



## COUNCIL MEETING AGENDA

Tuesday  
22 August 2023  
6pm

Community Room 1, Community Hub, Maryborough  
and livestreamed on the internet.

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## 1. Commencement of Meeting and Welcome

Councils must, in the performance of its role, give effect to the overarching governance principles in the *Local Government Act 2020*.<sup>1</sup>

These are included below to guide Councillor consideration of issues and Council decision making.

- a. Council decisions are to be made and actions taken in accordance with the relevant law;
- b. priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- c. the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
- d. the municipal community is to be engaged in strategic planning and strategic decision making;
- e. innovation and continuous improvement is to be pursued;
- f. collaboration with other Councils and Governments and statutory bodies is to be sought;
- g. the ongoing financial viability of the Council is to be ensured;
- h. regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
- i. the transparency of Council decisions, actions and information is to be ensured.

## 2. Apologies

Council's Governance Rules require that the minutes of Council meetings record the names of Councillors present and the names of any Councillors who apologised in advance for their non-attendance.<sup>2</sup>

The annual report will list councillor attendance at Council meetings. Councillor attendance at Councillor briefings is also recorded.

## 3. Leave of absence

One reason that a Councillor ceases to hold the office of Councillor (and that office becomes vacant) is if a Councillor is absent from Council meetings for a period of 4 consecutive months without leave obtained from the Council. (There are some exceptions to this – see section 35 for more information.)

A Councillor can request a leave of absence. Any reasonable request for leave must be granted.<sup>3</sup> Leave of absence is approved by Council.

Any request will be dealt with in this item which is a standing item on the agenda. The approvals of leave of absence will be noted in the minutes of Council in which it is granted. It will also be noted in the minutes of any Council meeting held during the period of the leave of absence.

<sup>1</sup> Section 9.

<sup>2</sup> Chapter 2, rule 62.

<sup>3</sup> See Local Government Act 2020 s 35 (4) and s 35 (1) (e).

#### 4. Conflicts of interest

Conflicts of Interest must be disclosed at the commencement of a Council meeting or Councillor briefing, or as soon as a Councillor recognises that they have a conflict of interest.

The relevant provisions in the *Local Government Act 2020* include those in Part 6, Division 2 (from section 126). Failing to disclose a conflict of interest and excluding themselves from the decision making process is an offence.

##### Disclosures at Council meetings

Under the Governance Rules:<sup>1</sup>

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

1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Council meeting immediately before the matter is considered; or

2 intends to be present must disclose that conflict of interest by providing to the Chief Executive Officer before the Council meeting commences a written notice:

2.1 advising of the conflict of interest;

2.2 explaining the nature of the conflict of interest; and

2.3 detailing, if the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person, the:

(a) name of the other person;

(b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

(c) nature of that other person's interest in the matter, and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the Chief Executive Officer under this sub-Rule.

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

##### Disclosures at councillor briefings (and other meetings)

Also under the Governance Rules,<sup>2</sup> a Councillor who has a conflict of interest in a matter being considered by a meeting held under the auspices of Council at which he or she is present must:

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

<sup>1</sup> Chapter 5, Rule 3

<sup>2</sup> Chapter 5, Rule .

**Councillor form to disclose conflicts of interest**

Name: \_\_\_\_\_

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

Meeting type:

- Briefing
- Meeting
- Other \_\_\_\_\_

Nature of the conflict of interest (describe):

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If the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person:

- name of the other person (gift giver): \_\_\_\_\_
- nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person: \_\_\_\_\_
- nature of that other person's interest in the matter: \_\_\_\_\_

## 5. Confirmation of Minutes from Previous Council Meetings

### 5.1 Confirmation of Minutes from Previous Council Meeting dated 25 July 2023



#### DRAFT COUNCIL MEETING MINUTES

Tuesday, 25 July 2023

6:00pm

Meeting held in person

Community Room 1, Community Hub, Maryborough

and livestreamed on the internet.

#### MEMBERSHIP

##### Councillors:

Grace La Vella (Mayor)

Liesbeth Long

Geoff Lovett

Chris Meddows-Taylor

Gerard Murphy

Wayne Sproull

Anna de Villiers

##### Officers:

Chief Executive Officer Lucy Roffey

General Manager Assets Infrastructure and Planning Matthew Irving

General Manager Community Wellbeing Emma Little

General Manager Corporate Performance Mick Smith

To be confirmed at the Council Meeting

scheduled for 22 August 2023

## **1. COMMENCEMENT OF MEETING AND WELCOME**

The Mayor commenced the meeting at 6pm, welcoming all present, with an acknowledgement of country and the Council Prayer.

### **PRESENT:**

#### **Councillors**

Grace La Vella (Mayor)

Anna De Villiers

Liesbeth Long

Chris Meddows-Taylor

#### **Officers**

Chief Executive Officer Lucy Roffey

General Manager Assets Infrastructure and Planning Matthew Irving

General Manager Community Wellbeing Emma Little

General Manager Corporate Performance Mick Smith

## **2. APOLOGIES**

Councillor Sproull

Councillor Lovett

## **3. LEAVE OF ABSENCE**

Nil

## **4. DISCLOSURES OF CONFLICTS OF INTEREST**

### **Councillor Murphy**

- Item 8.1: Councillor Murphy is a Director of Unified Community Sports and Leisure; Unified Community Sports and Leisure manages Maryborough Olympic Pool Complex.
- Item 8.3: Councillor Murphy is a Director of Unified Community Sports and Leisure ; Unified Community Sports and Leisure manages the Maryborough Olympic Pool Complex which contains the Maryborough Octagonal Pool.

**5. CONFIRMATION OF THE MINUTES OF PREVIOUS COUNCIL MEETINGS**

To present for confirmation the following:

**5.1 Minutes of the Council Meeting 27/06/2023**

The Minutes were confirmed.

**6. REPORTS FROM COMMITTEES**

Nil.

**7. PETITIONS**

Nil.

**8. OFFICER REPORTS**

**MOTION**

That Council suspend standing orders to discuss a change in order to the Agenda.

**Moved:** Cr Murphy

**Seconded:** Cr Meddows-Taylor

**CARRIED at 6:03pm**

**MOTION**

That Council resume standing orders.

**Moved:** Cr Meddows-Taylor

**Seconded:** Cr De Villiers

**CARRIED at 6:05pm**

The Mayor confirmed change to the order of the Agenda with item 8.2 to be heard first followed by items 8.1 and 8.3.

## 8.1 Maryborough Aerodrome Business Case

The purpose of this report is to consider approval of the Maryborough Aerodrome Business Case (The Business Case) that was commissioned following the resolution of support from Council in April 2021.

This report also recommends formation and implementation of an ongoing advisory group to provide expert advice and guidance to the Council and its Executive on matters pertaining to the management, development, operation, and maintenance of the Maryborough Aerodrome (MA), upon completion of the current term of the Maryborough Aerodrome Taskforce (The Taskforce).

### MOTION

That Council:

1. approves the Maryborough Aerodrome Business Case;
2. thanks the Maryborough Aerodrome Taskforce Chair and group for their work over the past two years;
3. approves the Maryborough Aerodrome Advisory Group Terms of Reference and commences the process to establish the group; and
4. nominate a Councillor to be the Chair of the Maryborough Aerodrome Advisory Group.

