance and a range of controls including (but not limited to) audit processes, strong governance practices, training &amp; awareness of responsibilities and consequences is an important part of socialising this document and creating a speak-up culture.</p> <p>This document reinforces the zero tolerance for unacceptable behaviour &amp; practices.</p>

### COMMUNITY ENGAGEMENT

#### **Engagement undertaken**

Nil

#### **Engagement outcomes**

N/A

#### **Engagement proposed**

It is proposed that this policy be placed on public exhibition for a period of 30 days to enable members of the community to provide feedback to Council. It is important to note that this Policy is highly regulated by legislation.

### CONCLUSION

Adopting this updated policy is one demonstration of Council's commitment to transparency, good governance and accountability in its administrative and management practices, and supports the making of disclosure that may reveal improper conduct.

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## COUNCIL MEETING AGENDA - 29 AUGUST 2023

### DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Carla Hanlon – Executive Manager People and Governance

### **Attachments**

1. [!\[\]\(79de0df6c6ddd2d4eb74f1cc5f48ec50\_img.jpg\) !\[\]\(d4c9768318b38eff1042b07478e20b4c\_img.jpg\)](#) Original Policy - Public Interest Disclosure (Whistleblower) Policy
2. [!\[\]\(27d314856359a9d7feca17161bc1f4a4\_img.jpg\) !\[\]\(d355663486c698e3972a8b93ac8b2102\_img.jpg\)](#) Updated Policy - Public Interest Disclosure Policy

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

### 14.4 REVIEW OF THE PUBLIC TRANSPARENCY POLICY

File No: 2023/595

Carla Hanlon - Executive Manager People & Governance      Executive Management

#### For Decision

#### RECOMMENDATION

That Council:

1. Endorses the reviewed *Public Transparency Policy (2023)* for public exhibition for a period of thirty days; and
2. Notes that the reviewed Public Transparency Policy is intended to replace the current Confidentiality Policy when it returns for Council decision.

#### PURPOSE OF REPORT

The proposed Public Transparency Policy is presented for Council endorsement of a community consultation period of 30 days. The recommendation also flags the intention for this policy to replace the Confidentiality Policy when it returns to Council for decision.

#### BACKGROUND

The Confidentiality Policy was last adopted in 2018 and has recently undergone a review to consider changes under the *Local Government Act 2020* (the 'Act'). During the review, external advice has been obtained and research conducted. As a result, it was found that much of the content in this policy is now out of date, or is duplicated in the current Public Transparency Policy. The Public Transparency Policy is required under The Act and was introduced in 2020, and is based on the new transparency principles in the Act.

As such, it is recommended that the Public Transparency supersedes the Confidentiality Policy (2018), and this out of date policy be revoked.

#### DISCUSSION

The Public Transparency Policy and the Confidentiality Policy share very similar intentions about balancing Council's responsibility to conduct open public debate and transparent in decision making, with the obligation to prevent the disclosure of confidential information. However under the 2020 Act, various changes occurred which deem the Confidentiality Policy out of date, including:

- References to the Local Government Act 1989 are now replaced with section 3 of Local Government Act 2020);
- The definition of confidential information is now different; and
- References to Local Law No. 3, which has since been updated under the Local Government Act 2020, and with the introduction of Council's Governance Rules.

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

The two documents otherwise duplicate information in a number of sections, including:

- the purpose – very similar for each policy as discussed above;
- principles on managing information (including confidential information) and minimising the use of decision-making in closed sessions;
- commitment to the practice that information will ordinarily be released to the public unless there are reasons contrary to the public interest to do so.

The remaining information that does not sit in either document is not proposed to be included a policy. This information includes the process for identifying and managing confidential information provided in Councillor Briefings or Council Meetings. The following is a summary of the information:

- Councillor Briefings – The primary purpose of briefings is to provide Councillors with information on, and inform development of, matters coming to Council for resolution. Councillor Briefings are not subject to the meeting procedures under the Governance Rules, although conflict of interest and some reporting requirements apply. Whilst a record of items discussed and follow up actions are kept, no formal decisions are made, and no formal minutes are taken. Regardless of Councillor Briefings not being open to the public, the information included in a briefing paper is not automatically by definition confidential. Further, it is acknowledged that the role of councillor includes consulting with the community they represent. If a member of the public requests a copy of material presented to a Councillor Briefing which is not confidential as defined under the LG Act, Councillors and officers should have consideration of the Public Transparency Policy and the public interest when making a decision whether to disclose the information.
- Council Meetings – explanation of how confidential information is identified in Council reports. The agendas detail which section of the Act the item is confidential, and what specific characteristics the item has that make that section applicable. Where possible, the information to be considered confidential as an attachment or for deliberating in the meeting will be minimised. A CEO-approved procedure on Managing Confidential Information for Staff provides guidance to staff on identifying, defining and recording of confidential information in Council reports.
- Definition of “disclosure” of information – includes sharing information verbally, in written form, paraphrasing/summarising information and providing to a third party, electronic distribution (including email / social media posts).
- Under the Act, it is an offence of a Councillor, member of a delegated committee, or an officer to intentionally or recklessly disclose information that a person knows, or should reasonably know, is confidential information.

### **Confidentiality in the context of public transparency**

The purpose of the Confidentiality Policy is stated as: “to provide overarching principles on the management of confidentiality and ... to minimise the use of confidential decision making in Council”.

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

This purpose has been assumed however by the Public Transparency Policy which is required under legislation and developed in line with the public transparency principles of the LG Act. This policy states that Council information must be publicly available, unless:

- (a) the information is confidential by virtue of the Act or any other Act; or
- (b) public availability of the information would be contrary to the public interest.

### The practical implications of confidentiality

Certain rights and obligations attach to information when it meets the definition of confidential under the Act. For instance, penalties apply under the Act to those who do not respect this status – the Act now provides that it is an offence for a Councillor (past or present), member of a delegated committee or a member of council staff to intentionally or recklessly disclose information that the person knows, or should reasonably know, is confidential information.

During the review period, Council’s Public Transparency Policy was reviewed against model policies listed on the Victorian Local Government Inspectorate’s website. Minimal changes have resulted from this review, and are summarised in the following section of this report. Additional minor changes are proposed including the removal of references to the *Freedom of Information Act 1982* as these are not relevant to this policy. Also removed is reference to a definition of information that may be ‘contrary to the public interest’ as this ‘test’ is based on a set of principles included elsewhere in the policy. Other minor numbering and formatting adjustments are also proposed.

### Summary of Proposed Changes

Section	Current Wording	Proposed Change	Comments
1. Council Decision-Making Processes	‘Without limiting the generality of clause <b>Error! Reference source not found.</b> ’	Change to ‘clause 3’	
5. Publications	“Council is required to publish under Part 2 of the <i>Freedom of Information Act 1982</i> ”	Council is required to publish under Part II of the <i>Freedom of Information Act 1982</i>	
7 Contrary to the Public Interest	“The public interest test is based on the <i>Freedom of Information Act 1982</i> and guidelines provided by the Office of the Victorian Information Commissioner.”	Remove clause	There is no current definition in the FOI Act or provided by OVIC.

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

Section	Current Wording	Proposed Change	Comments
<b>11. Application of this Policy</b>	1.1 “Without limiting the generality of clause 0, this Policy does not apply to Council Information which is...”	1.2 Change to “clause 11”	
<b><u>DEFINITIONS</u></b>	Removal of ‘public interest’	Remove	Principles of public interest are discussed in section 7.2.2
Formatting/numbering changes	Throughout the document.		

### Options

Council may decide to retain a separate Confidentiality Policy however this is not recommended as duplication will occur with the current Public Transparency Policy. Should Council require a separate Confidentiality Policy, the current document would require review and re-adoption to ensure it is consistent with the requirements of the Act.

### STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.
Strategic Action	5.5.1 Develop and deliver an ongoing internal Integrity Program to ensure both staff and Councillors are aware of and carrying out their responsibilities with the highest levels of governance

### SOCIAL/COMMUNITY IMPLICATIONS

The policy outlines clearly Council’s commitment to managing confidential information appropriately, in balance with its public transparency obligations. Implementation of this policy will improve community understanding of how Council manages its information and will therefore promote public trust.

### ENVIRONMENTAL IMPLICATIONS

Nil

### FINANCIAL IMPLICATIONS

Nil

### LEGISLATIVE IMPLICATIONS

The proposed changes are consistent with the requirements for managing confidential information and public transparency under the *Local Government Act 2020*.

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

### RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Information is treated as confidential without meeting the definition under the Act.	Possible	Minor	Low	This policy and procedure. Training for Councillors and Staff to support their understanding of definition.
The community expects certain information to be not confidential and expect its release.	Possible	Minor	Low	Meeting minutes to state the reasons why the information is confidential, and will identify the stage at which information can be released to the public (if at all).

### COMMUNITY ENGAGEMENT

#### **Engagement undertaken**

Nil

#### **Engagement outcomes**

N/A

#### **Engagement proposed**

It is proposed that this policy be placed on public exhibition for a period of 30 days to enable members of the community to provide feedback on how information is managed under this policy.

### CONCLUSION

The updated policy clearly outlines Council's commitment to managing confidential information appropriately, in balance with its public transparency obligations.

### DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Carla Hanlon – Executive Manager People & Governance
- Annabel Harding – Governance Coordinator

#### **Attachments**

1.   Public Transparency Policy (draft)



## COUNCIL MEETING AGENDA - 29 AUGUST 2023

### 14.5 ADVISORY COMMITTEE MINUTES

File No: 2023/606

Carla Hanlon - Executive Manager People & Governance

Executive Management

#### For Information

#### RECOMMENDATION

That Council notes that no advisory committee minutes are reported this month, and no minutes are attached for Council decision.

#### PURPOSE OF REPORT

The report usually provides the minutes, recommendations and accompanying officer comments from Council's advisory committees for Council noting and endorsement of Management Recommended Actions. This month, however, no minutes are reported and no recommendations are put forward for Council decision.

#### BACKGROUND

Council currently has seven advisory committees. The role of an advisory committee is to provide information and advice on issues relating to the committee's specific area of expertise (i.e. the Environment Committee provides advice on environmental issues).

Each advisory committee meets regularly (the frequency of which depends on the committee) and records minutes and resolutions for Council decision.

#### STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.

The provision of advisory committee minutes and resolutions to Council at the monthly meeting ensures that Council considers the advice of the committees. This allows transparent decision-making and highest level of governance practices and conduct.

#### FINANCIAL IMPLICATIONS

There are no financial implications with this report.

#### LEGISLATIVE IMPLICATIONS

Council's advisory committees are established by Council but do not have any delegated decision-making powers. Instead they work under terms of reference and provide advice to Council. The advice occurs in a variety of forms, including advice to relevant Council departments, as well as advice contained within resolutions that are reported to Council.

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

Some advisory committee meetings are open to the public and some are closed, however all minutes are reported to Council (with the exception of the Audit & Risk Committee - these meetings are held 'in camera' and the minutes are not available to the public – reporting to Council occurs as per the requirements under the *Local Government Act 2020*).

### RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
That advisory committee minutes and recommendations are not duly reported to Council, and the utility and confidence of the committees are undermined.	Unlikely	Insignificant	Low	Governance team follow up with officer secretariats to ensure that all meetings are reported to Council as soon as practicable.

### CONCLUSION

There are no advisory committee minutes included in this report for this month.

### DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130(2) of the *Local Government Act 2020* and *Governance Rule 24*, the following officers declare that they have no interests to disclose in providing this report:

- Carla Hanlon - Executive Manager People and Governance
- Annabel Harding - Governance Coordinator
- Emma O'Donnell – Governance Officer

**Attachments**  
Nil

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

### **14.6 INFORMAL MEETINGS OF COUNCILLORS RECORDS**

**File No: 2023/582**

**Carla Hanlon - Executive Manager People & Governance**                      **Executive Management**

**For Decision**

#### **RECOMMENDATION**

That Council accepts the attached Informal Meetings of Councillors records.

This report tables the Informal Meetings of Councillors as required under Council's governance rules. Informal Meetings of Councillors Records are only required for meetings closed to the public.

#### **PURPOSE OF REPORT**

The report presents Informal Meetings of Councillors records to Council for recording in the minutes in accordance with Governance Rule 72(b)(iii).

#### **BACKGROUND**

Governance Rule 70 defines an Informal Meeting of Councillors as:

1. a meeting of an advisory committee of Council, if at least one Councillor is present, or
2. a planned or scheduled meeting of at least half the Councillors and one member of Council staff which considers matters that are intended or likely to be:
  - a. the subject of a decision of the Council; or
  - b. subject to the exercise of a function, duty or power of the Council that has been delegated to a person or a committee.

The Governance Rules specifically excludes the following meetings:

- Council Meetings
- Delegated Committee Meetings
- Community Asset Committee Meetings

Informal meetings of Councillors do not include meetings which are open to the public.

#### **DISCUSSION**

Under Governance Rule 72(b)(iii), the CEO is required to provide a summary of matters discussed at Informal meetings of Councillors, which is to be tabled at the next Scheduled Council meeting and is to be recorded in the minutes.

The attached Informal Meetings of Councillors records are presented to Council for acceptance as summarised in the following table.

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

MEETING	DATE
Councillor Briefing	11 July 2023
Councillor Briefing	18 July 2023
Planning Site Visit – 354 Moodemere Rd Norong	24 July 2023
Councillor Briefing	25 July 2023
Councillor Briefing	08 Aug 2023

### NOTE:

The timing of the agenda distribution will sometimes make it difficult to provide a complete month. Please note that any items not included will carry forward to the following month.

### STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.

An Informal Meeting of Councillors record is a mechanism for Councillors and officers to openly declare and report any conflicts that may have arisen during a defined informal meeting of Councillors. This demonstrates to Council and the community that the meetings are conducted with transparency and good governance.

### FINANCIAL IMPLICATIONS

There are no financial implications with this report.

### LEGISLATIVE IMPLICATIONS

Informal Meetings of Councillors are dealt with under the Governance Rules.

### RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
That a defined Informal Meeting of Councillors is not reported to Council, and public confidence in transparency is undermined.	Likely	Insignificant	Medium	Regular reminders to officers about the requirement to report defined meetings. Follow up of missing records for known meetings.

### CONCLUSION

The Informal Meetings of Councillors records attached to this report are a true and accurate record of all defined meetings reported since the last report to Council.











## COUNCIL MEETING AGENDA - 29 AUGUST 2023

### DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130(2) of the *Local Government Act 2020 and Governance Rule 24*, the following officers declare that they have no interests to disclose in providing this report:

- Carla Hanlon – Executive Manager People & Governance
- Annabel Harding - Governance Coordinator
- Emma O’Donnell – Governance Officer

### **Attachments**

1.   Informal Meeting of Councillors - Council Briefing - 11 July 2023
2.   Informal Meeting of Councillors Record - Council Briefing - 18 July 2023
3.   Informal Meeting of Councillors - Planning Site Visit -Moodamere Road - 24 July 2023
4.   Informal Meeting of Councillors Record - Council Briefing - 25 July 2023
5.   Informal Meeting of Councillors Record - Council Briefing - 8 August 2023

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

### 14.7 CONTRACTS AWARDED UNDER CHIEF EXECUTIVE OFFICER DELEGATION - JULY 2023

File No: 2023/619

Trevor Ierino - Chief Executive Officer

Executive Management

#### For Information

There were no contracts awarded by the CEO under delegation, between the values \$250,000 and \$500,000, for the month of July 2023.

#### STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.
Strategic Action	5.5.2 Develop and maintain a Governance Schedule to give Council and Community visibility of future legislative requirements

#### DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Trevor Ierino – Chief Executive Officer
- Kathryn Baldock – Executive Assistant CEO & Councillors

**Attachments**  
Nil

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

### 15. NOTICES OF MOTION

#### 15.1 NOTICE OF MOTION - COMMUNITY FORUM IN WAHGUNYAH

**TAKE NOTICE** that at a meeting of Council Meeting to be held on 29 August 2023, I intend to move the following motion:

#### **MOTION**

That Council require the CEO to arrange a Community Forum in Wahgunyah as requested by the Wahgunyah Progress Association and members of the Wahgunyah community in either October or November 2023, to discuss a number of issues affecting their community.

#### **Explanatory comment**

On the 7th of August I attended and chaired the Wahgunyah Progress Association AGM. At that meeting a letter was tabled outlining that Council would not be holding a Community Forum for a variety of reasons. Adding that when the new Council was elected they would be visiting every community in the Shire. Waiting until 2025 for that is too late.

The 2023 “Community Satisfaction Survey” showed that Indigo Shire had dropped 6% from 2022. Councils statewide had dropped 3% and Small Rural Shires 3%. The overview of the Indigo’s Survey states “current perceptions of Council’s overall performance are at a ten year low - past performance shows that Council can do better”. We need to go to our communities not wait for them to come to us.

The Wahgunyah Progress Association and members of the Wahgunyah community have requested Council hold a Community Forum at Wahgunyah to discuss a number of issues affecting their community as soon as we are able to attend.

Cr Bernard Gaffney

**Date received** 21 August 2023

**Attachments**

Nil

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

### 16. COUNCILLORS REPORT

#### 16.1 MAYOR'S DIARY - JULY 2023

##### For Information

Mayor Price attended the following functions/events/meetings in July 2023:

DATE	TIME	FUNCTION / EVENT / MEETING	LOCATION
3 July	10.00am	NAIDOC Week Event – Flag Raising Ceremony	Yackandandah
3 July	11.00am	Meeting with CEO	Yackandandah
4 July	2.30pm	Council Briefing	Beechworth
10 July	10.00am	Meeting with CEO	Beechworth
11 July	12.30pm	Local Government Mayoral Advisory Panel	Online
11 July	2.30pm	Council Briefing	Beechworth
13 July	3.00pm	Rural Councils Victoria Pre Forum – 2022 Floods Talk and Tour	Echuca
13 July	6.00pm	Rural Councils Victoria Pre Forum – Councillor Dinner	Echuca
14 July	9.00am	Rural Councils Victoria Forum	Echuca
17 July	10.00am	Meeting with CEO	Beechworth
22 July	2.00pm	Launch of New Exhibition: George Peach – A Snapshot of C20th Stanley Life	Stanley
24 July	10.30am	Site Visit – PP22-0311 – 354 Moodemere Road, Norong	Norong
24 July	11.30am	Meeting with CEO	Phone
25 July	4.00pm	Council Briefing	Beechworth
25 July	6.30pm	Council Meeting	Beechworth
27 July	3.00pm	Ministerial Forum for Mayors on Public Disruptions	Online
31 July	10.00am	Chiltern Community Hub – Soft Opening	Chiltern
31 July	11.00am	Meeting with CEO	Chiltern

**Attachments**

Nil



## COUNCIL MEETING AGENDA - 29 AUGUST 2023

### 17. DECISIONS REGISTER

#### 17.1 DECISIONS REGISTER

File No: 2023/596

Carla Hanlon - Executive Manager People & Governance      Executive Management

#### For Information

The report outlines actions from Council Resolutions as at 31 July 2023, including those not previously listed as completed, but not including resolutions to note a report.

Meeting date	Item	Name	Resolution	Status
28-Mar-23	14.2	Audit and Risk Committee - Performance Survey 2021/2022	That Council: <ol style="list-style-type: none"> <li>1. Receives the results of the 2021/2022 Audit and Risk Committee performance survey; and</li> <li>2. Endorses the Mayor to thank the Audit &amp; Risk Committee for their work, at the next scheduled meeting.</li> </ol>	Part 1 – Completed  Part 2 – Incomplete (to be completed at the next Audit & Risk Committee meeting, scheduled for 17 September 2023)
25 July-23	7	Condolences	That a letter of condolence be sent to Ruth Parker’s family.	Completed
25 July-23	8	Confirmation of Minutes from Previous Meeting(s)	That the Minutes of the Council Meeting held on 27 June 2023, as published on Council's website, be confirmed.	Completed
25 July-23	11.1	Planning Permit Application PP22-0008 - Lower Nine Mile Road Stanley	That Council resolve to issue a notice of decision to refuse a planning permit for the proposal to use and develop the land for a dwelling in on lot 1 on Title Plan 962100R, Lower Nine Mile Road, Stanley, on the following grounds: <ol style="list-style-type: none"> <li>1. The proposal is not consistent with the following clauses of the Planning Policy Framework:               <ol style="list-style-type: none"> <li>a. 02.03-1 Settlement</li> </ol> </li> </ol>	Completed

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

Meeting date	Item	Name	Resolution	Status
			<ul style="list-style-type: none"> <li>b. 02.03-2 Environmental risks and amenity</li> <li>c. 02.03-4 Natural resource management</li> <li>d. 11.01-1S Settlement</li> <li>e. 11.01-1L-08 Stanley</li> <li>f. 13.02-1S Bushfire planning</li> <li>g. 13.02-1L Bushfire planning</li> <li>h. 14.01-1S Protection of agricultural land</li> <li>i. 16.01-3S Rural residential land</li> </ul> <ul style="list-style-type: none"> <li>2. The proposal is not consistent with the purpose and decision guidelines of the Farming Zone.</li> <li>3. The proposal is not consistent with the purpose and decision guidelines of the Bushfire Management Overlay.</li> <li>4. The proposal is inconsistent with the decision guidelines of clause 65.01.</li> </ul>	
25 July-23	11.2	Planning Permit Application PP22-0311 - 354 Moodemere Road, Norong	<p>That Council, having caused notice of Planning Application PP22-0311 to be given under Section 52 of the <i>Planning and Environment Act 1987</i>, and having considered all matters under Section 60 of the <i>Planning and Environment Act 1987</i>, determines to issue a Notice of Decision to Refuse to Grant a Planning Permit for Planning Permit Application PP22-0311, for the use of the land for a dwelling on Crown Allotment 7 Section D Parish of Norong, for the following reasons:</p> <ul style="list-style-type: none"> <li>1. The proposal is inconsistent with the Planning Policy Framework in relation to agricultural land and rural development, specifically Clauses 11.01-1S, 14.01-1S, 14.01-1L-03, 14.01-2S and 16.01-3S, which aim to manage use and</li> </ul>	Completed

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

Meeting date	Item	Name	Resolution	Status
			<p>development in rural areas to protect and enhance agriculture and avoid inappropriate rural residential development. The application fails to demonstrate that the proposed dwelling is associated with and will support a viable agricultural activity. As a result, the proposal is an example of an inappropriate rural residential land use which does not lead to agricultural benefit.</p> <p>2. The proposal is inconsistent with the Municipal Planning Strategy in relation to agricultural land, specifically Clause's 02.03-1, 02.03-4 and 02.03-6, which seeks to locate dwellings in appropriately zoned and serviced areas to avoid fragmentation of productive agricultural land and discourage rural dwellings for hobby farming and rural residential purposes in the Farming Zone. The proposal is for a dwelling that is more akin to a hobby farm rather than a viable agricultural undertaking.</p> <p>3. The proposal is inconsistent with the purpose and decision guidelines of the Farming Zone, which seek to encourage the retention of productive agricultural land and to ensure that non-agricultural uses do not adversely affect the use of land for agriculture. Without sufficient evidence demonstrating the proposed dwelling is reasonably required to support a genuine and viable agricultural activity, the proposal will lead to a permanent loss of productive agricultural land, limit the operation and expansion of existing agricultural</p>	

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

Meeting date	Item	Name	Resolution	Status
			land uses within the surrounding area and lead to further concentration and proliferation of dwellings, contrary to the decision guidelines of the zone.	
25 July-23	12.1	Council Grants Guidelines and Assessment Criteria - Annual Review	<p>That Council;</p> <ol style="list-style-type: none"> <li>1. Adopts the Guidelines and Assessment Criteria as attached to this report for the following grant streams for 2023/2024:               <ol style="list-style-type: none"> <li>a) Community Grants;</li> <li>b) Events Grants; and</li> <li>c) Get Active Indigo Grants.</li> </ol> </li> <li>2. Appoints Councillor representatives and substitute representatives in a non-voting capacity to each of the following grant assessment panels:               <ol style="list-style-type: none"> <li>a) Events Grants:                   <ol style="list-style-type: none"> <li>i) Councillor Representative Cr Peter Croucher;</li> <li>ii) Substitute Representative Cr Bernard Gaffney; and</li> </ol> </li> <li>b) Get Active Indigo Grants:                   <ol style="list-style-type: none"> <li>i) Councillor Representative Cr Emmerick Teissl;</li> <li>ii) Substitute Representative</li> </ol> </li> </ol> </li> </ol>	Completed

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

Meeting date	Item	Name	Resolution	Status
			<p>ave Cr Roberta Horne; and</p> <p>3. Adopts the amended Grants Governance Policy as attached to this report.</p>	
25 July-23	12.2	Chiltern Destination Playspace funding application	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Proceed with supporting a Tourism North East application for the Rutherglen Silo Precinct and Community Arts Hub project in the 2023/24 round of the Federal Government's Growing Regions Program as per the Council resolution 27 June 2023; and</li> <li>2. Does not submit an EOI with the Federal Government's Growing Regions Program for the Chiltern Destination Playspace project in 2023/24; and</li> <li>3. Continue to work on the Chiltern Destination Playspace concept including further revision of the project scope and costings with a view to progressing the project through future funding applications.</li> </ol>	Completed
27 June 2023	12.6	Federal Government Growing Regions Program Grant Fund Recommendations	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Supports a Tourism North East application for Indigo Shires <i>Rutherglen Silo Precinct and Community Arts Hub</i> project in the Federal Government Growing Regions Program funding round 2023/2024 (noting the required 90/10 cash co-contribution as per the eligibility criteria if successful) via submitting an Expression of Interest; and</li> <li>2. Pending feedback on the Expression of Interest referred to</li> </ol>	<p>Part 1 completed</p> <p>Part 2 – Incomplete pending outcome of the EOI referred to in part 1</p> <p>Parts 3 &amp; 4 - revoked in July meeting</p>

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

Meeting date	Item	Name	Resolution	Status
			<p>in point 1 above, proceed with making a full application; and</p> <p>3. Endorses a Council application for the <i>Chiltern Destination Playspace</i> project in the Federal Government Growing Regions Program funding round 2023/2024 (noting the required 90/10 cash co-contribution as per the eligibility criteria if successful) via submitting an Expression of Interest; and</p> <p>4. Pending feedback on the Expression of Interest referred to in point 3 above, proceed with making a full application.</p>	
25 July-23	13.1	Community Sustainability Grant Program - Program Guidelines Annual Review 2023/24	<p>That Council:</p> <ol style="list-style-type: none"> <li>Adopts the Guidelines for the Community Sustainability Grants Program for 2023/24; and</li> <li>Delegates the Chief Executive Officer to appoint two representatives from the Indigo Environment Advisory Committee (IEAC) to be on the Community Sustainability Grants assessment panel.</li> </ol>	Completed
25 July-23	13.2	Tender Recommendation - Contract 23/6341 Supply of Mobile Maintenance Services on Council's Plant, Equipment and Fleet	<p>That Council:</p> <ol style="list-style-type: none"> <li>Awards the Contract 23/6341 to Spanners &amp; Sparks Supply of mobile maintenance services on Council's Plant, Equipment and Fleet for an initial one-year term and with two optional extensions, each of a further two years, each extension being at the option of Council;</li> <li>Notes the total value of works delivered under the contract varies annually, typically between \$300,000 and \$450,000 p.a.; and</li> </ol>	Completed

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

Meeting date	Item	Name	Resolution	Status
			3. Authorises the Chief Executive Officer to sign and seal the contract documents.	
25 July-23	13.3	Tender Recommendation - Contract No 23/6473 Kerbside Collection Services	<p>That Council:</p> <ol style="list-style-type: none"> <li>Notes the changes required to Victoria’s waste and recycling system through the <b>Circular Economy (Waste Reduction and Recycling) Act 2021</b> which includes a new four-stream waste and recycling system (Glass, Food Organics and Garden Organics, Mixed Recyclables, and Household Rubbish) for all households;</li> <li>Notes that the specification for this contract details kerbside collections services for residential properties shire-wide, consisting of the following; <ul style="list-style-type: none"> <li>Weekly Food Organics Garden Organics (FOGO) Collection (240L green lidded bin)</li> <li>Fortnightly Residual Waste Collection (140L red lidded bin)</li> <li>Fortnightly Recycling Collection (240L yellow lidded bin)</li> <li>Four-weekly Glass Collection from July 2027 (80L purple lidded bin)</li> </ul> </li> <li>Notes that the awarding of this contract does not change current service levels in the short term, and that a further report will be presented to Council at a later date to consider any service level changes;</li> <li>Notes the recommendations of the Regional Tender Evaluation</li> </ol>	Completed

## COUNCIL MEETING AGENDA - 29 AUGUST 2023

Meeting date	Item	Name	Resolution	Status
			<p>Team, as detailed in the <b>19/04045 Tender Evaluation Summary Report (July 2023)</b>, provided as a confidential attachment to this report;</p> <p>5. Notes that the estimated cost of services to be delivered under this contract is approximately \$29.2 million over ten years, but that the actual cost will depend on actual services delivered and that tendered rates are subject to adjustment for CPI;</p> <p>6. Awards Contract No 23/6473 for Kerbside Collection Service to Cleanaway Pty Ltd for a 10 year period commencing 1 July 2024, inclusive of the following Alternate Options presented as part of the tender response:</p> <ol style="list-style-type: none"> <li>1. Utilisation of existing fleet with rolling replacement (noting that this option is contingent on the decisions of other Councils),</li> <li>2. Utilisation of existing Mobile Garbage Bins (MGB's),</li> <li>3. Council to be direct-billed for landfill disposal costs, and</li> <li>4. Council to pay Organics Processing Facility (OPF) fees based on actual Organics quantities collected and contamination rates;</li> </ol> <p>7. Authorises the Chief Executive Officer to sign and seal the contract documents</p>	
25 July 2023	14.1	Update - Instrument of Appointment and Authorisation	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Appoints and authorises the members of Council staff</li> </ol>	Completed



## COUNCIL MEETING AGENDA - 29 AUGUST 2023

Meeting date	Item	Name	Resolution	Status
		under the Environment Protection Act 2017	<p>referred to in the instrument attached as set out in the instrument; and</p> <p>2. Notes that the instrument comes into force immediately upon resolution of Council and remains in force until Council determines to vary or revoke it.</p>	
25 July-23	14.3	Informal Meetings of Councillors Records	That Council accepts the attached Informal Meetings of Councillors records.	Completed
25 July-23	14.4	Advisory Committee Minutes	<p>That Council receives the attached unconfirmed meeting minutes for the following Advisory Committees and endorses the officer recommendations:</p> <ul style="list-style-type: none"> <li>a) Indigo Environment Advisory Committee;</li> <li>b) Indigo Access Advisory Committee;</li> <li>c) Finance Committee; and</li> <li>d) Indigo Shire Cultural Heritage Advisory Committee.</li> </ul>	Completed
27 June-23	15.1	Notice of Motion - Report on CCTV	1. That Council request the CEO to meet with Victoria Police - Local Area Command - and providers of high definition CCTV and provide a report to Council on the viability of Council purchasing CCTV'S for the safety of our communities across Indigo Shire.	Incomplete – on agenda for next scheduled safety committee meeting in August

**Attachments**  
Nil

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## **COUNCIL MEETING AGENDA - 29 AUGUST 2023**

### **18. GENERAL BUSINESS**

**Next Meeting:                    Tuesday, 26 September 2023 at 6.30pm**

# 11.1

## JULY 2023 FINANCE REPORT

1	Service Plan Statement - July .....	68
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## July 2023- Service plan area statement

**Note:** For both actual and budget a positive net result means a positive net contribution to Council and a negative net result means a net cost to Council.

(Red variance) is unfavourable

Black variance is favourable

Service Plan Area	Year to Date ( YTD )				2023/24 Annual budget	July YTD 2022/23 actual
	YTD actuals	YTD budget	YTD variance \$	YTD variance %		
<b>Community &amp; economic development services</b>						
Ageing Well	210	(6,270)	6,480	103%	(107,107)	(6,965)
Community development	(30,034)	(28,970)	(1,064)	(4%)	(318,163)	(28,301)
Creative Communities	(68,065)	(64,766)	(3,299)	(5%)	(978,010)	(63,901)
Early years	(538)	(3,904)	3,366	86%	(244,769)	(104)
Economic development	(21,986)	(12,739)	(9,247)	(73%)	(259,265)	(32,931)
Recreation	(5,526)	(7,572)	2,046	27%	(674,438)	(10,466)
Tourism	(222,613)	(218,179)	(4,434)	(2%)	(599,554)	(110,782)
Visitor experience and Museums	(84,173)	(84,262)	89	0%	(1,218,581)	(89,980)
Young people	(31,165)	(26,298)	(4,867)	(19%)	(75,743)	(8,635)
<b>Surplus / (deficit) community &amp; economic development services</b>	<b>(463,889)</b>	<b>(452,960)</b>	<b>(10,929)</b>	<b>(2%)</b>	<b>(4,475,630)</b>	<b>(352,064)</b>
<b>Infrastructure services</b>						
Asset management	(14,423)	(17,443)	3,020	17%	(278,628)	(16,641)
Buildings & property	(100,166)	(81,942)	(18,224)	(22%)	(1,035,238)	(58,690)
Buller gas	200,686	197,596	3,090	2%	640,526	188,893
Capital works - management	(9,611)	(19,525)	9,914	51%	(339,077)	(15,303)
Development engineering	(9,774)	(8,111)	(1,663)	(21%)	(110,787)	(7,826)
Drainage	(4,621)	(3,312)	(1,309)	(40%)	(44,192)	(169)
Emergency management	(133,346)	(7,601)	(125,745)	(1,654%)	(105,330)	(17,336)
Environment & sustainability	(14,284)	(15,680)	1,396	9%	(373,528)	(8,922)
Parks & gardens	(77,660)	(60,115)	(17,545)	(29%)	(967,372)	(68,074)
Pathways	(15,742)	(2,547)	(13,195)	(518%)	(366,451)	(11,725)
Plant equipment & fleet	(53,748)	(56,699)	2,951	5%	(49,613)	(80,683)
Quarries	(1,654)	(1,322)	(332)	(25%)	80,107	0
Roads & bridge maintenance	(234,667)	(206,309)	(28,358)	(14%)	(334,621)	(235,397)
Tree services	(50,180)	(33,109)	(17,071)	(52%)	(644,369)	(37,233)
Waste management	3,438,162	3,348,147	90,015	3%	(77,813)	(243,759)
<b>Surplus / (deficit) infrastructure services</b>	<b>2,918,971</b>	<b>3,032,029</b>	<b>(113,057)</b>	<b>(4%)</b>	<b>(4,006,386)</b>	<b>(612,865)</b>
<b>Office of the CEO</b>						
Carlyle Cemetery	(626)	(1,351)	725	54%	0	(2,557)
Communications	(14,499)	(18,536)	4,037	22%	(323,602)	(18,459)
Customer service and administration	(34,718)	(33,575)	(1,143)	(3%)	(505,451)	(30,565)
Executive management	(117,564)	(134,193)	16,630	12%	(1,681,585)	(109,880)
Governance	(15,479)	(13,897)	(1,582)	(11%)	(185,913)	(12,966)
Organisational development	(8,807)	(10,271)	1,464	14%	(167,266)	(10,692)
Records management	(59,661)	(49,418)	(10,243)	(21%)	(879,133)	(33,850)
Risk management	(742,010)	(655,061)	(86,949)	(13%)	(720,854)	(456,886)
<b>Surplus / (deficit) office of the CEO</b>	<b>(993,364)</b>	<b>(916,302)</b>	<b>(77,061)</b>	<b>(8%)</b>	<b>(4,463,804)</b>	<b>(675,855)</b>
<b>Planning &amp; corporate services</b>						
Asset depreciation	(590,534)	(591,367)	833	0%	(7,096,404)	(579,023)
Building control services	6,329	(126)	6,455	5,123%	(92,892)	(7,902)
Environmental health services	(22,394)	(11,928)	(10,466)	(88%)	(26,119)	(11,743)
Financial services	(54,878)	(53,089)	(1,789)	(3%)	3,978,676	(38,596)
Information technology	(413,931)	(423,582)	9,651	2%	(1,850,533)	(186,208)
Local laws & animals	(21,710)	(31,605)	9,895	31%	(93,916)	(8,499)
Planning	(62,607)	(55,149)	(7,458)	(14%)	(986,513)	(17,545)
Rates & property services	15,951,146	15,980,013	(28,867)	(0%)	15,944,714	(1,503)
<b>Surplus / (deficit) planning &amp; corporate services</b>	<b>14,791,421</b>	<b>14,813,167</b>	<b>(21,746)</b>	<b>(0%)</b>	<b>9,777,013</b>	<b>(851,018)</b>
<b>Surplus / (deficit)</b>	<b>16,253,140</b>	<b>16,475,933</b>	<b>(222,793)</b>	<b>(1%)</b>	<b>(3,168,807)</b>	<b>(2,491,803)</b>

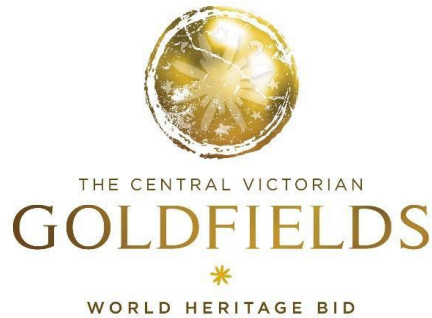
# 12.1

## VICTORIAN GOLDFIELDS WORLD HERITAGE LISTING BID - MOU

1 Memorandum of Understanding Victoria Goldfields World Heritage Listing Bid70

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# MEMORANDUM OF UNDERSTANDING

between

**Ararat Rural City Council;  
Campaspe Shire Council;  
Central Goldfields Shire Council;  
City of Ballarat Council;  
City of Greater Bendigo Council;  
Golden Plains Shire Council;  
Hepburn Shire Council;  
Loddon Shire Council;  
Macedon Ranges Shire Council;  
Moorabool Shire Council;  
Mount Alexander Shire Council;  
Northern Grampians Shire Council; and  
Pyrenees Shire Council**

*and*

**Indigo Shire Council**

concerning

**Victorian Goldfields World Heritage Bid**

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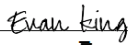
## Document Acceptance and Release Notice

This document is Version No 0.1, \_\_\_\_\_, of the Memorandum of Understanding concerning the Victorian Goldfields World Heritage Bid.

The Memorandum of Understanding concerning the Victorian Goldfields World Heritage Bid is a managed document. For identification of amendments, each page contains a release number and a page number. Changes will only be issued as a complete replacement document. Recipients should remove superseded versions from circulation.

This document is authorised for release once all signatures have been obtained.

PREPARED:  \_\_\_\_\_ Date: 19 May 2023  
(for acceptance) Susan Fayad, World Heritage and Regional  
Development Lead  
Goldfields World Heritage Bid Program Co-  
ordinator

ACCEPTED:  \_\_\_\_\_ Date: 19 May 2023  
(for release) Evan King, CEO, City of Ballarat  
Goldfields World Heritage Bid Program Sponsor  
(Fundholder)

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## Document Development History

### Version control:

Version	Date	Author	Reason	Sections
0.1	08.05.2023	Susan Fayad, City of Ballarat	Initial draft	All
0.1	08.05.2023	Project Control Group (Ballarat, Bendigo, VGTE, RDV)	Draft amendments & considerations	All
0.1	17.07.2023	Indigo Shire	Review	All
0.2	21.07.2023	Steering Committee	Review	All
1.0	21.07.2023	Susan Fayad, City of Ballarat	Final amendments post review by Parties.	Remove prompts

### Review:

Name / Forum	Role / LGA	Date
Evan King, Chair Steering Committee	CEO, City of Ballarat (Program Sponsor)	21.07.2023
Craig Niemann, Steering Committee	CEO, City of Greater Bendigo	21.07.2023
Steering Committee members	CEO, Ararat Rural City Council	21.07.2023
	CEO, Campaspe Shire Council	21.07.2023
	CEO, Central Goldfields Shire Council	21.07.2023
	CEO, Golden Plains Shire Council	21.07.2023
	CEO, Hepburn Shire Council	21.07.2023
	CEO, Loddon Shire Council	21.07.2023
	CEO, Macedon Ranges Shire Council	21.07.2023
	CEO, Mount Alexander Shire Council	21.07.2023
	CEO, Northern Grampians Shire Council	21.07.2023
CEO, Pyrenees Shire Council	21.07.2023	
Signatories	CEO, Indigo Shire Council	

### Approval:

Forum	Details	Date
DocuSign	All Parties to sign	

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## 1 Purpose of this document

This Memorandum of Understanding (MOU) is signed on between:

1. Ararat Rural City Council;
2. Campaspe Shire Council;
3. Central Goldfields Shire Council;
4. City of Ballarat;
5. City of Greater Bendigo;
6. Golden Plains Shire Council;
7. Hepburn Shire Council;
8. Loddon Shire Council;
9. Macedon Ranges Shire Council;
10. Moorabool Shire Council
11. Mount Alexander Shire Council;
12. Northern Grampians Shire Council; and
13. Pyrenees Shire Council

And

14. Indigo Shire Council.

Hereinafter referred to individually as "Party" and collectively as "Parties".

In recognition of their common interests and objectives, and in order to supplement and strengthen the existing understandings amongst the Parties with respect to cooperation for the Victorian Goldfields World Heritage Bid (hereinafter referred to as the "Program"), the Parties confirm their mutual understanding on the following:

### 1.1 Purpose

The signatories to this Memorandum of Understanding will work together to progress the development of the Program with the objective of assessing heritage sites within the local government areas of the Parties that could have potential to contribute to a 'Victorian Goldfields' World Heritage Listing.

### 1.2 Commitment

This MOU is strictly limited to expressing a desire of the Parties for cooperation. It is not a legal agreement; however, all Parties commit to using their best endeavours to achieve its purpose.

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## 2 Objectives

Cooperation and partnership between the Parties under this MOU is based on the overarching mutual recognition of:

- 2.1.1 The need for a long-term approach and commitment to the Program;
- 2.1.2 The need for encouraging full participation of all stakeholders; and
- 2.1.3 The need for developing the Program.