**Moved:** Councillor Meddows-Taylor

**Seconded:** Councillor Murphy

**Carried**

Councillor Meddows-Taylor and Councillor Murphy spoke to the motion.

## 8.2 Growing Regions Fund Part one

**- Cr Murphy left the chamber at 6:12pm due to a declared conflict of interest.**

The purpose of this report is to brief Council on the Federal Government's Growing Regions Program – Round One (GRP1) and the proposed approach being put forward to capitalise on funding within this program.

### MOTION

That Council:

Supports an expression of interest application to the Federal Governments' Growing Regions Program – Round One for the Maryborough Olympic Pool Complex Project with a commitment of



maximum \$4,000,000 of future borrowings as contribution required under the grant guidelines.

**Moved:** Councillor Meddows-Taylor

**Seconded:** Councillor De Villiers

**Carried**

**Division:**

**In favour:** Crs Meddows-Taylor, La Vella, de Villiers

**Against:** Cr Long

Councillor Meddows-Taylor spoke to the motion.

Councillor Lisbeth Long spoke against the motion.

### 8.3 Contract Payments Delegations Update

The report presents a proposed action on two contracts and associated variations that will require Council to consider due to exceeding Chief Executive Officer (CEO) delegation.

#### **MOTION**

That Council:

1. note the variations to the value of \$84,546.72 including GST approved to date under contract G1698-2022 Central Goldfields Swimming Pool Upgrade – Works;
2. authorise the Chief Executive Officer under delegation to approve final variations to contract G1698-2022 Central Goldfields Swimming Pool Upgrade - Works up to 5% of the total contract value of \$22,782.80 including GST; and
3. Authorise the Chief Executive Officer under delegation to approve variations to contract G1722-2022 Maryborough Octagonal Pool Replacement up to 20% of the total contract value of \$275,282.13 including GST.

**Moved:** Councillor De Villiers

**Seconded:** Councillor Long

**Carried**

Councillor De Villiers spoke to the motion.

**9. NOTICES OF MOTION**

Nil

**10. URGENT BUSINESS**

Nil

**11. CONFIDENTIAL BUSINESS**

No confidential business

**12. MEETING CLOSURE**

The meeting closed at 6:32 pm

DRAFT

**6. Minutes of Delegated and Advisory Committees**

**7. Petitions**

## 8. Officer Reports

### 8.1 PROPERTY LEASING AND LICENSING REVIEW 2023

**Author:** Manager Governance Property and Risk

**Responsible Officer:** General Manager Corporate Performance

*The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.*

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#### SUMMARY/PURPOSE

The purpose of this report is to update Council on the Property Occupancy Policy review and proposed update and changes to the policy for public consultation.

The purpose of the Property Occupancy Policy is to comply with all Legislation associated with Property, Leasing and Licensing and ensure that Council has transparent processes in relation to its leasing and licensing practices.

#### RECOMMENDATION

1. That Council endorse the Draft Property Leasing and Licensing Policy 2023 as attached for public consultation;
2. that the feedback period close at 5pm 20 September 2023; and
3. that a final Property Leasing and Licensing Policy 2023, taking into consideration public feedback, be considered for adoption at the Council Meeting Scheduled for 24 October 2023.

#### LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2021-2025 – Our Community's Wellbeing

The Community's vision

4. Good planning, governance, and service delivery
4. Transparent decision making;

#### BACKGROUND INFORMATION

With the appointment of a Property and Risk Officer, review of policies and procedures relating to Council's Leasing and Licensing has commenced and this includes the Property Occupancy Policy. The current Policy was written encompassing the *Local Government Act 1989* information and with the subsequent Act change to the *Local Government Act 2020*, the Policy requires update at least in part i.e., Section 3.2 (a) i. & ii of the current Property Occupancy Policy require changes to the amount of rental and market value.

The Property Occupancy Policy was due for review in November 2022. This has occurred and the new policy is titled the "Property Leasing and Licensing Policy".

The review has found it fails to fully explain Council's position on the approach to leasing and licensing for the Community, but rather that it focusses more on the guidelines and procedures required for the implementation of a lease, not the principles Council has determined are relevant for the leasing and licensing of property.

The reviewed Draft Policy is designed to be an overarching document that will cover all forms of leasing and licensing by the Council, relevant to the management of its property portfolio.

## **REPORT**

The new policy has been written as a principles-based document and is designed to give any person, prospective tenant, or Community member a comprehensive and overarching understanding of leasing and licensing for Council and Council managed properties without ambiguity.

With the creation of a guidelines and procedures supporting document, this should be a comprehensive and easily understood set of information that assists with the process of leasing.

The new Policy is also designed to provide current lease and licence holders relevant information including legislative and procedural expectations at the renewal or end of their leases.

The new process is designed to maximise tenancies, income, and relationship in the community in relation to the Council's portfolio.

The new Policy will allow Council to move forward with sorting, updating and renewing leases that have currently gone into overholding and allow a return on investment (ROI) on the properties currently being underutilised.

The new Policy has removed areas that have no direct bearing on the Principles of Leasing and Licensing and substituted more concise and relevant information, needed for anyone in the Community, unfamiliar with legislative, Departmental and Council requirements, to understand what will be required and why.

The new policy has included Acknowledgement to Country, Governance and Management Principles. It has also stated the objectives of Council and how Council will determine the suitability of prospective tenants and how any negotiations will progress.

The removal of some aspects of the current Policy have been moved to the Guidelines as they present more specific information, relevant to a person/entity in negotiations or at the point of signing a lease.

None of the original information has been lost but rather put into a more relevant format and document.

To ensure the scope of the Policy remains clear and to ensure consistent application of the principles therein, it is proposed to name it the Property Leasing and Licensing Policy.

**Proposed Changes**

<b>Existing</b>	<b>Proposed</b>	<b>Rationale</b>
Currently called Property Occupancy Policy	Property Leasing and Licensing Policy	<p>Ensures the focus of managing the properties remains on consistent and appropriate leasing and licensing arrangements which clearly articulate the roles and responsibilities of Council and lessees/licensees. Reinforces the formal and accountable nature of agreements to use assets held by Council on the Community's behalf.</p> <p>Clarifies that all agreements to use Council buildings are necessarily in the form of a license (even if it is known by another name such as "seasonal agreement") or lease.</p> <p>Further, an "occupant" may not be the license or lease holder, so the title clarifies the scope of and responsibilities in the policy.</p>
Current policy includes operational procedures.	Procedures removed to leave a document that sets out the principles under which licences and leases will be entered into.	<p>Procedures such as insurance requirements, inspections, maintenance procedures, management of keys, etc, may change more or less frequently.</p> <p>These will be included in guidelines under development. Prevents rapid redundancy of the policy.</p>
Rental categories are included in a complex and highly specific matrix.	Principles for the classification of different users will be included in the policy, but calculations for fees and rents will be included in the guidelines, to be approved annually.	<p>Prevents the policy rapidly becoming redundant and allows agility in the Council responding to regulatory or market changes.</p> <p>Council still has visibility over fees annually through the budget process, and the calculation methodology for determining discount off market rates.</p>
Residential tenancies not addressed	Legal obligations on managing residential tenancies addressed at 4.3	Confirms Council's obligations to comply with residential tenancy law where applicable and articulates the role of Council in order to manage risk related to such tenancies.