### 2.2 Scope of cooperation

Within the context of their respective mandates, objectives and procedures, the Parties shall cooperate in the following areas:

- 2.2.1 Each Party pledges to cooperate in a spirit of mutual understanding and to develop a closer relationship of goodwill and partnership to increase opportunities from a World Heritage Listing.
- 2.2.2 Whilst there are no set financial obligations, the Parties may consider opportunities for financial contribution as the program progresses.
- 2.2.3 On the basis of close cooperation, each organisation will undertake work to facilitate the advancement of the Program and other agreed upon activities which may include, but are not limited to:
  - a) Collaboration
    - 2.2.3.1 *Collaboration on activities that strengthen or support the development of the Program*
    - 2.2.3.2 *Collaborative applications for grants and funding*
    - 2.2.3.3 *Collaborative consultation with Stakeholders and the Community to develop arrangements and build confidence in the Program*
    - 2.2.3.4 *Collaborative and joint delivery of the Program*
    - 2.2.3.5 *Organising workshops, seminars and meetings jointly*
  - b) Staff support
    - 2.2.3.6 *Each Party's CEO participating in the Program Steering Committee*
    - 2.2.3.7 *Nominate a responsible officer (Focal Point) for the entirety of the Program.*

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2.2.3.8 *Keep their Councillors, Executive and relevant officers informed and up-to-date on the Program.*

2.2.3.9 *If allocated a position by the Program Steering Committee, an officer on the relevant Project Control Group and Advisory Bodies.*

c) Sharing of information

*The Parties recognise that effective cooperation to deliver the Program depends on open, comprehensive and regular exchange of information. To the extent possible in accordance with their representative policies concerning disclosure of information, the Parties intend to make appropriate arrangements to:*

2.2.3.10 *Share information with the other to help promote mutual understanding and progression of the Program, and each will respect the confidentiality and intellectual ownership of this information*

2.2.3.11 *Exchanging analytical reports, publications, technical materials, expert services and other information related to the purposes of the Program.*

d) Publicity

2.2.3.12 *Each Party will respect the name and high reputation of the other and will consult with the other regarding publicity or external reference to this MOU.*

2.2.4 In addition to 2.2.1, 2.2.2 and 2.2.3, the City of Ballarat and City of Greater Bendigo commits to:

2.2.4.1 *Providing additional staffing and other additional resources to coordinate and progress the Program.*

2.2.4.2 *Keep Parties informed of media and other communications.*

2.2.5 In addition to 2.2.1, 2.2.2, 2.2.3 and 2.2.4, the City of Ballarat commits to:

2.2.5.1 *Be the fundholder for the Program.*

## 2.3 Focus of Joint Activities

With a view to achieving the purposes of the MOU, the Parties intend to:

2.3.1 Establish a Program Steering Committee as an interim governance arrangement

2.3.2 Undertake meaningful engagement with stakeholders and local communities across the region

2.3.3 Develop an initial draft World Heritage Bid and Management Plan

2.3.4 Agree on program delivery (post the Program)

2.3.5 The above-mentioned areas may be amended from time to time with mutual written consent of the Parties.

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### 3 Fund holder responsibility

The Fund Holder for the Program is the City of Ballarat. The fund holder is accountable to the Program Steering Committee for appropriate management of funds and for clear and transparent reporting against expenditure and responsible for:

- 3.1.1 acknowledging the financial support received from Parties (as applicable)
- 3.1.2 providing sound financial systems that ensure money is managed and spent in line with any funding and service agreements and the guidance of the Program Steering Committee and relevant Project Control Group.
- 3.1.3 providing regular financial updates and budget projections to the Program Steering Committee to mitigate risks of funding shortfalls and excess costs
- 3.1.4 employing staff/engaging consultants as required and providing their professional support
- 3.1.5 ensuring spending represents value for money and is solely and specifically spent for the purpose of the Program
- 3.1.6 ensuring reporting requirements are adhered to
- 3.1.7 any unspent monies being returned to the Parties in accordance with their individual contributions.

### 4 Reciprocal invitations

The Parties recognize that appropriate representation is important to emphasize their common interests, purposes and intentions in substantive terms. The Parties therefore intend to invite each other, where appropriate, to meetings, conferences, seminars and workshops relevant to cooperation in the priority areas set out in this MOU.

### 5 Focal Point: Responsible Officer

The Parties will endeavour to ensure that:

- 5.1.1 Their respective appropriate Responsible Officer will be responsible for the implementation of cooperation activities listed within their areas of responsibility activities under this MOU
- 5.1.2 Their respective appropriate Responsible Officer will provide brief reports as necessary to their respective organisations on the status of implementation of all cooperation activities listed within their areas of responsibility under this MOU.

For purposes of coordination and administration of this MOU, the Parties designate their respective Responsible Officer as follows:

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For Indigo Shire Council

Tel:

Email:

## 6 Acknowledgements and use of organisational emblems and logos

The Parties recognise that their involvement in joint cooperation activities under this MOU will be publicised. Therefore, the Parties understand that:

- 6.1.1 There will be public acknowledgment of the role and contribution of each Party to the Program in all public information related to such cooperation;
- 6.1.2 Information related to activities under this MOU may be made available through customary channels according to the normal procedures and policies of each Party. Results derived from joint research projects shall be published with public acknowledgement of the role and contribution of each Party; and
- 6.1.3 The use of emblems and/or logos of each Party in documentation related to activities under this MOU will be in accordance with the current policies of each Party concerning such usage.

## 7 Dispute resolution

The following are the agreed procedures for preventing and/or settling disputes concerning this MOU:

- 7.1.1 Without prejudice, all Parties will ensure that appropriate resources, financial or in-kind, are provided to carry out the agreed responsibilities.
- 7.1.2 Where disagreement arises, the nominated representatives of each Party will make every effort to resolve the dispute.
- 7.1.3 If a matter cannot be resolved, it will be referred to the CEO's of each Party, who will determine a suitable dispute resolution procedure in accord with the relevant policies of each Party.

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## 8 Period of arrangement

- 8.1.1 This MOU shall be valid for an indefinite period that aligns with the Program timeframe.
- 8.1.2 The MOU may be renegotiated at any time during the period of the arrangement.
- 8.1.3 Any changes to the MOU must be documented with copies of the changes provided to all Parties.
- 8.1.4 Any Party may withdraw from this MOU by giving one months' prior written notice to the other Parties.

## 9 Agreement between Parties

- 9.1.1 Nothing in this MOU shall be construed as creating any legal relationship between the Parties; its provisions do not create rights, obligations or duties for any Party. This MOU is a statement of intent to foster genuine and mutually beneficial cooperation.
- 9.1.2 This MOU shall not prejudice any rights and obligations of either Party in any international, national, state or local agreements or conventions.
- 9.1.3 The organisation representatives responsible for this MOU are City of Ballarat (CEO) and City of Greater Bendigo (CEO), on behalf of all Parties.

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## 10 Signatories

### Executed as an agreement

FOR AND ON BEHALF OF  
ARARAT RURAL CITY COUNCIL

\_\_\_\_\_  
**Dr. Tim HARRISON**  
CEO

FOR AND ON BEHALF OF  
CITY OF GREATER BENDIGO

\_\_\_\_\_  
**Mr. Craig NIEMANN**  
CEO

FOR AND ON BEHALF OF  
CAMPASPE SHIRE COUNCIL

\_\_\_\_\_  
**Ms. Pauline GORDON**  
CEO

FOR AND ON BEHALF OF  
GOLDEN PLAINS SHIRE COUNCIL

\_\_\_\_\_  
**Mr. Eric BRASLIS**  
CEO

FOR AND ON BEHALF OF  
CENTRAL GOLDFIELDS SHIRE  
COUNCIL

\_\_\_\_\_  
**Ms. Lucy ROFFEY**  
CEO

FOR AND ON BEHALF OF  
HEPBURN SHIRE COUNCIL

\_\_\_\_\_  
**Mr. Bradley THOMAS**  
CEO

FOR AND ON BEHALF OF  
CITY OF BALLARAT

\_\_\_\_\_  
**Mr. Evan KING**  
CEO

FOR AND ON BEHALF OF  
LODDON SHIRE COUNCIL

\_\_\_\_\_  
**Mr. Lincoln FITGERALD**  
CEO



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FOR AND ON BEHALF OF  
**MACEDON RANGES SHIRE  
COUNCIL**

**Mr. Bernie O'SULLIVAN**  
\_\_\_\_\_  
CEO

FOR AND ON BEHALF OF  
**NORTHERN GRAMPIANS SHIRE  
COUNCIL**

**Mr. Trenton FITHALL**  
\_\_\_\_\_  
CEO

FOR AND ON BEHALF OF  
**MOUNT ALEXANDER SHIRE  
COUNCIL**

**Mr. Darren FUZZARD**  
\_\_\_\_\_  
CEO

FOR AND ON BEHALF OF  
**PYRENEES SHIRE COUNCIL**

**Mr. Jim NOLAN**  
\_\_\_\_\_  
CEO

FOR AND ON BEHALF OF  
**MOORABOOL SHIRE COUNCIL**

**Mr. Derek MADDEN**  
\_\_\_\_\_  
CEO

FOR AND ON BEHALF OF  
**INDIGO SHIRE COUNCIL**

**Mr. Trevor IERINO**  
\_\_\_\_\_  
CEO

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Memorandum of Understanding concerning the Victorian Goldfields World Heritage Bid program

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# 13.2

## JULY CAPITAL WORKS REPORT

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Jul-23		EXPENDITURE									INCOME				Activity Period 23-24				Project Manager Comments July	Project Locality	Type - ISC or Non-ISC
Project Name	Project Description / Scope / Value	Total Project Value (including any amendments)	Approved New Funds (2023/24 Budget)	8,147,700 Carried Forward Funds (2023/24 Budget)	** Note - Carry forwards & new projects are subject to 2023/24 Adopted Budget	** Proposed Carry Over Amounts	**New Projects and amendments	** Proposed 2023/24 Capital Budget (inc Q1 Adjustments)	July YTD Actuals	Adopted 2023/2024 Budget	**New Projects and amendments	2023/24 Capital Income (including Q1 Adjustments)	July YTD Actual Income	Q1	Q2	Q3	Q4	Current Stage			
<b>Land</b>																					
Tangambalanga Industrial Estate - Stage 2	Design and document Stage 2 of the Tangambalanga Industrial estate. This work will progress the estate to "shovel ready" status.	59,870	0	0	0	13,557	0	13,557	-	-								Implementation Underway	Electrical design work is progressing slowly. Comments have been provided back to the designer.	Tangambalanga	ISC
<b>Land Improvements</b>																					
Transfer Station Monitoring Bores	Installation of groundwater testings bores at Transfer Stations	70,000	0	70,000	70,000	0	0	70,000	-	-								Planning	Scope of works being drafted to seek quotations from industry, for installation and monitoring.	Beechworth	ISC
<b>Community Facilities</b>																					
Public Toilet Renewals	Refurbishment work to public toilets. Priorities to be confirmed by the Public Toilet Strategy		100,000	0	100,000	0	0	100,000	-									Planning		Shire Wide	ISC
Kindergarten Buildings	Replace existing glass windows with current Australian Standard approved glazing	15,000	0	0	0	11,523	0	11,523	-									Installation Underway	Some works completed, quote obtained for remaining sites.		ISC
Chiltern Community Hub-Construction	Detail design and construction of the new Chiltern Community hub space including relocation of SES shed.	4,010,000	0	0	0	80,000	0	80,000	92,813									Completed	All major works completed. Building, carpark and landscaping now finalised. Some minor building defects to be rectified by contractor.	Chiltern	ISC
Chiltern kindergarten playground and external works	Supply and installation of new kindergarten playground and external works.	120,000	0	0	0	120,000	0	120,000	-									Completed		Chiltern	ISC
Chiltern Senior Citizens Clubrooms	Universal design improvements to bathrooms, entrances, kitchen and stage.	85,500	0	85,500	85,500	0	0	85,500	173	(42,000)								Planning	Scope of works being drafted, ahead of developing contract documentation	Chiltern	isc
Rutherglen Senior Citizens Clubrooms	Universal design improvements to bathrooms, entrances and window furnishings.	26,000	0	26,200	26,200	0	-2,350	23,850	90	(13,000)								Planning	Scope of works being drafted, ahead of developing contract documentation	Rutherglen	ISC
Changing Places, Chiltern	Construction of a stand-alone CP facility	180,000	0	180,000	180,000	0	0	180,000	-	(90,000)								Planning	Scope of works being drafted, ahead of developing contract documentation	Chiltern	ISC
Changing Places, Yackandandah	Construction of a new Changing Places Facility in Sir Isaac Isaacs Park, Yackandandah. The new facility will replace the existing public toilets with 2 uni-sex toilets, 1 ambulant, and 2 accessible toilets (one left and one right) and the change places facility. The scope of works also considers parking and access to the new facility.	374,400	0	0	0	23,623	0	23,623	895	-								Completed	All major works completed. Building now finalised with some minor defects to be rectified.	Yackandandah	Non-ISC
Tangambalanga - Lions Solar installation	Supply and installation of a 8.8 kW solar system and 13.8 kW battery storage. Based on historic power data usage the system will eliminate the need to draw power from the grid, providing significant financial savings to the Lions Club.	32,706	0	0	0	11,778	0	11,778	-									Completed	All works on site completed. Final grant close out to be done.	Tangambalanga	ISC
Rutherglen Maternal Child Health Centre	Universal design improvements to bathrooms, entrances, internal spaces and furniture to support sensory needs and access.	65,000	0	65,000	65,000	0	0	65,000	90	(32,000)								Planning	Scope of works being drafted, ahead of developing contract documentation	Rutherglen	ISC
Beechworth Kindergarten / Childcare Renewals	External Painting and roofing preservation works/sealing - rainwater tank , underground irrigation system renewals	35,000	0	0	0	10,346	0	10,346	-									Construction Underway		Shire Wide	ISC
Air condition / Heating system renewals	Ongoing program of renewal / replacement of air conditioning systems, from priority audit report.	-	25,000	0	25,000	0	0	25,000	-									Planning	Sites and works being indented and scoped.	Shire Wide	ISC
Demolition of Chiltern Farm House	Demolition of Farm House and sheds at 2248 Beechworth Chiltern Road, Chiltern	-	45,000	0	45,000	0	0	45,000	-									Planning	Permit to demolish being made.	Chiltern	ISC

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Jul-23		EXPENDITURE								INCOME				Activity Period				Project Manager Comments July	Project Locality	Type - ISC or Non-ISC
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Tangambalanga Community Centre	Replacement of failing external cladding		30,000	0	30,000	0	0	30,000	-									Planning	Shire Wide	ISC
<b>Museums &amp; Historical Sites</b>																				
Chiltern Athenaeum - Solar installation	Installation of a new 5.25kW solar system to museum		0	40,000	40,000	0	-2,752	37,248	358			-						Construction Underway	Chiltern	ISC
Beechworth Burke Museum	Display cabinetry and equipment upgrades to Beechworth's Burke Museum. Additionally the grant allows for enhance collection and precinct security outcomes. This is a fully grant funded project.	89,900	0	80,000	80,000	8,100	0	88,100	-									Construction Underway	Beechworth	ISC
Painting of Historic Buildings	Internal and External Painting on priority Buildings following the condition reports, including internal painting for Chiltern Athenaeum	44,908	0	0	0	41,813	0	41,813	-									Procurement Underway	Shire Wide	ISC
Chiltern Athenaeum	Restoration works largely external to the athenaeum based on a heritage expert builder's report and approved by Heritage Victoria, Council's heritage advisor and in accordance with the funding agreement scope.	190,000	0	0	0	13,352	0	13,352	3			-						Construction Underway	Chiltern	ISC
Beechworth Historic Precinct Renewal- Courthouse Kelly Trials Experience	The Kelly Trials Experience at the Historic Precinct Courthouse project that will provide visitors a virtual experience of the Kelly Trial.	1,000,000	0	0	0	236,785	0	236,785	5,983			-						Construction Underway	Beechworth	ISC
<b>Public Halls</b>																				
Yackandandah Public Hall	Refurbishment and repairs of Roof over foyer area	15,000	0	0	0	15,000	0	15,000	-									Procurement Underway		
Rutherglen Memorial Town Hall Roof	Roof replacement	460,000	460,000	0	460,000	0	0	460,000	-									Construction Underway		
<b>Swimming Pool Facilities</b>																				
Swimming Pool Renewal Works	Refurbishment and renewal of major pool plant and equipment, based on condition assessments.	75,000	75,000	0	75,000	0		75,000	-									Procurement Completed / Awaiting Construction	Shire V	ISC
Swimming Pool Renewal Works	Refurbishment and renewal of major pool plant and equipment, based on condition assessments.	300,927	0	0	0	179,282		179,282	183									Procurement Completed / Awaiting Construction	Shire V	ISC
Pool Liner Installation	Replacement of Pool liner at Beechworth Swimming Pool	160,000	0	160,000	160,000		-2,568	157,432	336									Not Started		
<b>Municipal Offices</b>																				
Key Security System Renewal & Compliance	Replace existing, non-compliant master key system and upgrading building access security systems - all shire buildings	100,000	0	70,000	70,000	11,011	0	81,011	-									Procurement Underway		
Beechworth Office Energy Efficiency Improvements.	Installation of solar panels to reduce electricity consumption and cost	40,000	0	0	0	38,350	0	38,350	-									Procurement Underway	Beechworth	ISC
Yackandandah Office - Lower Level Storage	Provide lining and fit out for downstairs at Yackandandah Office to improve storage and office space, include lighting and external cladding	70,000	0	70,000	70,000	0	-225	69,775	-									Not Started	Yackandandah	ISC
Council EV Chargers	Installation of 7 EV charging stations at Council facilities across the Shire, including, Beechworth Library, Beechworth Depot, Yackandandah Library, Yackandandah Depot, Chiltern Community Hub, Rutherglen Library and Rutherglen Depot.	53,205	0	43,000	43,000	2,440	0	45,440	2,159		(28,352)	(28,352)						Procurement Underway	Yackandandah	ISC

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Energy Efficiency Improvements Program	Additional solar and battery at Burke Museum. Additional solar at Council depots. Yackandandah office arnd Rutherglen Library.	40,000	40,000	0	40,000	0	0	40,000	-											
Energy Efficiency Improvements Program	Including EV Charging Stations, Solar Power Projects and energy efficiency initiatives, including supporting improvements in other projects	60,000	0	0	0	31,450	0	31,450	-									Procurement Underway	VARIOUS	ISC
Replacement Site Hut - Ruthglen Transfer Station	Replacement of site office facilities at the Rutherglen Transfer Station	25,000	0	0	0	0	25,000	25,000	15,000											
<b>Motor Vehicles &amp; Plant</b>																				
Fleet Replacement	New vehicles in accordance with forward replacement program		130,000	200,000	330,000	35,584	0	365,584	-	(71,000)								Procurement Underway	Miscellaneous	ISC
Plant Replacement	New Plant and Equipment in accordance with forward replacement program		522,000	1,121,000	1,643,000	0	-12,995	1,630,005	-	(412,000)								Procurement Underway	Miscellaneous	ISC
Minor Plant	Renewal of small plant & equipment (chainsaws, blowers, etc)		30,000	0	30,000	0	0	30,000	0											
<b>Furniture &amp; Equipment</b>																				
Public Place Recycling	New bins and surrounds to provide for improved public place recycling		0	25,000	25,000	0	0	25,000	-										Shire Wide	ISC
Council Chambers - replacement of chairs	New chairs for the Council chambers		15,000	0	15,000	0	0	15,000	-											
Street & Park Furniture - Renewal	Renewal of priority street and park furniture		32,000	0	32,000	0	0	32,000	-										Shire Wide	ISC
Play Equipment Replacement	Renewal of priority playground assets, including accessibility improvements, shade sails, informed by the Play Space Review and Strategy		42,000	0	42,000	34,975	0	76,975	-										Shire Wide	ISC
<b>Computers &amp; Telecommunications</b>																				
IT Renewal Priorities	Annual replacement of server and network hardware		70,000	0	70,000	30,730	0	100,730	-										Miscellaneous	ISC
Key Systems Upgrade Project (Datascape CRM enhancements)	Upgrade of core systems including collaborative procurement opportunities with other Councils	407,870	0	163,000	163,000	0	0	163,000	-										Miscellaneous	ISC
IT Strategy Implementation	Implementation of HR Information Ssystem		350,000	92,000	442,000	154,348	0	596,348	-										Miscellaneous	ISC
Computer Replacement Program	Annual replacement of IT hardware		150,000	0	150,000	0	-27,778	122,222	-										Miscellaneous	ISC
IT refresh for Finance Systems	Implementation of new finance IT System	250,000	15,000	150,000	165,000	0	0	165,000	-											

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Human Resource Information System RFP	Procurement effort for new HR Information System for implementation in 2023-24	15,000	0	0	0	15,000	0	15,000	8,867											
Project Management Online	New Project Management software		80,000	0	80,000	0	0	80,000	-											
Bin management database upgrade	Upgrade or new implementation of Bin Management database	15,000	0	15,000	15,000	0	0	15,000	-											
<b>Library Books</b>																				
Library Stock Items - Chiltern Library	Stock for the new Chiltern Community Hub Library		15,000	0	15,000	0	0	15,000	-									Procurement Underway	Chiltern	ISC
Library Stock Items	Replacement of old library books and associated materials.		65,000	0	65,000	0	0	65,000	252	(65,000)	(65,000)	(45)						Procurement Underway	Shire	ISC
Premier's Reading Challenge	Premier's Reading Challenge stock purchase		7,000	0	7,000	0	0	7,000	-	-	-							Procurement Underway	Shire Wide	ISC
<b>Bridges</b>																				
Guard Rail Renewal Works	Install Bridge Guard Rail at high priority bridges as identified in Level 2 Bridge assessments		0	19,000	19,000	0	0	19,000	-									Planning	Shire Wide	ISC
Indigo Creek Road Bridge	Construction of new bridge over Indigo Creek, to replace failed corrugated culverts		1,400,000	0	1,400,000	0	0	1,400,000	-	(1,120,000)								Planning		ISC
Bridge Renewal Works	Reconstruction, strengthening and component renewal at key bridges, as per priorities in Level 2 & 3 Bridge Assessments - potential to be supported by Bridges Renewal Program grants. Includes bridges replacement at Boorhaman East Road, and High Street Barnawartha bridge strengthening		270,000	240,000	510,000	0	-46,625	463,375	1,679									Planning	Shire Wide	ISC
<b>Footpaths &amp; Cycleway</b>																				
Beechworth footpath renewal and risk reduction.	Additional tactiles at Camp/High and Camp/Loch and ICAC identified priority improvements.	40,000	0	0	0	4,651	0	4,651	-									Planning	Beechworth	ISC
Epic Mountain Bike Track	Construction of an iconic mountain bike track joining, the towns of Beechworth and Yackandandah. The project will provide an all season internationally recognised Epic grade track traversing through an area of significant gold mining historical value and natural beauty.	2,050,000	0	0	0	118,862	0	118,862	515									Construction Underway	Miscellaneous	ISC
Alma Road Path, Beechworth	Off road walk/cycle track providing a safe off road link from the rail trail to the National Park.	102,250	0	0	0	20,000	0	20,000	-									Construction Underway	Beechworth	ISC
Footpath upgrade program	Proposed as per priority list: *Reid Street, Chiltern *Huon Kiewa Road, Tangambalanga *Stanley Street, Barnawartha	129,000	0	55,000	55,000	531	0	55,531	-									Procurement Completed / Awaiting Construction	VARIOUS	ISC
Rutherglen Wine Walk Cycle Trail	Creation of a ~48km riding, walking trail through the Rutherglen and Wahgunyah wine region connecting wineries and areas of significant environmental and historic value.	5,113,100	4,600,000	393,000	4,993,000	0	-28,359	4,964,641	34,012	(4,620,000)	(4,620,000)							Planning	Rutherglen	ISC

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Jul-23		EXPENDITURE								INCOME				Activity Period				Current Stage	Project Manager Comments July	Project Locality	Type - ISC or Non-ISC
Project Name	Project Description / Scope / Value	Total Project Value (including any amendments)	Approved New Funds (2023/24 Budget)	8,147,700 Carried Forward Funds (2023/24 Budget)	** Note - Carry forwards & new projects are subject to 2023/24 Adopted Budget	** Proposed Carry Over Amounts	**New Projects and amendments	** Proposed 2023/24 Capital Budget (inc Q1 Adjustments)	July YTD Actuals	Adopted 2023/2024 Budget	**New Projects and amendments	2023/24 Capital Income (including Q1 Adjustments)	July YTD Actual Income	Q1	Q2	Q3	Q4				
Traton Street Footpath	Construction of a new footpath on Traton Street, Wahgunyah between Blanche Street and Morley Drive.	170,000	0	100,000	100,000	62,465	0	162,465	-									Procurement Underway		Wahgunyah	ISC
Footpath Renewals	Replacement of priority sections of footpath (Shire wide) based on asset condition and inspections		60,000	0	60,000	25,686	0	85,686	6,083									Construction Underway			
Harper Avenue - Beechworth	Albert Road to Skate Park	60,000	0	0	0	57,098	0	57,098	54									Planning			
Peach Drv - shared path	Construction of a concrete shared path - linking the Railtrail to the primary school. 50% grant funded via Dept. Transport and Planning. <i>(late addition to the budget, included in operational budget)</i>	102,150	0	0	0	0	88,075	88,075	-									Planning		Barnawartha	ISC
<b>Beechworth to Yackandandah Rail Trail</b>																					
SECTION 7 - Kibell Lane	Approximately 4.9km of new trail within the Kibell Lane road / rail reserve		0	0		687,309	0	687,309	-									Construction Underway	<i>Works progressing slowly due to inclement weather.</i>		
Rail Trail Wayfinding & Signage	Supply and installation of wayfinding and signage								-									Planning			
Rail Trail - Project Management	Staff and contractor time directly relating to Project Management costs across all sections of the Beechworth to Yackandandah Rail Trail.								11,837									Implementation Underway			
<b>SUBTOTAL AND OVERALL BUDGET LINE - RAIL TRAIL</b>	Extension of the Murray to Mountains Rail Trail - Multi Year Project with multiple stages as outlined above.	7,100,000			0	687,309	0	687,309	11,837											Miscell	ISC
<b>Kerb &amp; Channel</b>																					
Drainage improvements to High Street Rutherglen	Drainage improvements works on and around High Street - south of Ready St, Rutherglen Project Budget \$90,000 (fully grant funded)	90,000	0	36,000	36,000	49,704	0	85,704	-									Planning		Rutherglen	ISC
Havelock Street Barnawartha	New kerb and channel and drainage works including general tidy up of Havelock Street and town entrance. Project Budget \$80,000 (fully grant funded)	80,000	0	50,000	50,000	27,986	0	77,986	32									Planning		Barnawartha	ISC
Kerb and channel replacement	Continue with priorities in Chiltern & Rutherglen based on condition assessments	122,000	0	100,000	100,000	40,000		140,000	381									Planning			ISC
<b>Rural Roads</b>																					
Twist Creek Road, Yackandandah	Sealing of Twist Creek Road from McIntosh Lane to the Nelmac Precast business entrance.	104,800		90,000	90,000	9,942	0	99,942	-									Planning		Yackandandah	ISC
Final Seals Program	Final sealing of priority roads and trails.		144,000	0	144,000	0	0	144,000	125									Procurement Underway	<i>Tender advertised for the resealing works shire wide.</i>	Shire Wide	ISC
Roads Major Patching	Patching of priority roads.		98,000	0	98,000	0	0	98,000	125									Planning	<i>Priority inspections completed, to get a contract out to tender.</i>	Shire Wide	ISC
Resealing Program	Sealing of priority roads		601,000	0	601,000	0	0	601,000	2,598									Procurement Underway	<i>Tender advertised for the resealing works shire wide.</i>	Shire Wide	ISC
Road design and planning	Design development of future capital projects - individual project values vary annually.		100,000	53,000	153,000	0	0	153,000	744									Planning		Shire Wide	ISC
Resheeting program	Resheeting of priority roads across the Shire		636,000	0	636,000	0	0	636,000	(374)									Planning		Shire Wide	ISC

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Jul-23		EXPENDITURE								INCOME				Activity Period				Project Manager Comments July	Project Locality	Type - ISC or Non-ISC
Project Name	Project Description / Scope / Value	Total Project Value (including any amendments)	Approved New Funds (2023/24 Budget)	8,147,700 Carried Forward Funds (2023/24 Budget)	** Note - Carry forwards & new projects are subject to 2023/24 Adopted Budget	** Proposed Carry Over Amounts	**New Projects and amendments	** Proposed 2023/24 Capital Budget (inc Q1 Adjustments)	July YTD Actuals	Adopted 2023/2024 Budget	**New Projects and amendments	2023/24 Capital Income (including Q1 Adjustments)	July YTD Actual Income	Q1	Q2	Q3	Q4			
Sealed Pavement Rehabilitation	Rehabilitation sealing works to priority roads.		198,000	0	198,000	0	0	198,000	624									Planning	BeechworthShire Wide	ISC
Kibell Lane Upgrade	Road upgarde and safety improvements to Kibell Lane supporting the introduciton of multiple user groups.	305,000	0	0	0	304,694	0	304,694	-									Construction Underway	Beechworth	ISC
Roads to recovery income	Income tracking only									(1,068,000)		(1,068,000)								
LRCIP Round 4 Phase A Income	Income tracking only									(1,068,000)		(1,068,000)								
LRCIP Round 4 Phase B Income	Income tracking only										(616,313)	(616,313)								
<b>Urban Roads</b>																				
Wood Street, Beechworth	Urban Rd Sealing - Frederick St to dead end	14,000	0	0	0	11,781	0	11,781	-									Planning	Beechworth	ISC
Taylor Street Beechworth	Urban Rd Sealing - Taylor St, Buckland Gap Rd to Crawford St	24,000		24,000	24,000	0	0	24,000	-									Planning	Beechworth	ISC
Barkly Street, Beechworth	Urban Rd Sealing - Bridge Rd to end	50,000		50,000	50,000	0	0	50,000	-									Planning	Beechworth	ISC
Gordon Street, Chiltern	Urban Rd Sealing - North End to Chiltern-Rutherglen Intersection	22,000		22,000	22,000	0	0	22,000	-									Planning	Chiltern	ISC
Kars Street, Yackandandah	Urban Rd Sealing - Hammond Street to the end	18,000		18,000	18,000	0	0	18,000	-									Planning	Yackandandah	ISC
McLean Street, Chiltern	Construct & seal McLean St, from Mackay S to end of residences (approx. 330m)		85,000	0	85,000	0	0	85,000	-									Planning	Chiltern	ISC
<b>Steetscape Works</b>																				
Tangambalanga Streetscape Development	Planning , engagement, design and development of plans for streetscape refurbishment of Tangambalanga Kiewa East Road.	80,000	0	80,000	80,000	0	0	80,000	-									Planning	Tangambal	ISC
<b>Drainage</b>																				
Rural Road Drainage (2023-24 program)	Upgrading of rural drainage infrastructure (Shire wide), including road culverts, roadside table drain construction	60,000	60,000	0	60,000	40,857	0	100,857	1,059									Design	BeechworthShire Wide	ISC
Heritage drain rehabilitation	Repair and rehabilitation of heritage granite drains in various locations in Beechworth.	100,000	0	47,000	47,000	0	0	47,000	-									Procurement Completed / Awaiting Construction	Beechworth	ISC
Urban Drainage Improvements	Shire wide - priority projects to be determined from review of recent flooding events Additional late \$70k to budget, included in operational budget	470,000	246,000	370,000	616,000	70,000	-221,816	464,184	1,304									Design	VARIOUS	ISC
Rutherglen Drainage Improvements	Drainage improvements to Reid Street and High Street	100,000	0	0	0	33,037	0	33,037	-									Construction Underway	Rutherglen	ISC
<b>Flood Damage Events - DRFA</b>																				
Bells Flat Road Landslide – FE22	Address Landslide to Bells Flat Road				0			0	-									Completed	Yackandandah	ISC



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Rocky Mountain Tunnel Inlet Repairs	Tunnel Inlet Repairs to Rocky Mountain				0			0	-									Planning	Indigo	ISC
Plemings Rd Bridge Repairs	Bridge Repairs to Plemings Rd				0			0	-									Planning	Indigo	ISC
<b>Parks, Openspace &amp; Streetscape</b>																				
Water Bubblers	Supply and installation of water bubblers in priority locations across the Shire.		0	27,000	27,000	9,606	0	36,606	-									Planning	Shire Wide	ISC
Kiewa River Land	Planning and minor site works to facilitate safe public access to the Kiewa river. Total Project Value \$180,000 Grant funds \$90,000 Council funds \$90,000	180,000	80,000	100,000	180,000	23,586	0	203,586	1,397	(54,000)		-						Planning	Kiewa	ISC
Tangambalanga Active Park - Shade Sail	Supply and installation of a shade sail over the existing play equipment. 30% grant funded	50,000	0	0	0	0	50,000	50,000	686									Procurement Completed / Awaiting Construction	tangambalanga	ISC
Lake Sambell Precinct Revitalisation	Upgrade of the Lake Sambell walking track including between McConville Avenue and the caravan park. Works include improved accessibility, interpretive and wayfinding signage and drainage improvements.	600,000	0	0	0	27,226	0	27,226	-	-								Completed	Beechworth	ISC
<b>Recreation Reserves</b>																				
Chiltern Caravan Park	Upgrade of the Chiltern caravan park kitchen and amenities block.	118,776	0	100,000	100,000	0	-1,263	98,737	34,168									Construction Underway	Chiltern	ISC
Rutherglen Skate park extension works	Rutherglen skate park development Project Budget \$274,913 Grant Funding \$181,443 Council funds \$93,470	274,913	0	260,000	260,000	5,255	0	265,255	1,052	(18,000)		(18,000)						Procurement Underway	Rutherglen	ISC
Caravan Park Renewal	Priority asset renewals at Caravan Parks		20,000	30,000	50,000	0	0	50,000	-									Planning	VARIOUS	ISC
Kiewa Bowls Club	New synthetic playing surface on the Kiewa Bowls Club	180,000	0	0	0	178,461	0	178,461	139,389	-		-						Completed	Kiewa	ISC
Chiltern Tennis Courts	Chiltern Tennis Courts Improvements Total Project Budget \$476,213 Grant funding \$300,000 Contributions \$10,000 Council Funds \$166,213	476,213		476,000	476,000	0	-11,583	464,417	1,148	(50,000)		(50,000)						Procurement Completed / Awaiting Construction	Chiltern	ISC
Community & Tourism Projects	Funding to support project development of community & tourism projects & grant applications		80,000	0	80,000	0	0	80,000										Planning	VARIOUS	ISC
Recreation Projects	Funding to support Recreation Plan project development & grant applications		100,000	0	100,000	0	0	100,000		-		-						Planning	VARIOUS	ISC
Baarmutha Park Cricket Nets	Replacement of Baarmutha Cricket nets (Stage 1) including associated services and road works. Total Project Budget \$375,000 Grant \$100,000 (SRV) Grant \$30,000 (Cricket Vic) Contribution \$20,000 Council Funds \$225,000	375,000	0	375,000	375,000		-3,674	371,326	2,491	(150,000)		(150,000)						Planning		
Tangambalanga Pump Track	Construction of a new sealed surface pump track in the Kiewa Valley Park. Total Project Budget \$300,000 Grant \$150,000 Council \$150,000	300,000	150,000	148,000	298,000	0	-1,977	296,023	988	(15,000)								Planning	Tangambalanga	ISC

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Wahgunyah Pump Track	Construction of a new sealed surface pump track in the Rail Reserve Park. Total Project Budget \$300,000 Grant \$150,000 Council \$150,000	300,000	150,000	148,000	298,000	0	-226	297,774	357	(15,000)								Planning	Wahgunyah	ISC
Baarmutha Park Lighting	Installation of four floodlight poles, with new compliant 150 LUX LED floodlighting, at the sports field at Baarmutha Park, Beechworth Project Budget \$293,750 Grant Funding \$220,313 (SRV) Contribution \$15,000 Council Funds \$58,437	293,750	58,000	232,000	290,000	0	-6,559	283,441	5,976	(37,000)								Planning	Beechworth	ISC
<b>Non - ISC Assets</b>																				
Kergunyah Hall Upgrade	Major renewal works to the Kergunyah Hall including design, demolition, new interior, roofing, wall linings, flooring and other works. Total Project Budget \$505,860 Grant Funding \$295,000 Contributions \$50,000 Council Funds \$160,000	505,860	0	450,000	450,000	0	-5,122	444,878	1,890	(50,000)		(50,000)						Procurement Underway	Kergunyah	Non-ISC
Chiltern Recreation Reserve	New electronic football scoreboard at the Chiltern Recreation Reserve.	60,000	0	0	0	10,461	0	10,461				-						Completed	Chiltern	ISC
Butson park lighting upgrade	New lighting to the Butson park football oval.	279,000	0	0	0	9,889	0	9,889				-						Completed	Yackandandah	ISC
Barnawartha Netball & Tennis Courts	Redevelopment of netball and tennis courts Total Budget \$737,973 Grant \$491,982 Contributions \$5,000 Council Funds \$240,993	737,973	0	723,000	723,000	0	-3,275	719,725	250	(104,000)		(104,000)						Procurement Completed / Awaiting Construction	Barnawartha	Non-ISC
Yackandandah Golf Club	Yackandandah Golf Club facility improvements Total Project Budget \$535,548 Grant Funds \$250,000 Contributions \$50,000 Council funds \$235,548	535,548	0	531,000	531,000	3,285	0	534,285	470	(75,000)		(75,000)						Planning	Yackandandah	Non-ISC
Carlyle Cemetery	Drainage improvement works within the cemetery.	45,000	0	45,000	45,000	0	0	45,000				-						Not Started	Carlyle	Non-ISC
Barnawartha Cricket Nets	Replace the non-compliant practice nets with three lanes Total Project Budget \$169,194 Grant funds \$105,000 Council funds \$64,194	169,194	0	100,000	100,000	0	-42,685	57,315	466	(105,000)		(105,000)						Construction Underway	Barnawartha	Non-ISC
Barkly Park - Female change rooms	Upgrade of existing female change rooms at Barkly Park, Rutherglen. Project Budget \$1,400,000 Grant funding \$1,000,000 Council funds \$400,000	1,400,000	350,000	0	350,000	0	0	350,000	-	(250,000)		(250,000)						Planning	Rutherglen	Non-ISC
Expenditure incurred across closed 2022-23 accounts to be redistributed to available budgets.									39,940											
<b>Combined Total for Capital Works and Non-Indigo Assets</b>			11,784,000	8,147,700	19,931,700	2,951,419	-258,757	22,624,362	418,668	(9,524,000)	(644,665)	(8,267,665)	(45)							
<b>Total for Capital Works</b>			11,434,000	6,298,700	17,732,700	2,927,784	-207,675	20,452,809	415,592	(8,940,000)	(644,665)	(7,683,665)	(45)							
<b>Total for Non-ISC Assets</b>			350,000	1,849,000	2,199,000	23,635	-51,082	2,171,553	3,076	(584,000)	-	(584,000)	-							

# 14.2

## COUNCIL EXPENSE AND RESOURCES POLICY

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# POLICY



## Council Expense and Resources Policy

Version No:	1.3
Trim File No:	T2/10[v2]
Approval Date:	"To be completed after Policy is adopted"
Approved By:	Council
Department:	People and Governance
Service Plan Area:	Governance
Responsible Officer:	Executive Manager People and Governance
Next Review Date:	To be reviewed no more than four years after adoption, with more frequent review where required by legislation or best practice
Reliansys No:	3693
Circulation	Public document

### PURPOSE

The policy is intended to ensure that councillors and members of delegated committees are supported to perform their duties without disadvantage.

The Policy supports the Council Plan 2021-25 Strategic objective 5.5: *Our Councillors and organisation are committed to the highest level of governance practices and conduct.*

The Policy supports the overarching governance principles of the *Local Government Act 2020* (the Act) particularly section 9(2):

- (b) *priority is to be given to achieving the best outcomes for the municipal community, including future generations;*
- ....
- (i) *The transparency of Council decisions, actions and information is to be ensured.*

### SCOPE

This policy applies to:

- Councillors of Indigo Shire Council
- Members of delegated committees of Indigo Shire Council.

Councillor duties are those performed by a councillor as a necessary part of their role, in achieving the objectives of council.

These duties may include (but are not limited to):

- attendance at meetings of council and its committees;
- attendance at briefing sessions, workshops, civic events or functions convened by council;
- attendance at conferences, workshops and training programs related to the role of Councillor, Mayor or Deputy Mayor;
- attendance at meetings, events or functions representing council;
- duties in relation to constituents concerning council business.

# Council Expense and Resources Policy



Members of delegated committees exercise powers of Council, under delegation. This policy also applies to those members in the course of undertaking their role as delegated committee members.

## **POLICY**

The policy supports councillors and members of delegated committees to perform their role, as defined under the Act, by ensuring that expenses reasonably incurred in the performance of their role are reimbursed.

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

The policy ensures that reimbursement of these expenses is in accordance with the Act and meets the Act's principles of public transparency, achieving the best outcomes for the municipal community, and ensuring the ongoing financial viability of the council.

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 the role of councillor; and
- are reasonably necessary for the councillor and member of a delegated committee to perform this role.

## **1. COUNCILLOR ALLOWANCES**

1.1. Allowances paid to the Mayor, Deputy Mayor and Councillors, including the Remote Area Allowance, are undertaken within the guidelines of:

- Section 39 of the Act, which provides for the payment of annual allowances to mayors, deputy mayors and Councillors; and
- The *Determination of the Victorian Independent Remuneration Tribunal under the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*.

### **Payment of Councillor Allowances:**

- 1.2. The approved annual allowance amount will be divided by 26 and paid on a fortnightly basis for the duration of the Councillor tenure. Payment will be made by electronic funds transfer by Council's payroll process.
- 1.3. Councillors may elect to sacrifice allowance amounts into a complying superannuation fund in accordance with any guidelines established by Council.
- 1.4. Councillors are responsible for tax and other obligations that may arise from the payment of the Councillor allowance.

## **2. INFORMATION TECHNOLOGY**

- 2.1. Councillors will be provided with standard information technology hardware, for which Council staff will provide technical support, and which may include; a mobile telephone and a tablet device / laptop computer / printer to ensure they can adequately and efficiently perform their role as a Councillor. Council will meet the purchase, rental, initial installation, maintenance and consumable costs for this hardware.
- 2.2. Councillors may elect to be paid an allowance in lieu of communications equipment and supply their own devices/connections. The payment of this allowance is contingent on the Councillor/member of delegated committee providing appropriate alternate devices/connection services that allow them

# Council Expense and Resources Policy



to adequately perform the role of a Councillor. A Councillor receiving this allowance is responsible for all costs and maintenance for that item/service.

- 2.3. Councillors will be provided with a Council email account to be used for Council business. Councillors must use this email account for Council business.
- 2.4. Councillors will be provided with standard information technology services for the Council provided devices, e.g. access to the internet for Council provided devices. The usage, maintenance and rental costs for these services will have Council determined data and call caps that are considered sufficient to operate Council business.
- 2.5. Information Technology Help Desk (Council supplied equipment/services) hours of operation for Councillors are in line with reasonable business hours. Requests for support outside of this time will be assessed on a case by case basis, taking into consideration the urgency of the matter. Requests in the first instance should be directed to the Executive Assistant to the CEO and Councillors. If the EA is not available, requests can be emailed to Council's IT Helpdesk, [itservicedesk@indigoshire.vic.gov.au](mailto:itservicedesk@indigoshire.vic.gov.au) or by calling 03 5728 8000.
- 2.6. When a Councillor ceases to be a Councillor, at the end of a Council term, through resignation or otherwise, they must return all Council provided standard hardware and accessories.
  - All services that were provided for and maintained by Council will be disconnected immediately after election results are announced; or at the time the Councillor ceases to be a Councillor.
  - Any information technology services (and their associated costs) that have the account registered in the name of the Councillor will be the responsibility of the Councillor to continue or cancel.
- 2.7. Councillors may request to purchase equipment at the end of the Council term or term associated with the delegated committee. Any purchases must be compliant with Council policy, be at market value with the appropriate arms-length process and CEO approval.
- 2.8. All devices (including Council supplied and those supplied by the Councillor) must have password protection to ensure security of Council information.

### 3. COUNCILLOR/MEMBER OF DELEGATED COMMITTEE RESOURCES

- 3.1. Stationery and secretarial support provided by council will be managed by the Chief Executive Officer. Any request for assistance and stationery items should be made to the Executive Assistant to the CEO and Councillors. Access to and support from individual officers will be provided in accordance with any procedures approved by the CEO, in accordance with section 60 of the Act.
- 3.2. Where designated Councillor office space does not already exist at Council offices, Councillors and members of delegated committees can reserve a meeting room by contacting the Executive Assistant to the CEO and Councillors.
- 3.3. Councillors will be provided with a swipe card to access the Beechworth, Rutherglen and Yackandandah offices during hours which are reasonably required for them to perform their role as a Councillor. The card will be deactivated at any such time as a Councillor ceases to hold office. The Mayor has additional access to the Mayor's Office.
- 3.4. Councillors will be provided with an Indigo Shire approved name badge for use while on Council business.
- 3.5. Councillors will be provided with Council business cards (standard organisational format) for use whilst undertaking Council business.