## **CONSULTATION/COMMUNICATION**

The Policy will be subject to the internal consultation process as outlined in the Strategic Documents Policies and Procedures Guidelines and will also be put out for a period of public consultation. The Audit & Risk Committee will be consulted on the review and proposed changes.

## **FINANCIAL & RESOURCE IMPLICATIONS**

The development of the Policy is met from existing budgets.

## **RISK MANAGEMENT**

This report addresses Council's strategic risks:

- Financial sustainability - Failure to maintain our long term financial sustainability
- Governance - Failure to transparently govern and embrace good governance practices
- Property and Assets - Failure to maintain, renew and expand our assests in a timely and robust way, that considers service and delivery needs

The review of the Property Occupancy Policy will mitigate the risk of inappropriate, inconsistent, and unfair use of Council owned and managed properties through providing a clear outline of the Council's Policy in relation to its property portfolio.

The development and implementation of the Policy will also provide opportunities to assess revenue and potential capitalisation.

Adding Guidelines and Procedures should also further strengthen Council's position and will provide a basis for all staff to have relevant conversations with the Community and ensure that there are no misunderstandings when negotiating leases and licences.

## **CONCLUSION**

The Draft Policy is provided for feedback.

The additional supporting documents for guidelines and procedures are not in their final stages but provide reassurance that the content removed from the original policy will be addressed elsewhere.

It is important to note that without a current, strategic, and comprehensive Policy and Procedures, it will be detrimental to Council when moving forward with the current volume of leases and licenses in overholding.

## **ATTACHMENTS**

- 8.1.1 Current Property Occupancy Policy
- 8.1.2 Draft Property Leasing and Licensing Policy

## 8.1.1



## Property Occupancy Policy

Category: Council Policy  
 Adoption: Council Date: 26 November 2019  
 Review Period: Three years  
 Responsible Manager: General Manager Corporate Performance  
 Signed by CEO: .....  
 Date: .....2.12.2019

### 1. Purpose

Central Goldfields Shire Council is committed to working in partnership with the community to encourage, develop and support community based organisations and the wide range of local quality recreational, cultural, social and community support and business group initiatives which they undertake that make a positive contribution to the Central Goldfields Shire community and strengthen the development of a supported, cohesive community, living a full and healthy life.

Council recognises that there is an overall social benefit for the community to enable the use of Council owned and managed land and facilities by organisations that provide recreation and sporting opportunities, and other community services. These services enhance the quality of life and wellbeing of our municipality and support the objectives set out in the Council Plan.

This policy aims to provide a framework for determining the occupancy agreements for public land within the Shire in a fair, transparent and equitable way. Through implementation of this policy Council will ensure that:

- Occupancy agreements maximise community benefit of public land;
- Occupiers have security of tenure to develop and grow whilst ensuring longevity and sustainability;
- Occupiers of public land are treated in a fair and equitable manner;
- Occupancy agreements are issued in accordance with legislation and Council's delegations and powers;
- Occupancy agreements are simple and transparent;
- The rights of both occupiers of public land and Council are protected;
- Risks associated with public land occupancy are appropriately managed.





## 2. Scope

This policy applies to public land which includes land and built structures located on Council freehold land or Crown land where Council is the appointed committee of management, which is occupied by third parties.

The principles of this Policy apply to both new occupancy agreements entered into after the policy approval date, and those agreements which expire after the policy approval date and are considered for renewal. Council commitments under agreements existing at the time of this policy being approved, including 'options' clauses, will be honoured in their original form.

Council is committed to ensuring the health, safety and ongoing sustainability of community groups and organisations within the Shire.

## 3. Policy

### 3.1 Definitions and Abbreviations

Term	Meaning
<b>The Act</b>	Means the <i>Local Government Act 1989 (Vic)</i>
<b>Approval in Principle</b>	Approval that is subject to other conditions being satisfied, such as legislative advertising process, prior to the agreement going ahead.
<b>Capital Works</b>	Any improvements, upgrades, alterations and/or additions (internal or external) to change the use, function, or layout of an existing Council owned or managed Property.
<b>Commercial</b>	An occupation which, by its nature, could reasonably be expected to generate a profit. Includes businesses, instructors, corporations, political groups and training organisations. May also include government departments and not-for-profit organisations operating on a commercial basis.
<b>Community benefit</b>	Economic, social and environmental benefits that accrue to the wider community.
<b>Council</b>	Central Goldfields Shire Council
<b>Council managed land</b>	Crown Land managed by Council as the designated Committee of Management but not owned by Council. May also include buildings or other assets located on this land.
<b>Council owned land</b>	Land owned by Council in freehold. May include buildings or other assets located on this land.
<b>CPI</b>	The Consumer Price Index, a statistical measure that examines with weighted average of prices of groups of consumer goods and services.
<b>DELWP</b>	Department of Environment, Land, Water and Planning or its successor.
<b>EOI</b>	Expression of Interest, competitive public process in which submitters are invited to bid for the right to hold a lease or licence over Council-owned or Council-managed land.
<b>General Manager</b>	The Council appointed General Manager Corporate Performance with responsibility for property leases and licences.
<b>Lease</b>	An agreement for the occupation of land and/or buildings which grants exclusive rights of occupation to the tenant.
<b>Licence</b>	An agreement for the occupation of land and/or buildings which does not grant exclusive rights of occupation to the tenant.
<b>Not-for-Profit organisation</b>	An organisation that provides a demonstrated community benefit, and does not operate for the profit, personal gain or other benefit of particular people. Some examples include charities, sporting and recreational clubs, community service organisations, professional and business associations, and cultural and social societies.
<b>Private use</b>	An occupation of a private nature which provides no, or minimal, wider community benefit.
<b>Tenant</b>	An individual, company or incorporated body that occupies Council owned or Council managed land under an occupancy agreement.
<b>Valuation</b>	A valuation undertaken by a person registered to do so under the <i>Valuation of Land Act 1960 (Vic)</i> .



### 3.2 Statutory Requirements

#### Council Owned Land

The granting of a Lease for Council owned land may be subject to Council complying with its statutory obligations in accordance with Section 190 of the Act which requires Council to advertise its intention to lease land to another party and to consider submissions under Section 223 if the lease is to be -

- (a) for 1 year or more and -
  - i. the rent for any period of the lease is \$50,000 or more a year; or
  - ii. the current market rental value of the land is \$50,000 or more a year; or
- (b) for 10 years or more; or
- (c) a building or improving lease

#### Council Managed Land

Council is also responsible for managing Crown land on behalf of the Victorian Government (DELWP) as the appointed Committee of Management in accordance with the *Crown Land (Reserves) Act 1978 (Vic)*. Council must adhere to the:

- Leasing Policy for Victorian Crown Land May 2018; and
- Crown Land Leasing Guidelines 2012.

These two documents provide the framework and guidelines for the leasing of Crown land in Victoria. Council must seek Ministerial approval in-principle and final approval to lease or licence any Crown Land and all agreements must be prepared on DELWP's standard documentation.

#### Other Requirements

Council is required to maintain a publicly available register of all leases involving land where Council is the lessor, including details of the lessee, terms and value, in accordance with the *Local Government (General) Regulations 2015 (Vic)*.