# Council Expense and Resources Policy



- 3.6. The Council will loan Personal Protective Equipment when requested to assist in the safe carrying out of the duties of the office.
- 3.7. While undertaking the duties of a Councillor, the following insurance covers will apply to all Councillors:
  - Public Liability
  - Professional Indemnity
  - Councillors and Officers Liability
  - Personal Accident Insurance
- 3.8. Council will pay the insurance policy excess in respect of any claim made against Councillors arising from Council business where any claim is accepted by Council's insurers, whether defended or not.
- 3.9. Councillors and delegated committee members will inform Council as soon as practicable of any incident that may lead to a claim.
- 3.10. Council equipment provided to Councillors to assist in the performing of their role, is covered for damage or theft under Council's insurance policies. Councillors are expected to exercise due care in protecting the equipment from damage or theft. Any loss of Council owned or "Bring Your Own Device" equipment must be reported immediately.
- 3.11. The Chief Executive Officer or delegate will assess and approve reasonable support, through additional facilities and expenses, to allow a Councillor/member of delegated committee with a disability to perform their duties.
- 3.12. Council resources must not be used for non-Council related activities or for the purpose of Election campaigning for Councillors.

## 4. WELLBEING

- 4.1. Councillors will be provided with access to the Employee Assistance Program.
- 4.2. Free influenza vaccinations will be provided to Councillors in line with the program available to officers.

## 5. TRAVELLING EXPENSES

- 5.1. A fully maintained vehicle including all associated costs such as servicing, fuel and insurance will be provided to assist the Mayor to carry out their duties and for private use during the Mayoral term. The Mayoral vehicle will be procured and traded in accordance with relevant Council policies and procedures.
- 5.2. Councillors are entitled to reimbursement for expenses incurred in the use of their own private vehicle for authorised travel required to perform their formal role as a Councillor.
- 5.3. Travel that is authorised for reimbursement includes:
  - Attending formal meetings of Council, briefing meetings, Council committee meetings, community consultation events and other events arranged by Indigo Shire Council.
  - Attending meetings of external groups in the formal capacity of nominated Councillor representing Indigo Shire Council.
  - Other travel as determined by the CEO in consultation with the Mayor.

# Council Expense and Resources Policy



- 5.4. Travel that is not usually authorised for reimbursement (unless prior approval is granted by the CEO, in consultation with the Mayor) includes:
- Informal meetings with residents or stakeholders.
  - Travel to attend optional social events.
  - Other travel that is determined by the CEO in consultation with the Mayor to be outside normal Councillors' duties.
- 5.5. Overseas travel is explicitly excluded from this policy. Request for overseas travel is to be approved by a resolution of Council.
- 5.6. Councillors will be reimbursed at a per kilometre rate as per Schedule A of this policy and calculated according to the most direct and quickest route. This payment covers all costs associated with the use of the Councillors private vehicle including (but not limited to) fuel, maintenance, repair, insurance and registration. Parking and tolls do not form part of this reimbursement and can be claimed by Councillors.
- 5.7. Councillors undertaking long-distance travel (beyond 100 km) should first seek the use of a Council vehicle (including the Mayor's vehicle). Reimbursement of private vehicle use for long-distance travel will only be made where a Council vehicle is unavailable and prior authorisation from the CEO has been given. Where a Councillor elects to take their own vehicle, but a Council vehicle was available, they will be reimbursed either:
- the equivalent of the cost of public transport where it exists to the destination; or
  - upon provision of fuel receipts for destinations that do not have public transport options rather than the per kilometre rate.
- 5.8. Where travel is required to be authorised and the CEO is unavailable, the Director Planning and Corporate Services may provide authorisation.
- 5.9. Fees and charges for Parking and Tolls will be reimbursed where the expenses relate to the performance of their duties as Councillor and receipts have been provided.
- 5.10. Councillors are solely responsible for payment of any driving or parking infringements.

## **Public Transport, Taxis, Uber and Hire Cars**

- 5.11. Councillors are able to use Public Transport, Taxis, Uber (or an equivalent registered service) and Hire Cars for authorised travel required to perform their formal role as a Councillor/member of delegated committee.
- 5.12. Councillors should retain information, which will assist in the verification of nature of Council business, date, time and cost of transactions.
- 5.13. Councillors will be responsible for managing the booking of hire cars.

## **6. ACCOMMODATION AND MEALS**

- 6.1. When accommodation is required to perform the duties of a Councillor, the following provisions will apply:
- Councillors are eligible for Council provided accommodation with prior approval from the CEO.
  - where the travel time exceeds two hours driving time between their place of residence and location of the meeting (one way); or when it is otherwise unreasonable to refuse accommodation, for example, due to excessive business hours in a single day, multi-day events, or a return home requires night travel of a considerable distance.



# Council Expense and Resources Policy



- Standard Room accommodation will be reserved at the best available rate. The choice of hotel will be discussed with the Councillor/member of delegated committee and take into consideration the location of the meeting or seminar.
  - The number of applicable nights of accommodation will be determined by the start and finish times of the meeting that the Councillor is attending in performing their duties of a Councillor.
  - Councillors travelling accompanied are responsible for all expenses for their partner including any difference in room rate from single to double /twin where appropriate.
- 6.2. When meals are required to perform the duties of a Councillor the following provisions will apply:
- Meal expense limits are outlined in Schedule A of this Policy. Where meal expenses cannot be charged to the hotel account, they will be reimbursed on the provision of an original receipt.
  - Mini Bar, alcohol, dry cleaning, room upgrades and other like hospitality costs are considered personal expenses and will not be reimbursed or paid for by Council.
  - Where Council meetings, Briefings and Committee meetings are held at times that extend through normal meal times, Council will provide suitable meals served on the premises.

## 7. CONFERENCES, PROFESSIONAL DEVELOPMENT AND TRAINING

- 7.1. Councillors will be provided with a thorough induction process on election, in line with the requirements of the *Local Government Act 2020*.

Further professional development and training provide opportunities for Council to strategically address decision-making capability, and therefore provides a benefit to the community.

- 7.2. Council is committed to helping Councillors meet their training and professional development needs relating to their Councillor duties. Development programs and initiatives may be available to all Councillors collectively or individually. Councillors may also be reimbursed for professional development including study expenses incurred, subject to pre-approval by the CEO in consultation with the Mayor.
- 7.3. Conferences, professional development and training expenditure should always be tested against the following criteria:
- is in the interest of Indigo Shire Council?
  - does it fit within the budget determined by Council?
  - does it clearly offer and promote public benefit, as distinguished from private benefit?
  - is it directly relevant to the Councillors role?
  - does it take place and is able to be used during the Councillor's term of office?
- 7.4. Following attendance at a conference, professional development or training session, Councillors will be required to present either a verbal or written report to a Council at the next Ordinary Meeting of Council under the item of "Committee and Delegate Reports".
- 7.5. Details of all interstate and overseas travel will be recorded in Council's Register of Interstate and overseas travel which is available for public inspection.

# Council Expense and Resources Policy



## **Budget:**

- 7.6. The annual budget allocated for the Councillors to attend conferences, professional development and training, shall be divided by the number of Councillors (seven), plus one.
- 7.7. Each Councillor will be allocated a budget which is one eighth of the total. If a Councillor is to exceed their personal budget allocation for conferences, professional development and training the CEO is required to approve such expenditure prior to it occurring. If sufficient funds are not available within the budget, Councillors may attend conferences, professional development and training at their own expense.
- 7.8. Councillors requests to attend meetings and conferences must take into consideration annual budget limits.
- 7.9. If a Councillor wishes to attend a meeting that is not in their direct capacity, but can be defined as of interest or benefit in their capacity as a Councillor; and they wish to seek reimbursement for associated expenses; prior approval should be sought from the CEO before incurring expenses.

## **8. COMMUNITY EVENTS AND FUNCTIONS**

- 8.1. Is defined as an event or function that is organised, hosted and/or fund by Council or another organisation. It includes a gathering of internal and/or external stakeholders to acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevant to the Council, another organisation or the community.
- 8.2. Where a Councillor has been formally invited to attend an event/function in their capacity as a Councillor, and there is an entry fee associated with that event, a tax invoice will need to be provided and paid by Council.

## **9. PROFESSIONAL AND LEGAL ADVICE**

- 9.1. The Chief Executive Officer is responsible under the Act for supporting the Mayor and Councillors in the performance of their roles. Where Councillors require additional external professional or legal advice to assist them in the performance of their roles, they are encouraged to contact the Municipal Association of Victoria, which can offer advice on legislation, referrals to other agencies/providers, and training and development opportunities.
- 9.2. If the avenues prescribed at 8.1 are inappropriate or do not provide the advice or guidance needed for the Councillor to carry out their duties, a total annual budget of \$5000 is allocated for the provision of external professional or legal advice to Councillors additional to the legal costs allowed for at item 12.
- 9.3. A request for assistance under 8.2 is to be approved by the CEO in consultation with the Mayor, and will not be unreasonably refused.

## **10. MEMBERSHIPS AND SUBSCRIPTIONS**

- 10.1. Council will maintain a local newspaper subscription for Councillors.
- 10.2. Council will provide Councillor memberships to professional local government associations which support Councillors in their role or are of benefit to the community and the strategic objectives of Council.

# Council Expense and Resources Policy



## 11. CARER AND DEPENDANT RELATED EXPENSES

- 11.1. 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 (s 41(2)(c) in the Act).
- 11.2. 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.
- 11.3. 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 (see Definitions) incurs reasonable expenses in the performance of their duties (s 41(2)(d) in the Act).
- 11.4. 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; or has a relationship with the councillor, delegated committee member or their partner.
- 11.5. Reimbursement is subject to the following conditions:
  - that the hourly rate is reasonable;
  - each claim for reimbursement shall be substantiated by a receipt from the caregiver showing the name of the provider, dates and times the care was provided, the rate per hour and why the childcare service was required;
  - all reimbursement claims are to be made on the appropriate form.

## 12. SPOUSE / PARTNER / ACCOMPANYING PERSON EXPENSES

- 12.1. If a Councillors family is expected to accompany them to community events, the reimbursement of entry fees / tickets must be approved by the CEO prior to the event.
- 12.2. Peripheral expenses such as additional accommodation costs, grooming, special clothing and transport are not reimbursable.

## 13. LEGAL COSTS

- 13.1. If a Councillor requires legal advice in connection with his or her functions as a Councillor:
  - the Chief Executive Officer may facilitate such legal advice and determine if Council will pay for it;
  - the Councillor may submit a Notice of Motion requesting that Council facilitate and fund such legal advice; or
- 13.2. Councillor requests for legal advice will be assessed against the following criteria:
  - the extent to which the subject-matter of the advice required relates to the Councillor functions as a Councillor;
  - the extent to which the subject-matter of the advice required relates to a matter before Council or the Councillor representative role as a Councillor;
  - the extent to which the subject-matter of the advice required will or is likely to be of interest to all Councillors;
  - the public interest; and
  - any other relevant considerations.

# Council Expense and Resources Policy



- 13.3. In the event that legal advice relates to a writ, action or pending action against Councillors, the Councillors must supply a copy of the writ or action or provide the information which may lead to an action, to the Chief Executive Officer, who will advise Council's insurers as soon as possible, in accordance with Council's insurance policy conditions.

## 14. ADMINISTRATION PROCESS FOR CLAIMS FOR REIMBURSEMENT

- 14.1. In accordance with Section 40 of the Local Government Act 2020, a Council must reimburse a Councillor or a member of a delegated committee for out-of-pocket expenses, which the Council is satisfied:
- are bona fide expenses; and
  - have been reasonably incurred in the performance of the role of Councillor or member of a delegated committee; and
  - are reasonably necessary for the Councillor or member of a delegated committee to perform that role.
- 14.2. Councillors/members of delegated committees are to provide original receipts and/or tax invoices for any expenses incurred. Receipts/tax invoices are to be submitted with the Expense Reimbursement Form. If receipts cannot be produced, Councillors/members of delegated committees may be required to provide a Statutory Declaration.
- 14.3. Councillors/members of delegated committees are to complete the Expense Reimbursement Form and submit it to the Executive Assistant to the CEO and Councillors for reimbursement.
- 14.4. Claims must include sufficient detail to demonstrate that the expense for which reimbursement is claimed is a reasonable bona fide out-of-pocket expense incurred while performing the duties of a Councillor or a member of a delegated committee.
- 14.5. Claims will be approved by the CEO. If the CEO is not available claims will be approved by the Director Planning and Corporate Services.
- 14.6. Claims are to be submitted monthly.

## 15. APPROVAL PROCESS

- 15.1. The Executive Assistant to the CEO and Councillors will present any submitted claim forms from Councillors/members of delegated committees to the CEO for authorisation.
- 15.2. If a Councillor/member of delegated committee is not satisfied with the decision of the CEO in relation to the reimbursement of expenses, the CEO will consult with the Mayor for evaluation and advice. If the Councillor/member of delegated committee remains dissatisfied with the decision, they may raise it at the next Ordinary Meeting of Council as general business for the Council to consider.

## 16. REPORTING

- 16.1. Each Councillor will be provided with a quarterly report of their expenses.
- 16.2. Expenses will be reported to the Audit and Risk Committee annually and published in the Annual Report, in accordance with the Act.
- 16.3. Councillor expenses are a component of the "Cost of Governance" item published in Local Government Performance Reporting Framework.

# Council Expense and Resources Policy



## **17. RELATED POLICIES AND DIRECTIVES**

- Public Transparency Policy
- Privacy Policy

## **18. RELATED LEGISLATION AND OTHER DOCUMENTS**

Legislation:

- *Carers Recognition Act 2012*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Freedom of Information Act 1982*
- *Local Government Act 2020*
- *Privacy and Data Protection Act 2014*
- *Equal Opportunity Act 2010*
- *Gender Equity Bill 2020*

Other documents:

- *2008 Policy Statement – recognition and support for Councillors – Local Government Victoria*
- *Councillor expenses and allowances: equitable treatment and enhanced integrity – Local Government Inspectorate 2020*

## **19. REVIEW**

The policy should be reviewed at least every four years from date of adoption.

The policy will be reviewed in line with Council's Community Engagement Policy.

Trigger points that require an earlier review period of the policy or associated document/s include (but are not limited to):

- an adverse finding or prosecution against Council or Councillor/s by a regulatory body related to the matters covered by the Policy
- change in legislation which has a bearing on the document
- change in Council's position on a related subject area
- recommendation from a governance body (eg Audit and Risk Committee recommendation, Internal or External Audit Recommendation, integrity agency)
- quality assurance due to continuous improvement initiatives, and/or
- changes in Council's agreed service levels.

## **20. COMMUNICATION**

- To be published on Council's website and provided to Customer Service Centres for public inspection
- To be distributed to Councillors and staff

# Council Expense and Resources Policy



- To be included in the induction of a person commencing in the role of Councillors, CEO, EA to CEO and Councillors, and Governance Coordinator.

## SCHEDULE A – EXPENSE REIMBURSEMENT LIMITS

Expense Category	Item Details	Limit
Mobile Handset	Where a Councillor/member of delegated committee provides their own mobile phone handset (and Council pays for the calls).	\$40 per month
Mobile Plan	Where a Councillor/member of delegated committee pays for their own mobile calls (and Council supplies the handset).	\$60 per month
Mobile Handset and Plan	Where a Councillor/member of delegated committee provides their own mobile phone handset and pays for their own calls.	\$100 per month

Tablet Data Plan	Where a Councillor/member of delegated committee provides their own data plan for a tablet device.	\$40 per month
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Travel	Per kilometer rate (vehicle).	As outlined in 2021 – 2024 Enterprise Agreement
	Per kilometer rate (motorcycle).	As outlined in 2021 – 2024 Enterprise Agreement

Meals	Breakfast	Regional: Up to \$30.00 Melbourne: Up to \$40.00
Meals	Lunch	Regional: Up to \$25.00 Melbourne: Up to \$40.00
Meals	Dinner	Regional: Up to \$55.00 Melbourne: Up to \$65.00

# Council Expense and Resources Policy



## Attachment 1: Expense Claim Form – for Councillors and Delegated Committee Members

- Please attach all original receipts / tax invoices.
- Claims must include sufficient detail to demonstrate, in accordance with the Act, the expense for which reimbursement is claimed is a reasonable bona fide out-of-pocket expense incurred while performing the duties of a Councillor or a member of a delegated committee.
- Claims are to be submitted monthly.
- No claims will be accepted for expenses that are greater than three months old.

**Councillor/Delegated  
Committee Member  
Name:**

**Month and Year:**

### Travel / Fuel Reimbursement

0.91 per km

Date:	Journey Description:	Kilometres Travelled:	Amount:
		7100-	

### Accommodation

Date:	Council Business Details:	Cost Code:	Amount:
		7100-	

# Council Expense and Resources Policy



Date:	Council Business Details:	Cost Code:	Amount:

## Meals

Date:	Council Business Details:	Cost Code:	Amount:
		7100-	

## Other

Date:	Council Business Details:	Cost Code:	Amount:
		7100-	

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Authorised: \_\_\_\_\_



# 14.3

## PUBLIC INTEREST DISCLOSURES

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# POLICY



## Public Interest Disclosure (Whistleblower) Policy (formerly Protected Disclosures)

Trim File No:	T2/1
Approval Date:	17 December 2019
Approved By:	Council
Department:	Organisational Development
Responsible Officer:	Manager Organisational Development
Next Review Date:	December 2022
Advent Obligation No:	"To be completed after Policy is adopted"
Circulation	Website, all staff & Councillors

### **PURPOSE**

Indigo Shire Council (Council) is committed to the aims and objectives of the Public Interest Disclosure Act 2012 (the Act). Council does not tolerate improper conduct by its people, nor the taking of reprisals against those who come forward to disclose such conduct.

Council is committed to transparency, good governance and accountability in its administrative and management practices, and supports the making of disclosures that may reveal improper conduct including conduct or conduct involving a substantial risk to public health and safety or the environment.

Indigo Shire Council will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure.

### **SCOPE**

Any person can make a disclosure about improper conduct relating to public bodies and public officers. This includes members of the public, employees, councillors and volunteers. A company or business cannot make a disclosure.

A disclosure can be made anonymously, however can create potential difficulties in being able to assess whether a complaint is a disclosure.

Any person may refer to this policy or Council's website for more information when considering or making a public interest disclosure.

Public interest disclosures relating to a Councillor may only be made to the Ombudsman or IBAC.

### **INTRODUCTION**

This policy prepares Council for the introduction of legislation affecting Councils under the Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Act 2019 which has effect from 1 January 2020.

The policy is framed in accordance with the Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Act 2019 and Independent Broad-Based Anti-Corruption Commission (IBAC) guidelines.

# POLICY

It also aims to provide for the protection of persons making disclosures from detrimental actions and to provide for the confidentiality of the content of those disclosures and the confidentiality of the identity of persons who make such disclosures.

## **OBJECTIVES**

Council will apply the following fundamental principles in facilitating the appropriate reporting of, and supporting the people involved and managing the process of, disclosure of improper conduct and detrimental action by Councillors or Council officers or employees:

- Council will encourage and facilitate the disclosure, from members of the public, employees and Councillors, of improper conduct or detrimental action by Councillors or Council employees.
- Council will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making a disclosure. It will afford natural justice to all parties including the person who is the subject of the disclosure.
- All disclosures will be treated confidentially.
- Council will provide guidelines (available on its website) containing further operational detail on the management and handling of public interest disclosures in accordance with this policy and the relevant legislation.

## **POLICY DETAILS**

### **What is a public interest disclosure?**

Where a person believes there are reasonable grounds to support that a Council officer, employee or Councillor is engaging or has engaged in improper conduct or detrimental action, that person may report the conduct (public interest disclosure) to the appropriate person or entity and be assured of confidentiality and protection from reprisal as a result of making the disclosure.

### **How to make a disclosure**

A person may make a disclosure orally, in writing (disclosures cannot be made by fax), or electronically (email only).

### **Who to contact**

Disclosures of improper or corrupt conduct or detrimental action by Indigo Shire Council employees (excluding Councillors) may be made to the following officers:

#### **The Public Interest Disclosures Coordinator (PDC)**

Manager Organisational Development – Dalene Voigt

In writing – marked Confidential to PO Box 28 Beechworth Vic 3747

Via email: [Dalene.voigt@indigoshire.vic.gov.au](mailto:Dalene.voigt@indigoshire.vic.gov.au)

Via Phone 0357 288 011

If the disclosure relates to the Protected Disclosure Coordinator, the disclosure should be made to the Chief Executive Officer. If the disclosure relates to the Chief Executive Officer, the disclosure should be made to the Protected Disclosure Coordinator.

#### **The Ombudsman/IBAC**

A disclosure about improper conduct or detrimental action by an Indigo Shire employee may also be made directly to the Ombudsman or IBAC.

# POLICY

Disclosures relating to Councillors can **only** be made directly to the Ombudsman or IBAC.

## Victorian Ombudsman

Level 2, 570 Bourke Street, Melbourne VIC 3000

Internet: [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au)

Online: [www.ombudsman.vic.gov.au/Complaints/Make-a-Complaint](http://www.ombudsman.vic.gov.au/Complaints/Make-a-Complaint)

Phone: (03) 9613 6222 Toll Free (regional only): 1800 806 314

## IBAC

Level 1, North Tower, 459 Collins Street, Melbourne, VIC 3000

Internet: [www.ibac.vic.gov.au](http://www.ibac.vic.gov.au)

Online: [www.ibac.vic.gov.au/reporting-corruption/complaints-form](http://www.ibac.vic.gov.au/reporting-corruption/complaints-form)

Phone: 1300 735 135

## Confidentiality

All disclosures by internal and external disclosers will be kept strictly confidential. No identification is necessary prior to being transferred to the Protected Disclosure Coordinator on such occasions.