### 3.3 Types of Agreements

When considering the appropriate occupancy agreement for a piece of public land Council has several options to choose from including:

- Lease
- Licence
- Seasonal use agreement
- DELWP appointed Committee of Management
- Section 86 committee under the Act



Further detail on each of these options follows:

### 3.3.1 Lease

**When** – There is public land which has a single use and users have exclusive use of the land and/or buildings. Some examples include land on which bowling, golf, tennis or gun clubs are situated, or buildings and/or land occupied for the sole benefit of the tenant, for example Aerodrome sites and buildings. Access to such public land is typically either:

- Physically restricted and members of the general public can only participate in the dedicated land use after paying a membership or casual hire fee.
- Not available – the tenant has sole exclusive use of the site.

**Where** – There is an incorporated legal entity that wishes to occupy public land for a single purpose.

### 3.3.2 Licence

**When** – There is public land which has a single or multiple uses and users that have non-exclusive use of the site. One example is a public building that is used by different community groups on different days of the week but at regular times each week.

**Where** – Licences enable Council to allow multiple users of public land to occupy the land and/or buildings in a shared (non-exclusive) manner, which improves the utilisation of the facility and reduces the need for stand alone, single use infrastructure.

### 3.3.3 Seasonal use agreement

**When** – The public land has multiple uses and users have non-exclusive use of the site. An example of this is a recreation reserve with football, cricket and netball facilities that is also available for members of the public to access at no cost when not in use for sporting activities.

**Where** – The public land is managed by Council and individual clubs only wish to occupy public land only for the duration of their sporting season. At season's end they relinquish their occupancy in order to allow another club to use the public land for their sporting season.

### 3.3.4 DELWP appointed committee of management

**When** – There are two main types of public land occupancies suited by this management structure:

- Crown land which has multiple uses and users have non-exclusive use of the site. An example of this is a recreation reserve with football, cricket and netball facilities that is also available for members of the public to access at no cost when not in use for sporting activities. Because the public land is not locked, members of the public can enter the land and undertake unsupervised activity (such as jogging on the turf, flying a kite, walking the dog, having a hit of cricket in the nets) without paying a fee to do so.



- Crown land which has a single use and users have exclusive use of the site. Some examples include land on which bowling, golf, tennis or gun clubs are situated. Access to such public land is usually physically restricted and members of the general public can only participate in the dedicated land use after paying a membership or casual hire fee.

**Where** – There is an existing (or potential) incorporated legal entity that is able to demonstrate that it has the capacity to manage the Crown land with due regard to the interest of all stakeholders in that public land. Such entities are often constituted with broad representation and display maturity in their governance and financial management.

**Why** – Rather than having a tripartite land management structure (DELWP, Council and the land manager), the land management structure is simplified to just DELWP and the land manager. This structure provides improved communication, greater autonomy for the land manager, and eliminates any conflict where Council and DELWP may have conflicting views on a particular issue.

### **3.3.5 Section 86 committee under the Act**

**Where** - Council wishes to delegate the management of the public land to a committee.

**Why** – In order to ensure that the interests of all stakeholders are recognised and managed in a fair and equitable matter, Council can appoint a Section 86 committee and delegate the responsibility of managing the public land to that committee.

## **3.4 Expression of Interest (EOI)**

Council may decide to conduct an EOI for the issue or renewal of a lease or licence that is wholly or partly commercial in nature. The decision to conduct an EOI process for a property will be based on factors including the following:

- The likelihood of multiple interested applicants and users
- The size and location of the property
- The value of the property
- The expected rental return
- To ensure the tenant delivers specific services
- To allow for innovative or flexible solutions for the property



### 3.5 Duration of Tenure

#### Council Owned Land

The duration of agreements on Council owned land will generally be determined in accordance with the table below and will take into account the intended and future use of the land and/or buildings, capital investment and economic benefit including employment.

<i>Type</i>	<i>General terms</i>
Lease	Three years with consideration of two further options of three years
Licence/Seasonal Use	Two years with consideration two further options of two years

Notwithstanding, this table is a guide only and other tenures may be more appropriate in certain circumstances, whereby Council may consider extended terms for groups where investment and development is proposed.

#### Council Managed Land

Where Council manages Crown Land, all tenures will be determined on a case by case scenario and must be approved in-principle by DELWP before Council can offer a lease or licence. The duration of a lease is restricted to a full tenure of 21 years and a licence will not exceed nine years.

<i>Type</i>	<i>General terms</i>
Lease	Up to 21 years
Licence/ Seasonal Use	Up to nine years

Any further extensions to the above tenures will be considered on a case by case scenario and will be at the discretion of Council and DELWP.



### 3.6 Occupant Categories and Assessment of Rent

All occupants entering into an Agreement for Council owned or managed land and/or buildings under this policy are categorised and the rent will be determined in accordance with the table below.

Category of tenant	Definition	Rent and costs	Eligibility
<b>A - Not-for-Profit/ Community Groups</b>	Not-for-profit and Community groups that are generally accessible to all residents and engage the wider community for the benefit of the inclusion/ wellbeing and engagement of the community	<ul style="list-style-type: none"> <li>- The occupier is responsible for fire services property levy and water charges. Payment of utility services will be determined on a case by case scenario.</li> <li>- A community rental of \$104.00 (plus GST) per annum will apply.</li> </ul>	<ol style="list-style-type: none"> <li>1- Use approved by Council and;</li> <li>2- Not-for-profit or voluntary groups that receive minimal or no external funding to operate with limited revenue raising ability and;</li> <li>3- Provides significant community benefit.</li> </ol>
<b>B - Other/ Community Groups</b>	Community groups that provide a core service to the local community and have an element of commercial/ business operations.	<ul style="list-style-type: none"> <li>- The occupier is usually responsible for all utilities services, the fire services property levy and any waste removal charges.</li> <li>- A rental of \$520.00 (plus GST) and will apply.</li> </ul>	<ol style="list-style-type: none"> <li>1- Use approved by Council and;</li> <li>2- Has some revenue raising ability and may receive external funding support and;</li> <li>3- Groups that charge fees and has the ability to raise revenue and;</li> <li>4- Provides significant community benefit.</li> </ol>
<b>C - Other</b>	Organisations or Groups that have an element of commercial/ private operations that may provide a level of community service	<ul style="list-style-type: none"> <li>- The occupier is responsible for all utilities services, fire services property levy and any waste removal charges.</li> <li>- The rent will be determined on a case by case scenario whereby further discounts may be applicable i.e. capital contribution to the improvement of assets.</li> </ul>	<ol style="list-style-type: none"> <li>1- Use approved by Council and;</li> <li>2- Groups that charge fees and have the ability to raise revenue.</li> </ol>
<b>D - Sporting Groups- Seasonal Tenants</b>	Sporting groups that may or may not have an element of commercial/ private operations	<ul style="list-style-type: none"> <li>- The occupier is usually responsible for all utilities services, fire services property levy and any waste removal charges.</li> <li>- The rent will be determined on a case by case Scenario and may be negotiated/ discounts applied i.e. capital contribution to the improvement of assets.</li> </ul>	<ol style="list-style-type: none"> <li>1- Sporting group;</li> <li>2- Use approved by Council and;</li> <li>3- Groups that charge fees and have the ability to raise revenue.</li> </ol>
<b>E - Commercial/ Private use</b>	This category includes operation of a business or commercial activity where income is obtained and/or private gains from the use of the premises.	<ul style="list-style-type: none"> <li>- A market rent valuation determined by an independent qualified valuer or competitive public EOI process.</li> </ul>	<ol style="list-style-type: none"> <li>1- Use approved by Council.</li> </ol>

From time to time the occupant categories under this section may not be considered suitable and the Chief Executive Officer has the power to deviate from this policy if deemed appropriate.



### 3.7 Rent reviews

Rental Reviews will occur in accordance with the Agreement. This will generally occur when a new term is entered into.

All Community based rent will be increased annually by CPI during the term of a Lease or Licence.

All Commercial rent will be increased annually by 3% during the term of a Lease or Licence. On the exercise of any option for renewal/ further term the rent will be determined by a certified practicing valuer at the current market rental.

### 3.8 Insurance

All occupants are required to hold current Public Liability Insurance to a value determined by Council as detailed in their agreement. A copy of the Public Liability Insurance is to be provided to Council on an annual basis as evidence of cover.

All occupants must hold current insurance for contents or equipment owned or controlled by them at the Council property. Consideration will be given to specific circumstances and historical arrangements on a case by case scenario. Where multiple users are in occupation of a Council asset direct consultation with groups will be undertaken to determine the appropriate mechanisms for contents insurance.

Building Insurance for all Council assets will be paid for by Council, this includes buildings located on Crown land where Council is the appointed committee of management.

### 3.9 Maintenance Requirements

Occupiers of Council land and/or buildings are required to maintain the subject facility in accordance with the Maintenance Schedule attached to their agreement. The agreement schedule will specify the responsibilities of Council and the occupant/s in regard to maintenance of land and/or buildings. Council reserves the right to negotiate maintenance responsibilities and costs.

The Occupants will be responsible for keeping the land and/or buildings clean, in good condition and perform incidental maintenance not requiring a skilled tradesperson.

### 3.10 Reporting and Inspections

Occupants may be required to provide various reports as a condition of their Agreement where committees or groups are not incorporated, which may include but is not limited to:

- annual report (including office bearers, financial statements);
- a list of hirers that used the premises in the previous financial year;
- business plan or strategy.

All occupants will be required to complete an annual building assessment/ condition report of the premises on the relevant form provided by Council. Council will undertake Essential Safety Measures (ESM) checks on all premises in accordance with the Building Regulations 2018.

Council reserves the right to inspect a premises annually or more frequently as required, in consultation with the Occupants.



### 3.11 Capital Works- Improvements, Alterations and/or Additions

Occupants must not undertake construction, alteration, addition, renovation, refurbishment or demolition to any Council owned property without obtaining written consent of Council. Any significant alterations or additions required shall be undertaken by Council's contractors unless otherwise agreed between the parties in writing.

A Crown land occupant must not undertake construction, alteration, addition, renovation, refurbishment or demolition without obtaining Council and the Minister's (DELWP) prior written consent.

If agreed, any contractors engaged by an occupant must be accredited, qualified tradespersons with appropriate insurances and copies of trade's qualifications and insurances must be provided to Council for information.

All improvements unless agreed otherwise between the parties will revert to Council at the end of the occupancy agreement.

### 3.12 Permits

Any required permits, including building and planning permits and permits relating to events, will be the responsibility of the occupant to obtain.

### 3.13 Keys and Locks

Council will retain a set of keys for all Council assets, access to buildings would be in consultation with the occupants. If occupants wish to change locks to a premises they are required to obtain Council consent and must provide Council with any new keys for the premises.

Occupants may install a security system at their own cost, however prior written consent from Council is required. Security codes and subsequent changes to codes must be given to Council immediately after installation.

### 3.14 Third Party Hire

Occupants may be permitted to hire to third parties for events or casual hire, subject to the conditions of their Agreement, approval being obtained from the Minister (DELWP) and in accordance with the requirements of Council's Casual User and Facilities Hire Policy.

### 3.15 Liquor Licence

All occupants must obtain written consent from Council prior to applying for a new liquor licence or applying for an amendment to a liquor licence. Council reserves its rights to object to any expansion or intensification and withhold any permission at its sole discretion.





## 4. Roles and Responsibilities

Person/s responsible	Accountability
General Manager Corporate Performance	Overall responsibility for Policy implementation and compliance.
Manager Governance, Property and Risk	Provide strategic oversight of Council's property leasing and licencing portfolio.
Property and Risk Officer	Oversee the issuance of leases and licences in accordance with this Policy.

## 5. Human Rights Statement

It is considered that this policy does not impact negatively on any rights identified in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)*. Central Goldfields Shire Council is committed to consultation and cooperation between management and employees.

## 6. Related Council Policies and Procedures

Council Plan 2017- 2021

Asset Management Policy 2019

Casual Hire Policy 2019

## 7. Relevant Legislation and Guidelines

### Legislation

- *Building Act 1993 (Vic)*
- *Competition and Consumer Act 2010*
- *Crown Land (Reserves) Act 1978 (Vic)*
- *Equal Opportunity Act 2010*
- *Information Privacy Act 2000 (Vic)*
- *Local Government Act 1989 (Vic)*
- *Planning and Environment Act 1987 (Vic)*
- *Privacy and Data Protection Act 2014 (Vic)*
- *Privacy Act 1988 (Cth)*
- *Retail Leases Act 2003 (Vic)*



## Regulations and Guidelines

- Building Regulations 2018
- DELWP Crown Land Leasing Guidelines 2012
- Leasing Policy for Victorian Crown Land May 2018
- Local Government (General) Regulations 2015
- Retail Leases Regulations 2013

## DOCUMENT HISTORY (TO BE REMOVED BEFORE SIGNING)

	Date	Author
Initial Draft	June 2018/ March 2019	Kristie Berry
Approved by GM for EMT		
Endorsed	28 May 2019	Council
Final Draft	31 October 2019	Kristie Berry
*Final Draft To Strategy Briefing	12 November 2019	
*Final draft to Council meeting	26 November 2019	
Signed by CEO		

# 8.1.2 PROPERTY LEASING AND LICENCING POLICY



Directorate: Corporate Performance

Responsible Manager: Manager Governance, Property and Risk

Review Due: Month Year

Adoption: Choose an item.

Date Adopted: .....

## Acknowledgement

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Central Goldfields Shire Council acknowledges and extends appreciation for the Dja Dja Wurrung People, the Traditional Owners of the land that we are on.

We pay our respects to leaders and Elders past, present and emerging for they hold the memories, the traditions, the culture and the hopes of all Dja Dja Wurrung People.

We express our gratitude in the sharing of this land, our sorrow for the personal, spiritual and cultural costs of that sharing and our hope that we may walk forward together in harmony and in the spirit of healing.

## 1. Purpose

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The purpose of this policy is to provide the framework of the management of Council's leases and licences, over both its owned and managed assets, in a consistent, fair and transparent manner.

## 2. Application and Scope

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This Policy applies to all Council owned and managed assets, including Crown Land where the Council is the designated Committee of Management and any other assets the Council has control over where an occupancy or usage arrangement is to be offered.

The Policy recognises that Council cannot exceed the powers conferred on it through Victorian government legislation and that Council is also guided by the advice and policies of various government agencies. Council must have Department of Energy, Environment and Climate Action (DEECA) approval for any lease or Licence of Crown Land, and this may be subject to an expression of interest (EOI), tender or advertising process to satisfy all statutory and legislative requirements.

Agreements covered by this policy include:

- Leases
- Licences – including Seasonal Agreements
- Community Asset Committee Instruments – (see the Community Asset Committee Policy and individual Instruments for further information)

### 3. Definitions

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**Agreement** means the Agreement providing rights granted for occupancy of a property.