## Additional Information

Further detailed information will be available on Council's website from 1 January 2020 for the making and handling of Public Interest Disclosures.

Information is also available on IBAC's website <https://www.ibac.vic.gov.au/reporting-corruption/what-is-a-protected-disclosure>

## DEFINITIONS AND ABBREVIATIONS

**Public Interest Complaint (PIC)** – a public interest disclosure that has been determined by IBAC, the Victoria Inspectorate or the Integrity and Oversight Committee (IOC) to be a public interest complaint (previously a Protected Disclosure Complaint).

**Public Interest Disclosure (PID)** – disclosure by a natural person of information that shows / tends to show or information that the person reasonably believes shows / tends to show improper conduct or detrimental action (previously a Protected Disclosure).

**Independent Broad-based anti-corruption commission (IBAC)** – IBAC is Victoria's anti-corruption body with responsibility for identifying and preventing serious corrupt conduct across the whole public sector including members of Parliament, the judiciary and state and local government.

**Improper Conduct** – for the purpose of this policy, *improper conduct* is defined in the Act and includes the following categories:

- Corrupt conduct
- Criminal offence
- Serious professional misconduct
- Dishonest performance of public functions
- Intentional or reckless breach of public trust
- Intentional or reckless misuse of information
- Substantial mismanagement of public resources

# POLICY

- Substantial risk to health or safety of a person
- Substantial risk to the environment
- Conduct of any person that adversely affects the honest performance by a public officer of their functions
- Conduct of any person that is intended to adversely affect the effective performance by a public officer of their functions for the benefit of the other person.

**Detrimental action** – is action in reprisal for a Public Interest Disclosure and can include:

- a. action causing injury, loss or damage;
- b. intimidation or harassment;
- c. discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action;

## **REFERENCE TO CURRENT OR PREVIOUS LEGAL /COUNCIL PLAN / POLICY**

This policy supports the following:

- Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Act 2012
- Public Interest Disclosure Act 2012 (formerly Protected Disclosure Act 2012)
- Council Plan 2017-2021 and its successor
- Councillor Code of Conduct Employee Code of Conduct and Ethical Behaviour Handbook – INTERNAL 14/1463
- Fraud Prevention and Control Policy
- Gift and Hospitality Policy
- Procurement Policy

This policy and the supporting guidelines supersedes the Indigo Shire Council Protected Disclosure Policy from 1 January 2020.

## **COMMUNICATION**

- This policy will be publically available on Council's website along with more detailed guidelines for making and handling Public Interest Disclosures.
- It will be included in the induction and ongoing training of both existing and new staff and Councillors.
- It will be included periodically in Council's weekly newsletter.

# PUBLIC INTEREST DISCLOSURE POLICY



## Public Interest Disclosure Policy

Trim File No:	T2/1
Approval Date:	TBC
Approved By:	Council
Department:	People and Governance
Responsible Officer:	Executive Manager People and Governance
Next Review Date:	4 years
Reliansys Obligation No:	"To be completed after Policy is adopted"
Circulation	Website, all staff & Councillors

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# Public Interest Disclosure Policy

## Public Interest Disclosure Snapshot

Detailed information regarding the making, handling and assessing disclosures is provided in the below Procedure section. For a disclosure to be a public interest disclosure it must be made in accordance with the requirements of Part 2 of the PID Act and in accordance with the procedure outlined.

### What is a public interest disclosure?

Public interest disclosures are reports about:

- improper conduct of public bodies or public officers (such as corrupt conduct)
- detrimental action that a public officer or public body has taken against a person in reprisal for them (or another person) having made a public interest disclosure or cooperated with the investigation of a public interest disclosure.

A disclosure can relate to conduct or action that:

- may have already taken place
- may be occurring now
- may happen in the future.

### Who can make a disclosure?

Anyone can make a disclosure about improper conduct or detrimental action – both members of the public and employees of a public body. However, to fall within the scheme, disclosures must be made to an organisation that is authorised to receive disclosures. Disclosures can be made by individuals or a group of people. A company or business cannot make a disclosure - but its officers or employees can.

### How to make a disclosure

A person may make a disclosure orally, in writing (disclosures cannot be made by fax), or electronically (email only). It must be made in private. When there is an immediate threat to health and safety, the need to preserve property or allegations of serious criminal conduct, disclosure can be directly made to Victoria Police and the protections of the PID Act still apply.

### Who to contact

Disclosures of improper or corrupt conduct or detrimental action by Indigo Shire Council employees (excluding Councillors) may be made to the Public Interest Disclosures Coordinator (PIDC). The Executive Manager People and Governance has this nominated role. Contact can be made:

<p><u>In writing – marked Confidential to:</u> The Public Interest Disclosures Coordinator Executive Manager People and Governance Public Interest Disclosure Coordinator Indigo Shire Council PO Box 28 Beechworth Vic 3747</p>	<p><u>In email:</u> <a href="mailto:publicinterestdisclosure@indigoshire.vic.gov.au">publicinterestdisclosure@indigoshire.vic.gov.au</a></p>	<p><u>Via Phone:</u> 03 5728 8011</p>
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If the disclosure relates to the Public Interest Disclosure Coordinator, the disclosure should be made to the Chief Executive Officer. If the disclosure relates to the Chief Executive Officer, the disclosure should be made to the Public Disclosure Coordinator.



# Public Interest Disclosure Policy

**The Ombudsman/IBAC**

A disclosure about improper conduct or detrimental action by an Indigo Shire Council employee may also be made directly to the Victorian Ombudsman or IBAC.

Disclosures relating to Councillors can **only** be made directly to the Victorian Ombudsman or IBAC.

**Victorian Ombudsman**

Level 2, 570 Bourke Street, Melbourne VIC 3000

Internet: [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au)

Online: [www.ombudsman.vic.gov.au/Complaints/Make-a-Complaint](http://www.ombudsman.vic.gov.au/Complaints/Make-a-Complaint)

Phone: (03) 9613 6222 Toll Free (regional only): 1800 806 314

**IBAC**

Level 1, North Tower, 459 Collins Street, Melbourne, VIC 3000

Internet: [www.ibac.vic.gov.au](http://www.ibac.vic.gov.au)

Online: [www.ibac.vic.gov.au/reporting-corruption/complaints-form](http://www.ibac.vic.gov.au/reporting-corruption/complaints-form)

Phone: 1300 735 135

**Confidentiality**

All disclosures by internal and external disclosers will be kept strictly confidential inline with the below procedures. No identification is necessary prior to being transferred to the Public Interest Disclosure Coordinator on such occasions.

**Additional Information**

Information is also available on IBAC's website <https://www.ibac.vic.gov.au/reporting-corruption/what-is-a-public-disclosure>

# Public Interest Disclosure Policy

## PURPOSE

To ensure Indigo Shire Council is fully compliant with its obligations under the *Public Interest Disclosures Act 2012* (PID Act) and the *Independent Broad-based Anti-corruption Commission Act 2011* (IBAC Act). This policy establishes a system for reporting disclosures of improper conduct or detrimental action by Indigo Shire Council or its employees. The system enables such disclosures to be made to the Public Interest Disclosure Coordinator or to the Independent Broad-based Anti-corruption Commission (IBAC).

## POLICY STATEMENT

Indigo Shire Council (Council) is committed to the aims and objectives of the Public Interest Disclosure Act 2012 (the Act). Council does not tolerate improper conduct by its employees, officers or members, nor the taking of reprisals against those who come forward to disclose such conduct. Council is committed to transparency, good governance and accountability in its administrative and management practices and supports the making of disclosures that may reveal improper conduct including conduct or conduct involving a substantial risk to public health and safety or the environment. Council will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure.

## SCOPE

Any person can make a disclosure about improper conduct or detrimental action relating to public bodies and public officers. This includes members of the public, employees, councillors and volunteers. A company or business cannot make a disclosure.

Public interest disclosures relating to a Councillor may only be made to the Victorian Ombudsman or IBAC.

Further information about the types of public bodies and public officers about whom disclosures can be made is in the Public Administration Act 2004, and the Independent Broad-based Anti-corruption Commission Act 2011 (IBAC Act).

## INTRODUCTION

The PID Act aims to:

- encourage and assist people to report improper conduct and detrimental action taken in reprisal for a public interest disclosure
- provide certain protections for people who make a disclosure or those who may suffer detrimental action in reprisal for a disclosure
- ensure that certain information about a disclosure is kept confidential - the identity of the person making the disclosure and the content of that disclosure

The Act has also established a parliamentary oversight committee. The Integrity and Oversight Committee (IOC), consolidating the oversight of a number of Victorian integrity agencies, including the Independent Broad-based Anticorruption Commission (IBAC), the Victorian Ombudsman (VO) and the Office of the Victorian Information Commissioner (OVIC).

To support the commitment to compliance under the PID Act and the IBAC Act the Council will:

- identify a person to act as the Public Interest Disclosures Coordinator (PIDC)
- identify a person to act as the Welfare Officer to support people who make disclosures

# Public Interest Disclosure Policy

- have processes that maintain confidentiality
- have procedures to manage the secure receipt, storage, initial assessment and notification to IBAC of information related to public disclosures
- raise awareness of all staff regarding their responsibilities to disclose, their rights if they do disclose and how to make disclosures
- provide a process to manage the welfare of people who have made a disclosure, those who are the subject of a disclosure and potential witnesses
- educate all staff in relation to the welfare supports available
- make this policy and procedure available for public inspection including publication on the Council website
- collect statistics on public disclosures to include in the Annual Report.

# Public Interest Disclosure Policy

## PROCEDURE – DISCLOSURE HANDLING

The Council is required to establish and publish procedures under the *Public Interest Disclosures Act 2012* (PID Act). The procedures must be available to councillors, staff, contractors and members of the public. The Council encourages the disclosure of improper conduct by public officers or public bodies in accordance with the PID Act.

### About whom can a disclosure be made?

Disclosures can be made about:

- public bodies (this includes Council)
- public officers (this includes Councillors and Council employees)
- conduct of a person who is not a public officer or is not employed by a public body, where their conduct is adversely affecting the honest performance of a public body or public officer, or is intended to adversely affect their effective performance.

Further information about the types of public bodies and public officers about whom disclosures can be made is in the Public Administration Act 2004, and the Independent Broad-based Anti-corruption Commission Act 2011 (IBAC Act).

### Making a disclosure

A person may make a disclosure verbally or in writing. The disclosure may also be anonymous. If the subject of the disclosure is a Councillor the disclosure must be made directly to IBAC or the Victorian Ombudsman.

#### Private verbal disclosure

Disclosures can be made in person, by phone or by leaving a voice mail message. Verbal disclosures must be made in private. This means the person making the disclosure must reasonably believe that only the following people (other than themselves) are present or able to listen to the conversation:

- a lawyer representing the person making the disclosure (if any)
- one or more people to whom a disclosure can be made under the Act or Regulations.

This does not preclude a group of individuals from making a joint disclosure. If the disclosure is made verbally, the person receiving the disclosure should make notes at the time. This person can also record the conversation, but should give prior warning that the conversation will be recorded. The conversation should not be recorded if the discloser objects.

#### Written disclosure

A written disclosure can be provided to Council by:

- delivering it in person to one of the Council offices
- mailing it to the office of Indigo Shire Council
- emailing to the official email address of a person nominated to receive a disclosure
- completing the online form available on the IBAC and the Victorian Ombudsman websites.

A disclosure cannot be made by fax.

#### Anonymous disclosure

A discloser need not identify themselves to make a disclosure. An anonymous disclosure can be made by using unverifiable email addresses, through anonymous phone calls or in a face-to-face conversation or meeting where the person refuses to identify themselves (provided that meeting or conversation takes place 'in private' in accordance with the Public Interest Disclosures Regulations).

# Public Interest Disclosure Policy

If the disclosure comes from an email address where the identity of the person making the disclosure cannot be determined, the disclosure should be treated as an anonymous disclosure.

## Misdirected disclosures

If someone makes a disclosure to an agency that isn't authorised to receive public interest disclosures, the disclosure will not be public under the Act. The person should be advised what organisations can receive disclosures. If the Council receives a misdirected disclosure, but the discloser believed the council to be the correct place for that particular disclosure, the Council can still notify the disclosure to IBAC for assessment as a public interest complaint.

## Mandatory Disclosures by the Principal Officer

Under s 57 of the IBAC Act CEOs of councils are required to make mandatory notifications if they suspect corruption is occurring. Where this obligation overlaps with a potential public disclosure, the Council should first deal with the matter in accordance with the PID Act. If the matter is not notified to IBAC in accordance with the PID Act, the Council should consider whether the CEO may be required to notify the matter to IBAC.

## Initial assessment of a disclosure

For a disclosure to be considered assessable by IBAC it must meet all the requirements for a public interest disclosure in Part 2 of the PD Act. If it does not meet all the requirements then it is not a public interest disclosure and should be dealt with under the Council's complaint handling process.

When a complaint or disclosure is identified it should immediately be forwarded to the PIDC. On receipt of a disclosure, the PIDC will determine if it is required to be forwarded to IBAC for assessment. The disclosure needs to be assessed to decide if it is about improper conduct or detrimental action. There are two standards that should be considered. Please refer to the below table for a summary.

<b>Shows or tends to show improper conduct or detrimental action</b>	<b>Reasonable belief that improper conduct or detrimental action has occurred</b>
Does the information provided show or tend to show there is improper conduct or detrimental action?	Does the discloser believe on reasonable grounds that improper conduct or detrimental action has occurred?
<b>Reliability of the information</b>	<b>Reasonable belief</b>
<p>In assessing if there is improper conduct or detrimental action, look at all the information provided about the alleged conduct and about the discloser:</p> <ul style="list-style-type: none"> <li>• What is the discloser's connection to the alleged conduct? Are they a victim, a witness, or a participant?</li> <li>• How did they come to know about the conduct? Were they directly involved in it? Did they observe it happening to another person? Did someone else tell them about it?</li> <li>• How detailed is the information provided? Is there sufficient information to enable you to consider whether there is improper conduct or detrimental action?</li> </ul>	<p>A person making a disclosure must reasonably believe that improper conduct or detrimental action has occurred or is going to occur.</p> <p>This requires more than a suspicion, the belief must have supporting facts and circumstances. For example, it would not be sufficient for a person's disclosure to consist simply of a one sentence statement like 'I know XYZ is corrupt'.</p> <p>The test is whether a reasonable person, possessed of the same information, could believe that the improper conduct had occurred.</p> <p>Other matters that can be considered to determine if there are reasonable grounds for the discloser's</p>

# Public Interest Disclosure Policy

<ul style="list-style-type: none"> <li>How reliable is the information? Is it supported by other information?</li> </ul>	<p>belief is the reliability of the information they have provided, even if it is second or third hand. Consider how the person would have obtained the information and the amount of detail that has been provided.</p> <p>Consider the credibility of the discloser or the people who provided the discloser with information.</p>
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## Notifying the outcome of the assessment

Council will make an assessment as to whether the disclosure is a public interest disclosure or it is not a public interest disclosure.

<b>It is a public interest disclosure</b>	<b>It is NOT a public interest disclosure</b>
<p><b>Notify the appropriate agency</b> Council will notify the appropriate agency in writing, within 28 days after the disclosure was made, that:</p> <ul style="list-style-type: none"> <li>the disclosure may be a public interest disclosure</li> <li>Council is sending the disclosure for assessment.</li> </ul> <p>Council will also provide the agency with any information obtained regarding the disclosure in the course of inquiries. Note - this information can be provided at the time of notification or at any later time.</p> <p>IBAC is the appropriate agency for all disclosures except the following:</p> <ul style="list-style-type: none"> <li>Disclosures about IBAC or the Public Interest Monitor must be notified to the Victorian Inspectorate.</li> <li>Disclosures about the Victorian Inspectorate must be notified to the Integrity and Oversight Committee.</li> </ul> <p><b>Notify the discloser</b> Council will notify the discloser in writing, within 28 days after the disclosure was made, that the disclosure has been sent to IBAC for assessment.</p>	<p>Council will advise the discloser in writing, within 28 days after the disclosure was made, that:</p> <ul style="list-style-type: none"> <li>Council does not consider the disclosure shows or tends to show improper conduct or detrimental action</li> <li>the disclosure has not been sent to IBAC, the Victorian Inspectorate or the Integrity and Oversight Committee for assessment</li> <li>the discloser's identity doesn't have to be kept confidential, but protections under Part 6 of the Act apply, for example: <ul style="list-style-type: none"> <li>they can't be fired, disciplined or bullied for making the disclosure</li> <li>they are public from legal actions such as defamation and civil liability.</li> </ul> </li> </ul> <p>Note - Council does not have to provide the discloser with this information unless the discloser has indicated, or it otherwise appears to Council, that they wish to receive the protections that apply to a public interest disclosure under the Act.</p> <p>Council will consider whether the disclosure could be dealt with according to your organisation's normal complaint handling procedures.</p>

## IBAC assessment

Once a notification is made to IBAC, then IBAC must assess whether, in IBAC's view, the assessable disclosure is a public interest complaint. If IBAC is of the view that the assessable disclosure is a public interest complaint, then the discloser is public. In making its assessment, IBAC may seek additional information from the notifying entity or from the discloser if IBAC considers there is insufficient information to make a decision. If IBAC determines that a disclosure is a public interest complaint, it will investigate or refer a disclosure, or it may take no further action.

## IBAC's determination

Once IBAC has determined whether a disclosure is a public interest disclosure, it:

- advises the relevant notifying entity of its determination

# Public Interest Disclosure Policy

- advises the discloser of the determination and the action it intends to take (this applies to disclosers who have made their disclosures directly to IBAC and those who have had their disclosures notified to IBAC).

At the conclusion of its investigation IBAC must provide the discloser with information about the results of the investigation and any action taken by IBAC or any recommendation by IBAC that further action be taken. IBAC may provide information about the conduct and result of the investigation to the Council but it must not provide any information that might lead to the identification of a discloser. The provision of such information to the discloser or the Council is not compulsory if it is likely to lead to an adverse outcome as specified in the IBAC Act section 163(4).

## Protections for persons making a disclosure

The following types of disclosures are protected:

- any disclosure assessed as public interest disclosure (where the assessment has been made by an organisation that is authorised to receive disclosures). The protections apply even if the public body receiving the disclosure does not notify IBAC.
- any notification that IBAC receives and determines to be a public interest complaint.

A discloser is protected by:

- cannot be fired, disciplined or bullied for making a disclosure
- is not subject to any civil or criminal liability for making a disclosure
- is not committing an offence against the Constitution Act 1975 or any other Act that imposes obligations of confidentiality or any other restriction on the disclosure of information
- is not breaching any other obligation (made by oath, rule of law or practice) requiring him or her to maintain confidentiality or otherwise restrict confidentiality
- cannot be held liable for defamation in relation to information included in a public interest disclosure

A number of the protections in the Act do not apply if a discloser:

- knowingly provides false or misleading information
- claims that a matter is the subject of a public interest disclosure knowing the claim to be false.

The Act also specifically states that a person is still liable for their own conduct even if they disclose that conduct. A person who makes a disclosure is not protected against legitimate management action being taken in relation to them.

## What is detrimental action?

Detrimental action is any action taken against a discloser in reprisal for making a public interest disclosure, or which incites another person to take detrimental action. If adverse action is taken against an employee and a PID forms any part of the reason for the adverse reaction, it is detrimental action and is a criminal offence.

Nevertheless, management actions which do not relate to the disclosure may still be taken with a discloser in respect of performance development, conditions of employment or discipline or to ensure the safety of the workplace.

An employee who has made a PID and believes on reasonable grounds that detrimental action is being or has been taken against them may request a transfer of employment.

# Public Interest Disclosure Policy

## Confidentiality - content and identity of a person making a public interest disclosure

Council will take all reasonable steps to protect the identity of the discloser. Maintaining confidentiality is crucial in ensuring reprisals are not made against a discloser. The Act requires any person who receives information due to the handling or investigation of a public interest disclosure, not to disclose the information except in limited circumstances.

Confidentiality is another way that disclosers and other people involved in public interest complaint investigations are protected. There are two main restrictions on disclosing information. Breaching either of these restrictions is an offence.

<b>Content of a public interest disclosure must be confidential</b>	<b>Identity of a person making a public interest disclosure must be confidential</b>
The Act prohibits the disclosure of the content, or information about the content, of any disclosure that has been assessed as a public interest disclosure. This restriction applies to a person or body that receives a disclosure or is provided information about the disclosure by an investigating entity assessing or investigating it. The restriction does not apply to the discloser.	The Act prohibits the disclosure of information that would be likely to lead to the identification of a person who has made a public interest disclosure. This restriction applies to any person or body, other than the discloser.

These restrictions and their exceptions are set out in sections 52, 53 and 54 of the Act.

## Exceptions to confidentiality requirements

There is certain circumstance where the confidentiality requirements do not apply. These are:

- when a body is exercising its functions under the Act
- it is disclosed by an investigating entity for the purpose of the exercise of functions under the Act that authorises that investigating entity to investigate a public interest complaint
- IBAC, the Victorian Inspectorate or the Integrity and Oversight Committee determines the disclosure is not a public interest complaint
- when a disclosure is to Victoria Police where an investigating entity has previously disclosed information to the Chief Commissioner of Police relating to actual or potential criminal conduct and the information is relevant to an investigation by Victoria Police of the criminal conduct
- it is for the purpose of a proceeding or for a disciplinary process under a relevant Act
- the disclosure is necessary for the discloser to obtain legal advice or representation, interpretive services, the advice of a parent or guardian (for disclosers under 18 years), the advice of an independent person (for disclosers who are illiterate or have mental or physical impairments)
- the disclosure is for the purpose of assisting the discloser to seek advice or support from a registered health practitioner or trade union or employee assistance program
- the disclosure is to WorkCover for a workers compensation claim or to the Fair Work Commission for an application.