**The Act** means the *Local Government Act 2020*

**DEECA Agreement** means the Department of Energy, Environment and Climate Change or its successor.

**Council Managed Land** means Crown Land managed by Council as the designated Committee of Management but not owned by Council. It may also include buildings or other assets located on this land.

**Council owned land** means Land owned by Council in freehold. This may also include buildings or assets located on this land.

**Council** means the Central Goldfields Shire Council and any successor in law and also includes the Chief Executive Officer employed by the Council and all other staff employed by the Chief Executive Officer.

**Lease** means a contract by which one party (Landlord/Lessor) grants a right to another (Tenant/Lessee) to possession of lands, building, property or part thereof for a specified time, in return for rental payments.

**Licence** means a contract by which one party (Licensor) grants a contractual right to another (Licensee) to non-exclusive possession of lands, building, property or part thereof for a specified time, in return for payment of a licence fee.

**Tenant** means a person, occupant or entity with a lease, licence or other agreement to use Council owned or managed land and for the purposes of this policy, includes seasonal agreements.

**Community Asset Committee** means a Community Asset Committee established under s65 of the *Local Government Act 2020* for the purpose of managing a community asset in the municipal district.

### 4. POLICY

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#### 4.1. Governance

All Leases, Licences, Seasonal Agreements and Community Asset Committees will be managed by the Property and Risk unit and any issue of leases and licences will be in accordance with this Policy, any applicable legislation and the Council's Licences and Leasing procedures and regulations.

## 4.2. Management Principles

Council is the owner and manager of a significant number of property assets contained within its property portfolio. Well maintained and managed property assets present a significant benefit to the Community and to Council.

Council will manage this benefit by promoting:

- A consistent, equitable and transparent process
- Shared, flexible and multi-use assets as the preferred option to maximise community benefit and financial responsibility
- Social inclusion and active community participation
- Sound governance and effective administration
- Risk management.

To ensure maximum return to the Community on property owned or managed by Council:

- Council must strive to ensure its property portfolio is performing and providing the maximum return measured by varying outcomes.
- Outcomes derived from offering tenancy of the Council property portfolio must be considered in accordance with expectation of revenue and community benefit.
- Private occupation of Council assets is a privilege, not a right. Tenure arrangements will recognise this and be structured to avoid any Council asset becoming a form of private investment from a public resource.

### **Suggested alternative wording:**

- Private use when a lease or license is due for renewal is not guaranteed beyond any conditions of overholding. Tenure arrangements will be structured to reflect the management principles of this policy particularly as they pertain to community benefit.

## 4.3. Tenant selection, Negotiations, Overholding

The assessment and selection of suitable Tenants must be in line with the Council Plan, associated Policies and Strategies, Stakeholder expectations and DEECA guidelines, for the provision of services and other benefits to the community.

The Council promotes inclusion and diverse representation within Council facilities and extends these expectations to Lease and Licence holders, and Community Asset Committees.

Selection of a tenant may be required if a Council building, or part of a building becomes vacant. There may also be a requirement to assess an existing tenant whose agreement has expired, before offering a new agreement.

Where the property is Crown land and only managed by Council, Council will be required to follow the guidelines as set down by DEECA. This may require Council to advertise the lease or undertake an Expression of Interest (EOI) process and tenant selection will then be in line with those guidelines.

The Council recognises some tenants have historical affiliations with assets they currently have agreements with however do not guarantee that current or historical tenants will be offered new agreements.

Council has several residential properties, managed by Community Asset Committees and under their Instruments of Delegations, they are required to adhere to the requirements of the Residential Tenancies Act 1997, Residential Tenancies Amendment act 2018 & the Residential Tenancies Amendment Regulation 2021. Selection of a tenant Must be in line with the requirement of the Instrument of Delegation. If Council is required to make the final determination, it will at Councils' sole discretion and the decision will be made in-line with Council plans, policies and procedures.

Negotiation of a new agreement shall be finalised within six months of the agreement expiring.

Under certain circumstances agreements may be allowed to go into overholding. The overholding period will be at the Council's sole discretion.

#### **4.4. Available instruments for leasing/licencing**

When considering the appropriate occupancy agreement for Council owned and managed assets, including Crown Land where the Council is the designated Committee of Management and any other assets the Council has control over where an occupancy or usage arrangement is to be offered, the best instrument to use for the circumstances will be at Council's sole discretion. Council has several instruments to choose from, including:

1. Lease
2. Licence (including
3. Seasonal Use agreement
4. Council appointed Community Asset Committee

#### **4.5. Policy and Legislation**

All agreements will have regard to, and consideration of, other Council adopted Policies and Statutory requirements, applicable acts and the Local Government Act 2020 Section 115. Any Agreement will be negotiated with the Tenant and all rights and responsibilities will be included in that agreement.

A comprehensive list of Council Policies and relevant Legislation has been included at the end of this Policy for reference.

#### **4.6. Community Asset Committees**

Any Community Asset Committee (CAC), who manage leasable or tenanted properties on behalf of the Council, will be required to undertake any Tenancy or Leasing with regard to Council Plans & Polices, relevant legislative requirements and the agreed Community Asset Committee Instrument of Delegation.

#### 4.7. Rental Categories, Rental rates and license fee

Rent or licence fees charged for premises will be set at the discretion of the Council in line with one of the following rental categories, used in establishing the rental value applied to a property:

- **Community**

A not-for-profit organisation which provides services to the Central Goldfields Shire Community or a group that has been established for the benefit of the community of the Central Goldfields Shire Council.

- **Commercial/Private**

An organisation, including incorporated body, co-operative society, partnership, sole trader or individual conducting activities for the purpose of deriving a financial return to the proprietors or shareholders, or for the sole purpose of personal use and/or gains.

The level of subsidy and market rental will be a key consideration in the assessment of rental by the Council and must be approved by the relevant Manager and/or General Manager or CEO.

Rent or licence fees will always be reviewed in accordance with the specific terms of Agreements.

#### 4.8. Insurance, Maintenance, and Reporting

##### **Insurance**

All tenants are required to hold current Public Liability Insurance to a value determined by Council as detailed in their agreement, except where the Tenancy is a Residential Tenancy. A copy of the Public Liability Insurance is to be provided to Council on an annual basis as evidence of cover.

All tenants must hold current insurance for contents or equipment owned or controlled by them at the Council property, except where the tenancy is a Residential tenancy. Council will determine its requirements regarding insurance, maintenance and reporting requirements in leases and licences according to Council's Risk Framework.

##### **Maintenance**

Tenants of Council land and/or buildings are required to maintain the subject Property in accordance with the Maintenance Schedule attached to their agreement.

The agreement schedule will specify the responsibilities of Council and the tenant/s regarding maintenance of land and/or buildings. Council reserves the right to negotiate maintenance responsibilities and costs.

The Tenants will be responsible for keeping the land and/or buildings clean, in good condition and perform incidental maintenance not requiring a skilled tradesperson, except where the tenancy is a residential tenancy.

## Reporting and Inspections

Tenants may be required to provide various reports as a condition of their Agreement, which may include but is not limited to;

- annual report (including office bearers, financial statements);
- a list of hirers that used the premises in the previous financial year;
- business plan or strategy.

All tenants will be required to complete an annual building assessment/ condition report of the premises on the relevant form provided by Council.