In addition, confidentiality doesn't apply if:

- it is in accordance with a direction or authorisation from the investigating entity that is investigating the public interest complaint



# Public Interest Disclosure Policy

- the disclosure is necessary for taking lawful action in relation to the conduct that is the subject of the disclosure
- if the discloser gives written consent.

## Persons who are the subject of public interest disclosures

The Council recognises that employees against whom disclosures are made must also be supported during the handling and investigation of disclosures. Council will take all reasonable steps to ensure the confidentiality of the person who is the subject of the disclosure during the assessment and investigation process. Where investigations do not substantiate disclosures, the fact that the investigation has been carried out, the results of the investigation, and the identity of the person who is the subject of the disclosure will remain confidential. The Public Disclosure Coordinator will ensure the person who is the subject of any disclosure investigated by or on behalf of a public body is:

- informed as to the substance of the allegations
- given the opportunity to answer the allegations before a final decision is made
- informed as to the substance of any adverse comment that may be included in any report arising from the investigation
- provided the opportunity for his or her defense to be set out fairly in any report.

Where the allegations in a disclosure have been investigated, the Public Disclosure Coordinator will formally advise the person who is the subject of the disclosure of the outcome of the investigation. The Council will give its full support to a person who is the subject of a disclosure where the allegations contained in a disclosure are clearly wrong or unsubstantiated.

## Informing the subject of a disclosure

Whether the person who is the subject of a disclosure is informed about the allegation made against them depends on the circumstances. It is possible the subject may never be told about the disclosure if it is not determined to be a public interest complaint, or a decision is made to dismiss the matter. The Act restricts the release of information about the content of disclosures or which would be likely to identify a discloser. This generally means Council cannot reveal this information to the person who is the subject of a disclosure. However, Council may give information to the subject of the disclosure about the allegation made against them in some circumstances, such as:

- if it is directed or authorised to do so by the entity investigating the disclosure
- for the purpose of taking action with respect to the alleged conduct, including disciplinary action.

These exceptions do not allow Council to reveal information that would be likely to identify the discloser.

Investigating entities may also inform the subject of the disclosure for the purposes of conducting their investigation or taking action as a result of the investigation.

# Public Interest Disclosure Policy

## PROCEDURE - MANAGING WELFARE

The Council acknowledges the protection of genuine persons making public disclosures against detrimental action is essential for the effective implementation of the Act and is, therefore, responsible for ensuring persons making a public disclosure and a person cooperating with an investigation into a PID complaint are entitled to be protected from direct and indirect detrimental action and encourages a culture supportive of public disclosures being made. Council employees are protected under OH&S legislation, the *Charter of Human Rights and Responsibilities Act 2006*, the *Public Administration Act 2004*, the Victorian Public Sector Code of Conduct and the PID Act.

These procedures are a resource for:

- any person who wants to make a disclosure about improper conduct by a public officer or public body, and this includes any member of the public
- any person who is a witness in an investigation of a public interest complaint
- any person who becomes aware that their conduct is the subject of a public disclosure or public interest complaint
- any person who thinks that they may have detrimental action taken against them in reprisal for making a public interest disclosure

These procedures should be read in conjunction with the Independent Broad-based Anti-corruption Commission (IBAC) Guidelines for handling public interest disclosures which can be found on IBAC's website at [www.ibac.vic.gov.au](http://www.ibac.vic.gov.au).

The Public Interest Disclosure Coordinator will appoint a Welfare Manager.

### People who need protection - disclosers and cooperators

A person making a public interest disclosure - or cooperating with an investigation - may be employed by the Council or a member of the public.

Ensuring confidentiality is one of the ways that disclosers and other people involved in public interest disclosure investigations are protected. The Act restricts the disclosure of information about the content of disclosures or which could identify the discloser. Where Council obtains this information, it must be kept confidential. This includes where an investigating entity provides the information to Council when making investigative enquiries or to assist a person to access welfare support.

If IBAC determines that a disclosure is a public interest complaint, Council must protect the identity of the discloser and the content of the person's disclosure to ensure confidentiality. While the obligation to protect extends to both employees and members of the public, the welfare management of each may be different. For example, Council has legislative and administrative obligations to ensure the health and wellbeing of employees under occupational health and safety legislation, the *Charter of Human Rights and Responsibilities Act 2006*, the *Local Government Act 1989* and the Council Code of Conduct for Staff. These may not apply to members of the public who are disclosers or cooperators, even when they are clients or users of Council's services.

### Appointing a welfare manager

Council will consider whether it is necessary to appoint a welfare manager to coordinate welfare support for a discloser or cooperator (someone who cooperates or intends to cooperate with an

# Public Interest Disclosure Policy

investigation of a disclosure). The following matters will be taken into consideration in deciding whether or not a welfare manager needs to be appointed:

1. are there any real risks of detrimental action against the person, taking into account their particular circumstances?
2. can Council ensure the person will be taken seriously and treated with respect?
3. can the person be given effective support, including keeping them informed of the status of the disclosure?
4. can the person be protected from suffering repercussions, by dealing with the matter discreetly and confidentially?
5. can Council respond swiftly and fairly to any allegations the person has, in fact, suffered retribution?
6. If the answer to the first question is 'yes' then the appointment of a dedicated welfare manager is probably appropriate.

If the answer to the first question is 'no' and Council can meet the needs set out in the remainder of the questions, there may be no need for a welfare manager.

## Welfare Manager Role

A welfare manager's role is to monitor the specific needs of the discloser or cooperator and provide them with practical advice and support. In most circumstances, a welfare manager will only be required where a public interest complaint proceeds to investigation. However, each case needs to be assessed on its own merits.

A welfare manager (if appointed) cannot be expected to go beyond what is reasonable for a public body in providing support to the discloser or cooperator. The welfare manager should discuss the issue of reasonable expectations with the discloser or cooperator.

For internal disclosers, Council may make use of the Employee Assistance Program (EAP) to provide welfare support.

A welfare manager must not divulge any details relating to the disclosed matter to any person other than the Public Interest Disclosure Coordinator, or the Chief Executive Officer. All meetings between the welfare manager and the person must be conducted discreetly to protect the person from being identified as being involved in the disclosure.

## Welfare Supports

The welfare supports available includes but is not limited to the support as identified in the table below.

Inform	<p>At a minimum:</p> <ul style="list-style-type: none"> <li>• confirmation that the disclosure has been received</li> <li>• outline the legislative or administrative protections available</li> <li>• describe the action proposed to be taken</li> <li>• if action has been taken, provide details about the results</li> </ul>
Provide active support	<p>Acknowledge the person for having come forward:</p> <ul style="list-style-type: none"> <li>• provide the person with assurance that they have done the right thing, and Council appreciates it</li> <li>• make a clear offer of support</li> <li>• assure them that all reasonable steps will be taken to protect them</li> <li>• give them an undertaking to keep them informed</li> </ul>

# Public Interest Disclosure Policy

Manage expectations	<p>Have an early discussion with them:</p> <ul style="list-style-type: none"> <li>• what outcome do they want?</li> <li>• are their expectations realistic?</li> <li>• what will Council be able to deliver?</li> </ul>
Maintain confidentiality	<p>The identity of the discloser and the subject matter of their disclosure need to be kept confidential:</p> <ul style="list-style-type: none"> <li>• make sure other staff cannot infer the identity of the discloser or a person cooperating with the investigation from any information they receive</li> <li>• remind the discloser not to reveal themselves or give out information that would enable others to identify them as a discloser</li> <li>• make sure that hardcopy and electronic files relating to the disclosure are accessible only to those who are involved in managing disclosures in Council</li> </ul>
Assess the risks of detrimental action being taken in reprisal	<p>Be proactive and do not wait for a complaint of victimisation.</p> <ul style="list-style-type: none"> <li>• actively monitor the workplace, anticipate problems and deal with them before they develop</li> </ul>
Protect the discloser/cooperator	<p>Examine the immediate welfare and protection needs of the person and seek to foster a supportive work environment</p> <ul style="list-style-type: none"> <li>• listen and respond to any concerns the person may have about harassment, intimidation or victimisation in reprisal for their actions</li> <li>• assess whether the concerns the person may have about harassment, intimidation or victimisation might be due to other causes other than those related to a public interest disclosure</li> </ul>
Manage the impact of any investigation	<p>Prevent the spread of gossip and rumours about an investigation into the disclosure</p>
Keep records	<p>Keep contemporaneous records of all aspects of the case management of the person, including all contact and follow-up action</p>

## Welfare management of persons who are the subject of a public interest disclosure

Until a public interest complaint is resolved (either by dismissing or investigating it) the information about the person who is the subject of the disclosure is only an allegation. Council therefore needs to meet the welfare needs of the subject of the disclosure as they may need support once they become aware an allegation has been made against them. Council will consider each matter on a case-by-case basis, taking into account the particular circumstances of the person. A referral to Council's Employee Assistance Program (EAP) may be appropriate.

# Public Interest Disclosure Policy

## ROLES AND RESPONSIBILITIES

### Appointment of Public Disclosure Coordinator

Disclosures of improper conduct or detrimental action by Council or its employees, may be made to the Public Interest Disclosure Coordinator or the Chief Executive Officer.

The Chief Executive Officer appoints the Public Interest Disclosure Coordinator (PIDC). The PIDC is the Executive Manager People and Governance. The PIDC is to:

- impartially assess each disclosure to determine whether it is a public disclosure
- coordinate the centralised reporting system used by the Council
- be a contact point for general advice about the operation of the Act and for integrity agencies such as IBAC
- be responsible for ensuring the Council carries out its responsibilities under the Act and the Guidelines
- liaise with IBAC in regard to the Act
- advise the person making the public disclosure of the progress of an investigation into the disclosed matter
- collate statistics on disclosures made
- take all necessary steps to ensure the identity of the person making a public disclosure and the identity of the person who is the subject of the disclosures are kept confidential
- establish and manage a confidential filing system
- appoint a Welfare Manager (if deemed necessary) to support the person making the disclosure and to protect the discloser from any reprisals
- liaise with the Chief Executive Officer.

### Appointment of Welfare Manager

The Welfare Manager is responsible for looking after the general welfare of the discloser. The Welfare Manager will:

- examine the immediate welfare and protection needs of the discloser and seek to foster a supportive work environment
- advise the discloser of the legislative and administrative protections available to them
- listen and respond to any concerns of harassment, intimidation or victimisation in reprisal for making disclosure
- ensure the expectations of the discloser are realistic
- examine and respond to the needs of the discloser and the subject of the disclosure (welfare and protection)
- provide information about the processes and outcomes
- manage discloser's expectations
- proactively work to prevent detrimental action from occurring
- record 'Case Management' information

The Welfare Manager may be a person from within Council or a third party engaged for that purpose. The PIDC will determine if a Welfare Manager is needed and who will be appointed as the Welfare Manager.

# Public Interest Disclosure Policy

## Employees

Employees are encouraged to report known or suspected incidences of improper conduct or detrimental action in accordance with these procedures. All employees of Indigo Shire Council have an important role to play in supporting those who have made a legitimate disclosure. They must refrain from any activity that is, or could be perceived to be, victimisation or harassment of a person who makes a disclosure. Furthermore, they should protect and maintain the confidentiality of a person they know or suspect to have made a disclosure.

### Receipt of disclosures by staff

Council staff receiving telephone calls must not enquire into the circumstances of the disclosure and must refer the caller to the Public Interest Disclosure Coordinator. If the disclosure is received in the mail or in some other written form, the letter, email, or document must be immediately and personally delivered to the Public Interest Disclosure Coordinator without recording any details of the disclosure in Council electronic document management system. The contents of disclosure telephone calls or mail are confidential and a person

divulging any matter relating to a disclosure will be subject to prosecution for offences and any penalties under the Act.

## Freedom of Information Officer

The Freedom of Information Officer will inform the PIDC of requests under the *Freedom of Information Act 1982* to ensure disclosure under the FOI Act is not applied to any document that relates to a public disclosure, an assessable disclosure or that is likely to lead to the identification of a person who has made an assessable disclosure.

Documents may not be subject to the *Freedom of Information Act 1982* if they disclose information that:

- relates to a public interest disclosure or police complaint disclosure
- is likely to identify a person who has made a public interest disclosure.

Public bodies should ensure that any officers handling freedom of information requests are aware of this section. Council's Freedom of Information Officer will give consideration to contacting IBAC prior to providing any document originating from IBAC or relating to a public disclosure, if requested under the *Freedom of Information Act*.

## INFORMATION MANAGEMENT

Council will ensure all files, whether paper or electronic, are kept in a secure room and can only be accessed by the Public Interest Disclosure Coordinator, or Welfare Manager (in relation to welfare matters). All printed material will be kept in files that are clearly marked as a Public Interest Disclosures Act matter, and warn of the civil and criminal penalties that apply to any unauthorised divulging information concerning a public interest disclosure.

All electronic files will be produced and stored on an encrypted memory stick and be given password protection. Backup files will be kept. All materials relevant to an investigation, such as tapes from interviews, will also be stored securely with the public interest disclosure file(s). Council will not email documents relevant to a disclosure matter to any computer where general staff have access and will ensure all phone calls and meetings are conducted in private.

# Public Interest Disclosure Policy

## FREQUENTLY ASKED QUESTIONS

### **Can a discloser ask that a complaint not be dealt with as a public interest disclosure?**

Yes. A discloser can advise that they do not want the disclosure treated as a public interest disclosure by stating so in writing at the time of making the disclosure or within 28 days of making the disclosure.

### **If urgent action is required while a disclosure is being assessed?**

In some circumstances, the disclosure may be about conduct that may pose an immediate threat to the health and safety of individuals, or the preservation of property, or may consist of serious criminal conduct.

Examples could include a child protection worker allegedly assaulting children in care, a council worker allegedly lighting bush fires, or a person threatening to poison the water supply.

In these cases, Council will take immediate action while considering whether or not it is a disclosure that must be notified to IBAC. Council may also take immediate action while awaiting IBAC's decision on a notified matter. It may be necessary to report criminal conduct to Victoria Police for immediate investigation, or take management action against an employee to prevent future conduct.

While the Act limits the release of information about disclosures, it allows Council to disclose the content of the disclosure 'to the extent necessary for the purpose of taking lawful action' in relation to conduct that is the subject of a disclosure, including disciplinary process or action. However, this does not allow Council to reveal the identity of the discloser. There is also an exception that allows both disclosure content and the discloser's identity to be shared with Victoria Police where an investigating entity has previously disclosed information to the Chief Commissioner of Police relating to actual or potential criminal conduct and the information is relevant to an investigation by Victoria Police of the criminal conduct.

### **Can IBAC referring a complaint to other agencies?**

IBAC may refer a public interest complaint to another investigating entity. This includes the Victorian Ombudsman, or depending on the nature of the complaint, the Chief Municipal Inspector, the Judicial Commission, the Racing Integrity Commissioner or the Information Commissioner.

If there is another public body that may be more suited to investigating a complaint (for example, a council or Victorian Government department), IBAC may refer the complaint to that body if the person who made the complaint gives their consent.

### **Can disciplinary action (or other workplace action) be taken when warranted?**

Taking disciplinary or other action against a person who has made a disclosure creates the perception that it is being taken in reprisal for the disclosure. Where disciplinary or other action is being contemplated, the Chief Executive Officer or other responsible public officer must be able to clearly demonstrate that:

- the fact that a person has made a public interest disclosure is not any part of the reason for taking action against the employee
- there are good and sufficient grounds that would fully justify action against any other person in the same circumstances
- there are good and sufficient grounds that justify exercising any discretion to institute disciplinary or other action.

Council may obtain legal advice before taking any action against the person making a public interest disclosure. Care will be taken to thoroughly document the process. This includes recording the

# Public Interest Disclosure Policy

reasons why the disciplinary or other action is being taken, and the reasons why the action is not in retribution for making the disclosure. The person making a public interest disclosure should be clearly advised of the proposed action to be taken and of any mitigating factors that have been taken into account.



# Public Interest Disclosure Policy

## DEFINITIONS AND ABBREVIATIONS

**Public Interest Complaint (PIC)** – a public interest disclosure that has been determined by IBAC, the Victoria Inspectorate or the Integrity and Oversight Committee (IOC) to be a public interest complaint (previously a Public Disclosure Complaint).

**Public Interest Disclosure (PID)** – disclosure by a natural person of information that shows / tends to show or information that the person reasonably believes shows / tends to show improper conduct or detrimental action (previously a Public Disclosure).

**Independent Broad-based anti-corruption commission (IBAC)** – IBAC is Victoria’s anti-corruption body with responsibility for identifying and preventing serious corrupt conduct across the whole public sector including members of Parliament, the judiciary and state and local government.

**Improper Conduct** – for the purpose of this policy, *improper conduct* is defined in the Act and includes t includes corrupt conduct, criminal offences and other conduct specified in the Act. If the conduct is trivial, it will not meet the threshold of improper conduct.

When assessing allegations of improper conduct, you need to identify that there is a link between the conduct and the official function of a public officer or public body.

Improper conduct includes corrupt conduct and / or any of the following conduct by a public officer or public body in their capacity as a public officer or public body:

- a criminal offence
- serious professional misconduct
- dishonest performance of public functions
- an intentional or reckless breach of public trust
- an intentional or reckless misuse of information or material acquired in the
- course of the performance of the functions of the public officer or public body
- a substantial mismanagement of public resources
- a substantial risk to health or safety of one or more persons
- a substantial risk to the environment
- conduct of any person that:
  - adversely affects the honest performance by a public officer or public body of their public functions
  - is intended to adversely affect the effective performance or exercise by a public officer or public body of the functions or powers of the public officer or public body and results in the person, or an associate of the person, obtaining:
    - a licence, permit, approval, authority or other entitlement under any Act or subordinate instrument
    - an appointment to a statutory office or as a member of the board of any public body under any Act or subordinate instrument
    - a financial benefit or real or personal property
    - any other direct or indirect monetary or proprietary gain, that the person or associate would not have otherwise obtained.

conduct of any person that could constitute a conspiracy or attempt to engage in any of the conduct referred to above.

**Detrimental action** - detrimental action against another person in reprisal for making a public interest disclosure. Detrimental action includes:

- action causing injury, loss or damage

# Public Interest Disclosure Policy

- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action

The person need not have actually taken the detrimental action, but can just have threatened to do so or incited someone else to do so.

When assessing a disclosure for detrimental action the following will be considered as part of the assessment:

- both the nature of the detrimental action and whether it is being taken in reprisal for a public interest disclosure.
- did the person take or threaten the action (or incite or permit another person to take or threaten the action) because (or in the belief) that:
- the other person (or anyone else) has made, or intends to make, the disclosure
- the other person (or anyone else) has cooperated, or intends to cooperate, with an investigation of the disclosure.

The Act does not prevent a manager taking management action against a person who has made a disclosure provided that the making of the disclosure is not the reason for the management action being taken.

**Serious professional misconduct** - Serious professional misconduct is not defined in the Act. For the purpose of these procedures it will be thought about where there is a serious failure to exhibit the skills and experience required to perform the responsibilities of the office, as well as a serious breach of professional conduct expected in the workplace.

To identify whether serious professional misconduct has occurred, the following will be considered:

- if the person has behaved in a way that is inconsistent with the expectations, skills and responsibilities of their office
- the behaviour the person engaged in was in their capacity as a public officer
- the misconduct was serious.

The following factors will be considered when assessing whether the misconduct is serious:

- persistent, repeated or premeditated behaviour
- risks posed to others or the consequences of
- the behaviour (including for the public officer and others)
- the level of public trust and responsibility attached to the public office
- the amount of money involved in the wrongdoing
- how the conduct is perceived by the person's peers
- whether the conduct would result in significant disciplinary or potentially criminal penalties
- the size of the discrepancy between what the person should have done and what they did
- whether it should have been apparent to the person that they were wrong.

# Public Interest Disclosure Policy

## REFERENCE TO CURRENT OR PREVIOUS LEGAL/COUNCIL PLAN/POLICY

This policy supports the following:

- Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Act 2012
- Public Interest Disclosure Act 2012 (formerly Public Disclosure Act 2012)
- Council Plan
- Councillor Code of Conduct Employee Code of Conduct and Ethical Behaviour Handbook
- Fraud Prevention and Control Policy
- Gift and Hospitality Policy
- Procurement Policy

## COMMUNICATION

- This policy will be publicly available on Council's website along
- It will be included in the induction and ongoing training of both existing and new staff and Councillors.
- It will be included periodically in Council's weekly newsletter.

# 14.4

## REVIEW OF THE PUBLIC TRANSPARENCY POLICY

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# POLICY



## Public Transparency Policy

Version No:	3.0
Trim File No:	T2/38
Approval Date:	TBC
Approved By:	Council
Department:	People and Governance
Service Plan Area:	Governance
Responsible Officer:	Executive Manager People & Governance
Next Review Date:	February 2025
Reliansys No:	3961
Circulation	Public document

### PURPOSE

This purpose of the Policy is to:

- give effect to the Public Transparency Principles
- describe the ways in which Council information will be made publicly available
- describe the categories of Council Information that may be unavailable to the public.

The Policy formalises Council's support for transparency in its decision-making processes and availability of Council Information.

This Policy is adopted under section 57 of the *Local Government Act 2020*.

The Policy supports Strategic objective 5.5 of the Council Plan 2021-25 - *Our Councillors and organisation are committed to the highest level of governance practices and conduct.*

### SCOPE

The Policy applies to Councillors, Council Officers, volunteers and contractors to Council.

### POLICY

#### **1. Responsibility for this Policy**

The Chief Executive Officer is responsible for the application and operation of this Policy.

- 1.1 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.
- 1.2 Where another Officer is or other Officers are authorised under section 1.1, any reference in this Policy to the Chief Executive Officer is to be read as a reference to that Officer or those Officers.

# PUBLIC TRANSPARENCY POLICY



## 2. Public Transparency Principles

The Public Transparency Principles are set out in section 58 of the Act as follows:

*Council decision-making processes must be transparent, except when Council is dealing with information that is confidential by virtue of the Act or any other Act.*

- 2.1 Council Information must be publicly available, unless:
  - 2.1.1 the information is confidential by virtue of the Act or any other Act; or
  - 2.1.2 public availability of the information would be contrary to the public interest.
- 2.2 Council Information must be understandable and accessible to members of the Municipal District.
- 2.3 Public awareness of the availability of Council Information must be facilitated.
- 2.4 Council will give effect to and implement the Public Transparency Principles in accordance with this Policy.

## 3. Council Decision-Making Processes

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.

Without limiting the generality of section 3, Council's decision-making processes will:

- 3.1 be conducted in accordance with the Act and the Governance Rules;
- 3.2 unless considering Confidential Information, be conducted in a forum that is open to, and accessible by, the Community; and
- 3.3 be informed by the:
  - 3.3.1 views of those members of the Community whose rights and interests will be directly affected by the decision; and
  - 3.3.2 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.

Further details of Council's decision-making process can be found in Chapter 1 of the Governance Rules.

## 4. Availability of Council Information

- 4.1 All Council Information will be made available to the public, unless:
  - 4.1.1 the Council Information is Confidential Information; or
  - 4.1.2 the release of the Council Information is assessed by the Chief Executive Officer as being contrary to the public interest.
- 4.2 A list of the categories of Council Information which will generally, subject to this Policy and the requirements of Part 2 of the *Freedom of Information Act 1982*, be made available either on the Council Website, at the Council Offices or on request.

# PUBLIC TRANSPARENCY POLICY



## 5. Publications

Council publishes a range of newsletters, reports and handbooks for residents, businesses and visitors to the Municipal District.

- 5.1 Council is required to publish under Part II of the *Freedom of Information Act 1982* a statement which outlines which documents that are available to the public for inspection or purchase.
- 5.2 These publications are available on the Council Website, at the Council Offices or on request to Council.

## 6. Accessibility of Council Information

Council Information will be made available on the Council Website, at the Council Offices and/or on request.

- 6.1 Council will, to the extent possible, facilitate access to Council Information by:
  - 6.1.1 making Council Information available in accordance with this Policy;
  - 6.1.2 endeavouring to make Council Information accessible electronically and in hard copy, where requested.
- 6.2 Council will, where practicable and reasonable, endeavour to convert Council Information to different accessible formats where necessary for members of the Community for whom:
  - 6.2.1 English is their second language; or
  - 6.2.2 disability requires an alternative means of access to be provided.
- 6.3 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:
  - 6.3.1 review the request;
  - 6.3.2 assess whether the Council Information requested is Confidential Information, or its release would be contrary to the public interest; and
  - 6.3.3 notify the Requestor of the outcome of that assessment.
- 6.4 If the Council Information requested is determined under section 7 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.
- 6.5 The Council Information will be provided to the Requestor by email unless:
  - 6.5.1 the Requestor seeks access in a different form, including by reference to the matters stated in section 6.2, in which case the Council Information will be provided in that form, unless it is impracticable or unreasonable to do so; or
  - 6.5.2 the 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.
- 6.6 Where the Requestor has asked for hard copies of documentation and it is appropriate and lawful for Council to provide copies, they will be provided at a reasonable cost in line with sections 22(1)(d), (g), (h) and (i) of the FOI Act; or the charges payable under any other applicable Act where public access is prescribed. Council [fees and charges are available on the Council website](#).

# PUBLIC TRANSPARENCY POLICY



- 6.6.1 Where a fee is not prescribed by an applicable Act, Council may, at its discretion, waive such a fee.
- 6.7 Council will provide such support to the Requestor as it considers reasonable to ensure that the Council Information provided is understood by them.
- 6.8 If, under section 7, 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:
- 6.8.1 that the request has been denied;
- 6.8.2 of the reasons for the request being denied; and
- 6.8.3 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*).
- 6.9 Any request for access to Council Information by way of an alternative mechanism under section 6.7 will be assessed according to the process applicable to it.
- 6.10 Where:
- 6.10.1 Council Information requested is assessed under section 6.3 as being Confidential Information, or its release is assessed as being contrary to the public interest;
- 6.10.2 it is practicable for that Council Information to be provided with deletions so that it is suitable for release to the Requestor; and
- 6.10.3 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.

## 7 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.

### 7.1 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.
Legal privileged information	Information to which legal professional privilege or client legal privilege applies.



# PUBLIC TRANSPARENCY POLICY



Type	Description
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"> <li>provided to, or produced by, a Principal Councillor Conduct Registrar, for the purposes of an application to form a Councillor Conduct Panel; or</li> <li>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</li> <li>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.</li> </ul>
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> .

- 7.1.1 In the interests of transparency, Council may, by resolution, determine to release information to the public even though it is Confidential Information.
- 7.1.1.1 If Council determines to release information to the public even though it is Confidential Information, it will have regard for the Information Privacy Principles as provided in the *Privacy and Data Protection Act 2014*.
- 7.1.2 A decision under section 7.1.1 will generally only be made if Council, on the advice of the Chief Executive Officer, is satisfied that releasing the Confidential Information would not:
- 7.1.2.1 be inconsistent with any legal or contractual obligation;
- 7.1.2.2 cause disadvantage to any person, including Council; and
- 7.1.2.3 otherwise be contrary to the public interest.

## 7.2 Contrary to the Public Interest

- 7.2.1 Council Information will not be made publicly available if doing so would be contrary to the public interest.

# PUBLIC TRANSPARENCY POLICY



- 7.2.2 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:
- 7.2.2.1 the sensitivity of the Council Information;
  - 7.2.2.2 whether the Council Information comprises a draft, or otherwise is no longer current; and
  - 7.2.2.3 any adverse effect that releasing the Council Information would have on the effectiveness of Council's decision-making processes.
- 7.2.3 Without limiting section 7.2.2, 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:
- 7.2.3.1 disclose Personal Information or Health Information;
  - 7.2.3.2 disclose information or opinions of a preliminary nature such that they might:
    - mislead the Community with respect to Council's position on a matter; or
    - have a substantial adverse effect on the economy of the Municipal District;
    - prejudice discussions or negotiations between Council and any other party, in relation to a contract, legal proceedings or any other matter;
    - impair or otherwise have an impact on:
      - Council's ability to obtain information in future that is similar in nature to the Council Information;
      - negotiations with respect to employment arrangements for Officers; or
      - defence, prosecution and settlement of legal proceedings; or
      - 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.
- 7.2.4 Where a person has requested information and it is not provided on the grounds it would be contrary to the public interest to do so, the requestor will be provided with an explanation as to why it is contrary to the public interest, what complaint or appeal options are available to them, and information about making a request under the *Freedom of Information Act 1982*.

## 8 Public Awareness of Availability of Council Information

Council will ensure public awareness of this Policy and the availability of Council Information by:

- 8.1 publishing this Policy on the Council Website;
- 8.2 making this Policy available for public inspection at Council's offices;
- 8.3 converting this Policy to such accessible formats, having regard to section 6.2, as the Chief Executive Officer determines; and
- 8.4 ensuring that all Officers:
  - 8.4.1 are aware of this Policy and its effect; and

# PUBLIC TRANSPARENCY POLICY



- 8.4.2 direct members of the Community to this Policy when access to Council Information is sought.

## 9 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:

- 9.1 not to have their privacy interfered with (section 13); and
- 9.2 take part in public life (section 18), by having the opportunity to:
- 9.2.1 participate in the conduct of Council's affairs; and
  - 9.2.2 have access to Council and Council Information.

## 10 Dissatisfaction with the Application of this Policy

10.1 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 Executive Manager People & Governance by:

- email to [info@indigoshire.vic.gov.au](mailto:info@indigoshire.vic.gov.au)
- telephone on 1300 365 003.

Complaints will be managed in line with Council's Complaints Handling Policy.

10.2 If the Requestor believes that the matter remains unresolved, it can be reported to the Victorian Ombudsman by:

- making a complaint online at [www.ombudsman.vic.gov.au/complaints](http://www.ombudsman.vic.gov.au/complaints)
- telephone on 03 9613 6222

## 11 Application of this Policy

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).

11.1 Without limiting the generality of section 11, this Policy does not apply to Council Information which is:

- 11.1.1 required to be made available under the *Planning and Environment Act 1987*;
- 11.1.2 required to be made available under the *Building Act 1993*; or
- 11.1.3 otherwise required to be made available on payment of a fee or charge.

## 12 Recording keeping

Requests for information and the response will be managed via Council's customer request system.

## 13 Controls

While it is not practicable to keep a single register of all requests for information, Council will review its Information Statement under Part 2 of the FOI Act annually, and will provide biennial training to staff and Councillors on the policy and the Public Transparency Principles.

# PUBLIC TRANSPARENCY POLICY



## ATTACHMENTS

- Information Statement under Part II of the FOI Act

## RELATED POLICIES AND DIRECTIVES

- Community Engagement Policy
- Complaint Handling Policy and Procedure

## RELATED LEGISLATION AND OTHER DOCUMENTS

- *Local Government Act 2020*
- *Victorian Charter of Human Rights and Responsibilities Act 2006*
- *Freedom of Information Act 1982 including the Information Statement under Part II of the FOI Act*
- *Privacy and Data Protection Act 2014*

## REVIEW

The policy should be reviewed at least every two years from date of adoption.

The policy will be reviewed in line with Council's Community Engagement Policy.

Trigger points that require an earlier review period of the policy or associated document/s include (but are not limited to):

- change in legislation which has a bearing on the document
- change in Council's position on public transparency or confidentiality
- recommendation from a governance body (eg Audit and Risk Committee recommendation, Internal or External Audit Recommendation, integrity agency)
- quality assurance due to continuous improvement initiatives
- a relevant finding against Council by the Ombudsman or another regulatory authority.

## COMMUNICATION

- To be published on Council's website and provided to Customer Service Centres for public inspection
- To be distributed to staff
- Staff to receive training on induction and thereafter every two years on the transparency principles and policy

# PUBLIC TRANSPARENCY POLICY



## DEFINITIONS

Act	<i>Local Government Act 2020</i>
Chief Executive Officer	Includes an Acting Chief Executive Officer
Closed Meeting	A Meeting that is closed to members of the public
Community	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	Confidential information as defined in section 3(1) of the Act
Council	Indigo Shire Council
Council Information	All documents and other information held by Council
Council Offices	The offices of Council located in Beechworth and Yackandandah
Council Website	Council's website at <a href="http://www.indigoshire.vic.gov.au">www.indigoshire.vic.gov.au</a>
FOI Act	<i>The Freedom of Information Act 1982</i>
Governance Rules	Governance rules adopted by Council under section 60 of the Act, as amended from time to time.
Health Information	Health information as defined in section 3(1) of the <i>Health Records Act 2001</i>
Meeting	A meeting of Council (refer to section 61 of the Act) or a Delegated Committee
Municipal District	The municipal district of Indigo Shire
Officer	A member of Council staff, and includes the Chief Executive Officer
Personal Information	Personal information as defined in section 3(1) of the <i>Privacy and Data Protection Act 2014</i>
Public Transparency Principles	Public transparency principles set out in section 58 of the Act and reproduced in Part 1 of this Policy
Requestor	A person making a request to access Council Information under and in accordance with this Policy.

# 14.6

## INFORMAL MEETINGS OF COUNCILLORS RECORDS

1	Informal Meeting of Councillors - Council Breifing - 11 July 2023.....	143
2	Informal Meeting of Councillors Record - Council Briefing - 18 July 2023 .....	145
3	Informal Meeting of Councillors - Planning Site Visit -Moodamere Road - 24 July 2023 .....	147
4	Informal Meeting of Councillors Record - Council Briefing - 25 July 2023 .....	149
5	Informal Meeting of Councillors Record - Council Briefing - 8 August 2023 .....	151



## INFORMAL MEETING OF COUNCILLORS RECORD

At the commencement of an applicable meeting, Council staff are required to identify that this is an Informal Meeting of Councillors as defined in Council's Governance Rules, and call for any Conflicts of Interest (Sections 126 - 131 *Local Government Act 2020*).

For additional information please refer to TRIM reference: INTERNAL20/7700

### NOTE:

This Form MUST :

- a) be completed by the attending Council Officer
- b) TRIMmed to INFORMATION MANAGEMENT – Registers – Informal Meeting of Councillors (relevant year)
- c) completed record forwarded to the Governance Officer for inclusion in the next Meeting of Council and incorporated in the minutes.

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### MEETING DETAILS:

<b>Meeting</b>	Council Briefing
<b>Date:</b>	Tuesday 11 July 2023
<b>Time:</b>	2.30pm
<b>Meeting Location:</b>	Council Chambers, 2 Kurrajong Way, Beechworth

### IN ATTENDANCE: (circle/delete as appropriate)

<b>Councillors:</b>	Cr Sophie Price	Mayor
	Cr Peter Croucher	Councillor
	Cr Roberta Horne	Councillor
	Cr Diane Shepheard	Councillor (by Zoom)
	Cr Emmerick Teissl	Councillor
<b>Officers:</b>	Trevor Ierino	Chief Executive Officer (by Zoom)
	Ian Ellett	Director Infrastructure Services
	Greg Pinkerton	Director Planning & Corporate Services



Sally Rice	Director Community & Economic Development (by Zoom)
Melinda Collis	Executive Manager Customer Experience & Engagement (by Zoom)
Annabel Harding	Governance Coordinator (by Zoom)

**MATTER/S DISCUSSED/CONSIDERED AT THE MEETING:**

(Note: Conflicts of Interest must be disclosed and the person leave the assembly before discussion of the conflict matter (Sections 126 – 131 of the *Local Government Act 2020*))

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Indigo Community Access Committee Application

Review of the Public Transparency Policy

Monthly Planning Update

Waste Contract Update

General Business

Councillor Committee Reports

Upcoming Schedules – Briefing and Council Meetings

Actions From Previous Meetings

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**CONFLICT OF INTEREST DISCLOSURES:**

ITEM:

nil

Councillor	Time of departure	Time of re-entry
Officer	Time of departure	Time of re-entry

**Record Author:** Annabel Harding





## INFORMAL MEETING OF COUNCILLORS RECORD

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- c) completed record forwarded to the Governance Officer for inclusion in the next Meeting of Council and incorporated in the minutes.

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### MEETING DETAILS:

<b>Meeting</b>	Council Briefing
<b>Date:</b>	Tuesday 18 July 2023
<b>Time:</b>	2.30pm
<b>Meeting Location:</b>	Council Chambers, 2 Kurrajong Way, Beechworth

### IN ATTENDANCE: (circle/delete as appropriate)

<b>Councillors:</b>	Cr Bernard Gaffney	Deputy Mayor
	Cr Peter Croucher	Councillor
	Cr Diane Shepheard	Councillor
	Cr Emmerick Teissl	Councillor
<b>Officers:</b>	Trevor Ierino	Chief Executive Officer
	Ian Ellett	Director Infrastructure Services
	Greg Pinkerton	Director Planning & Corporate Services
	Sally Rice	Director Community & Economic Development



Melinda Watson                      Acting Executive Manager Customer  
Experience & Engagement

Annabel Harding                      Governance Coordinator (by Zoom)

**MATTER/S DISCUSSED/CONSIDERED AT THE MEETING:**

(Note: Conflicts of Interest must be disclosed and the person leave the assembly before discussion of the conflict matter (Sections 126 – 131 of the *Local Government Act 2020*))

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North East Water Presentation

Planning Scheme Review

Roadside Firewood Collection

July Council Meeting - Draft Agenda Review

Councillor Committee Reports

Upcoming Schedules – Briefing and Council Meetings

Actions From Previous Meetings

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**CONFLICT OF INTEREST DISCLOSURES:**

ITEM:

nil

Councillor	Time of departure	Time of re-entry
Officer	Time of departure	Time of re-entry

**Record Author:**                      Annabel Harding



### INFORMAL MEETING OF COUNCILLORS RECORD

At the commencement of an applicable meeting, Council staff are required to identify that this is an Informal Meeting of Councillors as defined in Council's Governance Rules, and call for any Conflicts of Interest (Sections 126 - 131 *Local Government Act 2020*).

For additional information please refer to TRIM reference: INTERNAL20/7700

**NOTE:**

This Form MUST :

- a) be completed by the attending Council Officer
- b) TRIMmed to INFORMATION MANAGEMENT – Registers – Informal Meeting of Councillors (relevant year)
- c) completed record forwarded to the Governance Officer for inclusion in the next Meeting of Council and incorporated in the minutes.

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**MEETING DETAILS:**

**Meeting** Site visit – 354 Moodemere Road, Norong (PP22-0311)  
 \_\_\_\_\_  
 \_\_\_\_\_

**Date:** 24 July 2023  
 \_\_\_\_\_

**Time:** 10:30am  
 \_\_\_\_\_

**Meeting Location:** As above  
 \_\_\_\_\_

**IN ATTENDANCE:** (circle / delete as appropriate)

	Name	Title
<b>Councillors:</b>	P Croucher	
	S Price	
	D Shepherd	
	B Gaffney	
	R Horne	



**Officers:** Steven Hawkins Planning Coordinator

**MATTER/S DISCUSSED/CONSIDERED AT THE MEETING:**

(Note: Conflicts of Interest must be disclosed and the person leave the assembly before discussion of the conflict matter (Sections 126 – 131 of the *Local Government Act 2020*))

Planning application to be presented at the July 2023 Council Meeting.

**CONFLICT OF INTEREST DISCLOSURES:**

**ITEM:**

Councillor	Time of departure	Time of re-entry
Officer	Time of departure	Time of re-entry

**Record Author:** Steven Hawkins



## INFORMAL MEETING OF COUNCILLORS RECORD

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For additional information please refer to TRIM reference: INTERNAL20/7700

### NOTE:

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- a) be completed by the attending Council Officer
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- c) completed record forwarded to the Governance Officer for inclusion in the next Meeting of Council and incorporated in the minutes.

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### MEETING DETAILS:

<b>Meeting</b>	Council Briefing
<b>Date:</b>	Tuesday 25 July 2023
<b>Time:</b>	4.00pm
<b>Meeting Location:</b>	Council Chambers, 2 Kurrajong Way, Beechworth

### IN ATTENDANCE: (circle/delete as appropriate)

<b>Councillors:</b>	Cr Sophie Price	Mayor
	Cr Bernard Gaffney	Deputy Mayor
	Cr Peter Croucher	Councillor
	Cr Roberta Horne	Councillor
	Cr Diane Shephard	Councillor
	Cr Emmerick Teissl	Councillor
<b>Officers:</b>	Trevor Ierino	Chief Executive Officer
	Ian Ellett	Director Infrastructure Services
	Greg Pinkerton	Director Planning & Corporate Services



Sally Rice	Director Community & Economic Development
Melinda Collis	Executive Manager Customer Experience & Engagement
Carla Hanlon	Executive Manager People & Governance
Annabel Harding	Governance Coordinator (by Zoom)

**MATTER/S DISCUSSED/CONSIDERED AT THE MEETING:**

(Note: Conflicts of Interest must be disclosed and the person leave the assembly before discussion of the conflict matter (Sections 126 – 131 of the *Local Government Act 2020*))

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Councillor and CEO Update

July Council Meeting - Agenda Review

Councillor Committee Reports

Upcoming Schedules – Briefing and Council Meetings

Actions From Previous Meetings

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**CONFLICT OF INTEREST DISCLOSURES:**

ITEM:

nil

Councillor	Time of departure	Time of re-entry
Officer	Time of departure	Time of re-entry

**Record Author:** Annabel Harding



## INFORMAL MEETING OF COUNCILLORS RECORD

At the commencement of an applicable meeting, Council staff are required to identify that this is an Informal Meeting of Councillors as defined in Council's Governance Rules, and call for any Conflicts of Interest (Sections 126 - 131 *Local Government Act 2020*).

For additional information please refer to TRIM reference: INTERNAL20/7700

### NOTE:

This Form **MUST** :

- a) be completed by the attending Council Officer
- b) TRIMmed to INFORMATION MANAGEMENT – Registers – Informal Meeting of Councillors (relevant year)
- c) completed record forwarded to the Governance Officer for inclusion in the next Meeting of Council and incorporated in the minutes.

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### MEETING DETAILS:

<b>Meeting</b>	Council Briefing
<b>Date:</b>	Tuesday 8 August 2023
<b>Time:</b>	1.00pm
<b>Meeting Location:</b>	Council Chambers, 2 Kurrajong Way, Beechworth

### IN ATTENDANCE: (circle/delete as appropriate)

<b>Councillors:</b>	Cr Sophie Price	Mayor
	Cr Bernard Gaffney	Deputy Mayor
	Cr Peter Croucher	Councillor
	Cr Roberta Horne	Councillor
	Cr Diane Shepheard	Councillor
	Cr Emmerick Teissl	Councillor
<b>Officers:</b>	Trevor Ierino	Chief Executive Officer
	Ian Ellett	Director Infrastructure Services
	Greg Pinkerton	Director Planning & Corporate Services



Sally Rice	Director Community & Economic Development
Melinda Collis	Executive Manager Customer Experience & Engagement
Annabel Harding	Governance Coordinator

**MATTER/S DISCUSSED/CONSIDERED AT THE MEETING:**

(Note: Conflicts of Interest must be disclosed and the person leave the assembly before discussion of the conflict matter (Sections 126 – 131 of the *Local Government Act 2020*))

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- 5.1 Council Expense & Resources Policy
  - 5.2 Public Interest Disclosures
  - 6.1 Councillor Committee Reports
  - 6.2 Upcoming Schedules - Briefing and Council Meetings
  - 6.3 Governance Calendar
  - 6.4 Actions From Previous Meetings
  - 6.5 Prelude to Cultural Capability Workshop
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**CONFLICT OF INTEREST DISCLOSURES:**

ITEM:

nil

Councillor	Time of departure	Time of re-entry
Officer	Time of departure	Time of re-entry

**Record Author:** Annabel Harding