Council will undertake Essential Safety Measures (ESM) checks on all premises in accordance with the Building Regulations 2018 and reserves the right to inspect a premises annually or more frequently as required, in consultation with the Tenants.

## 5. Policy is not a standalone Document

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This policy should be read in conjunction with appendix a in this document and the additional Leasing and Licencing guidelines and Procedures documents.

## 6. Review

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This Policy must be reviewed a minimum of once every 4 years.

## 7. Human Rights Statement

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It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act (2006). Central Goldfields Shire Council is committed to consultation and cooperation between management and employees.

## 8. Relevant Legislation and Council Policies

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### Legislation

- *Crown Land (Reserves) Act 1978*
- *Local Government Act 2020*
- *Planning and Environment Act 1987*
- *Land Act 1958*
- *Residential Tenancies Act 1997, Residential Tenancies Amendment Act 2018 and Residential Tenancies Amendment Regulations 2021*
- *Retail Leases Act 2003*
- *Leasing Policy for Victorian Crown Land 2023*

### Associated Documents

- Risk Management Policy
- Asset Management Policy and Plan



- Approved Master Plans
- Capital Works Program
- Council Plan 2023 - 2025
- Community Engagement Strategy
- Standard Council Lease and Licence Templates
- Standard DECCA Lease and Licence Templates
- Child Safe Standards

DRAFT

## 8.2 GOVERNANCE RULES REVIEW

**Author:** **Manager Governance Property and Risk**

**Responsible Officer:** **Acting General Manager Corporate Performance**

*The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.*

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### SUMMARY/PURPOSE

The report presents an update to the Governance Rules (2023 Review) for Council consideration and endorsement for a period of public exhibition and feedback.

### RECOMMENDATION

That:

1. Council endorse the attached Draft Governance Rules (2023 Review) to be released for public exhibition and feedback;
2. the feedback period close at 5pm on 20 September 2023; and
3. any feedback be considered and a final Governance Rules (2023 Review) be brought back to Council for consideration at its meeting scheduled 24 October 2023.

### LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2021-2025 – Leading Change

The Community's vision 4. Transparent decision making;

4. Good planning, governance, and service delivery

### BACKGROUND INFORMATION

Council is required under section 60 of the Local Government Act 2020 to develop, adopt and keep in force Governance Rules for or with respect to the following—

- a. the conduct of Council meetings (including holding Council meetings by electronic means of communication);
- b. the conduct of meetings of delegated committees (including holding meetings of delegated committees by electronic means of communication);  
(ba) requesting and approval of attendance at Council meetings and meetings of delegated committees by electronic means of communication;
- c. the form and availability of meeting records;
- d. the election of the Mayor and the Deputy Mayor;  
(da) the appointment of an Acting Mayor;

- e. an election period policy in accordance with section 69;
- f. the procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee under section 130;
- g. the procedure for the disclosure of a conflict of interest by a Councillor under section 131;
- h. the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter within the meaning of section 126(1);
- i. any other matters prescribed by the regulations.

Section 60(2) of the Act requires that the Governance Rules provide for a Council to—

- a. consider and make decisions on any matter being considered by the Council fairly and on the merits; and
- b. institute decision making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered.

Council adopted its current Governance Rules in August 2020 as part of the implementation of the new Local Government Act. Through the use of the Governance Rules since their adoption, opportunities for improvement have become apparent, as well as changes to the social landscape in which Councils operate (such as changed expectations around broadcasting and electronic attendance).

The review is taking place against a larger social context of increasing disruption at public meetings, the Council's responsibilities under various workplace and health and safety legislation, balanced with the need to ensure democratic processes and decisions are able to be carried out in a transparent, orderly and effective manner.

## **REPORT**

Since their establishment in 2020, the operation of the Governance Rules and the changing landscape of local government more generally has highlighted some areas of improvement including:

- conflict of Interest procedure needing to be brought into line with Act and guidelines from Local Government Victoria.
- the provision in the Rules for a Mayor to be elected by drawing lots in the event of a tie is not allowed for under the Act
- points of order which as provided for are narrow and may limit ability of Chair to manage a meeting.
- the lack of a formal process to hear or otherwise consider public submissions which have been invited as part of a community engagement process
- the need for clarity around procedures for motions and amendments, including notices of motion
- aligning the rules with current practice – eg, removing the requirement to stand to address the Chair

## **Proposed changes**

### Mayoral election

The current rules state:

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

- *a defeated candidate; and*
- *duly elected*

*the declaration will be determined by lot.*

Determining a Mayoral election by lot, however, is not permitted section 25 of the Act, which specifically states:

*(4) Subject to subsections (5) and (6), the Mayor **must be elected by an absolute majority of the Councillors.***

*(5) If an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.*

The proposed change is:

Delete clause 6.3.7 and replace clause 6.3.6 with:

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

- *a defeated candidate; and*
- *duly elected*

*the Council may resolve to conduct a new election at a later specified time and date.*

### Order of business

Currently the standing items in the agenda are set by convention, with no formal expectation on what business is to be considered. The proposed approach sets a formalised expectation for the consistent management of standing business items, while still allowing discretion as exceptions arise.

- The revision of the item Minutes of Delegated and Advisory Committees has been revised to include Minutes of Advisory Committees, Community Asset Committees and other Committees of Council. This provides for transparency of the processes of all committees of Council including Community Asset Committees and the Audit and Risk Committee.
- A section for Welcome and Preliminaries is proposed which provides for but does not mandate for Council to be able to adopt a particular form of a ceremonial item, eg, Acknowledgement of Traditional Owners. It also allows for special announcements, such as acknowledgements of community achievements, which are not currently allowed for other than in General Business.

### Public Submissions

The above notwithstanding, Council does from time to time invite public feedback to be presented at a Council Meeting, and currently the Governance Rules do not provide a formal procedure for this to happen.

Under the 1989 Act, section 223 made specific provision for how public consultations were

to be conducted, however this is now the purview of the Governance Rules. Currently, having members of the public address the Council is currently available only with prior consent of the Mayor. This limited provision may not in some cases afford the transparency of due process when a public consultation with an intent to hear public submissions has been established.

A new section at Rule 18 governing Public Submissions has been proposed, to ensure a proper meeting procedure is in place to allow such submissions to be heard.

Conduct during Council Meetings

Council has a responsibility to conduct meetings in a way which does not pose threat to the health and wellbeing of any attendees, including Councillors, staff members and members of the public.

While Central Goldfields Shire Council has not experienced disruption at its recent meetings, other Councils have, and it is prudent to ensure the Governance Rules make adequate provision for the safe and effective conduct of meetings, in relation to the behaviour of all attendees.

While the current rules have some provisions around the right of the Chair to remove persons under certain circumstances, the provisions which have been inserted are based on current good practice in light of recent social changes and in line with advice from Local Government Victoria.

The proposed provisions also limit the use of mobile devices in meetings to discourage live streaming and incitement for further disruption.

**CONSULTATION/COMMUNICATION**

When a Council amends its Governance Rules, it is required to undertake community engagement in accordance with its Community Engagement Policy.

The consultation plan is included in the review process below:

Date	Activity	
22 August 2023	Draft Governance Rules to Council meeting for public consultation	
23 August 2023	<p>Consultation:</p> <ul style="list-style-type: none"> <li>• Weekly Update – the Advertiser</li> <li>• Website</li> <li>• Facebook page</li>   <li>• Advisory and other Committees (affected by conflict of interest provisions and requirement to provide minutes)</li> <li>• Audit and Risk Committee</li> </ul>	<p>Key message:</p> <p>General information about the purpose of the Rules, a broad description of the changes, and an invitation for feedback</p> <p>As above but bringing specific attention to the Rules which affect them</p> <ul style="list-style-type: none"> <li>• Invitation to provide feedback on the</li> </ul>

		compliance and risk management approach of the changes to the rules, specifically as they relate to conflicts of interest and compliance with the Local Government Act
15 September	Public consultation concludes	
24 October	Final Rules to Council Meeting for adoption	

**FINANCIAL & RESOURCE IMPLICATIONS**

There are no additional finance or resource implications involved in the review of the Governance Rules.

**RISK MANAGEMENT**

This report addresses Council’s strategic risks as follows:

Governance - Failure to transparently govern and embrace good governance practices – reviews the Governance Rules to ensure adherence to best practice and community expectations in line with the Overarching Governance Principles of the Local Government Act 2020.

Legislative compliance - Failure to manage our compliance with relevant legislative requirements – the review will benchmark the Governance Rules against critical legislative matters such as Conflicts of Interest.

**CONCLUSION**

The report presents the Draft Governance Rules and the rationale for proposed changes. The Draft Governance Rules are compliant with the Local Government Act 2020 and provide for orderly, fair, effective and transparent decision-making.

**ATTACHMENTS**

- 8.2.1 Draft Governance Rules (2023 Review).

8.2.1



**CENTRAL  
GOLDFIELDS**  
SHIRE COUNCIL

# **GOVERNANCE RULES**

## **2023 review**

# GOVERNANCE RULES

## Introduction

### 1. Nature of Rules

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

### 2. Date of Commencement

These Governance Rules commence on 28 September 2022.

### 3. Contents

These Governance Rules are divided into the following Chapters:

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

### 4. Definitions

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

*Act* means the *Local Government Act 2020*.

*Advisory Committee* means a Committee established by Council to advise the Council in its decision making.

*Attend, attending* and *in attendance* include attend, attending or in attendance by electronic means.

*Chief Executive Officer* includes an Acting Chief Executive Officer.

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

*Council* means Central Goldfields Shire Council.

*Council meeting* has the same meaning as in the *Act*, and includes a scheduled meeting and unscheduled meeting (whether held as face-to-face (in person) *attendance* in a set location or via electronic means (virtual) or in a 'hybrid' format that mixes in-person and electronic attendance.

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

*Mayor* means the Mayor of *Council*.

*These Rules* means these Governance Rules.



# Chapter 1 – Governance Framework



## 1. Context

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

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

Councillor Code of Conduct

## 2. Decision Making

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

# Chapter 2 – Meeting Procedure for Council Meetings

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## Part A – Introduction

### 1. Title

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

### 2. Purpose of this Chapter

The purpose of this Chapter is to:

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

### 3. Definitions and Notes

3.1 In this Chapter:

*"absolute majority"* means the number of Councillors which is greater than half the total number of the Councillors of a Council;

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

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

*Note: Section 18(1)(a) of the Act states that the role of the Mayor is to chair Council Meetings.*

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

## Part B – Election of Mayor

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

### 4. Election of the *Mayor*

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

### 5. Method of Voting

The election of the *Mayor* must be carried out by a show of hands or such other visual or audible means as the *Chief Executive Officer* determines.

### 6. Determining the election of the *Mayor*

- 6.1 The *Chief Executive Officer* must open the meeting at which the *Mayor* is to be elected, and invite nominations for the office of *Mayor*.
- 6.2 Any nominations for the office of *Mayor* must be:
  - 6.2.1 seconded by another Councillor; and
  - 6.2.2 accepted by the nominee.
- 6.3 Once nominations for the office of *Mayor* have been received, the following provisions will govern the election of the *Mayor*:
  - 6.3.1 if there is only one nomination, the candidate nominated must be declared to be duly elected;
  - 6.3.2 if there is more than one nomination, the Councillors in attendance at the meeting must vote for one of the candidates;
  - 6.3.3 in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;
  - 6.3.4 in the event that no candidate receives an absolute majority of the votes, and it is not resolved to conduct a new election at a later date and time, the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors in attendance at the meeting will then vote for one of the remaining candidates;
  - 6.3.5 if one of the remaining candidates receives an absolute majority of the votes, that candidate is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;

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

- a defeated candidate; and
- duly elected

the Council may resolve to conduct a new election at a later specified time and date.

## 7. Election of Deputy Mayor and Chairs of Delegated Committees

7.1 At a meeting to elect the Mayor, Council may resolve to elect a Deputy Mayor.

7.2 Any election for:

7.2.1 any office of Deputy Mayor; or

7.2.2 Chair of a *Delegated Committee*

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

7.2.3 Chief Executive Officer is a reference to the Mayor; and

7.2.4 Mayor is a reference to the Deputy Mayor or the Chair of the Delegated Committee (as the case may be).



## 8. Appointment of Acting Mayor

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

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

## Part C – Meetings Procedure

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

### Division 1 – Notices of Meetings and Delivery of Agendas

#### 9. Dates and Times of Meetings Fixed by *Council* (*Scheduled Meetings*)

Subject to Rule 10, *Council* must from time to time fix the date, time and place of all Council meetings.

#### 10. *Council* May Alter Meeting Dates

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

#### 11. Meetings Not Fixed by *Council* (Unscheduled or Special Meetings)

- 11.1 The *Mayor* or at least 3 Councillors may by a *written* notice call a *Council meeting*.
- 11.2 The notice must specify the date and time of the *Council meeting* and the business to be transacted.
- 11.3 The *Chief Executive Officer* must convene the *Council meeting* as specified in the notice.
- 11.4 Unless all Councillors are in attendance and unanimously agree to deal with any other matter, only the business specified in the *written* notice can be transacted at the *Council meeting*.

#### 12. Notice Of Meeting

- 12.1 A notice of meeting, incorporating or accompanied by an *agenda* of the business to be dealt with, must be delivered or sent electronically to every Councillor for all *Council meetings* at least 48 hours before the meeting.
- 12.2 Notwithstanding sub-Rule 12.1, a notice of meeting need not be delivered or sent electronically to any Councillor who has been granted leave of absence unless the Councillor has requested the *Chief Executive Officer* in *writing* to continue to give notice of any meeting during the period of their absence. Reasonable notice of each *Council meeting* must be provided to the public. *Council* may do this:

- 12.2.1 for *meetings* which it has fixed by preparing a schedule of meetings annually:
- by listing the *Council meeting dates* on its website and;
  - arranging publication of such schedule in a newspaper generally circulating in the *municipal district* (if such a newspaper exists), either at various times throughout the year, or prior to each such *Council meeting*; and
  - for any meeting by giving notice on its website and where timing for publishing a notice permits in at least one newspaper generally circulating in the municipal district (if such a newspaper exists)

## Division 2 – Quorums

### 13. Inability To Obtain A Quorum

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

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

### 14. Inability To Maintain A Quorum

- 14.1 If during any Council meeting, a quorum cannot be maintained then Rule 13 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.
- 14.2 Sub-Rule 14.1 does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in the matter to be considered.

*Section 67 of the Act details the process to be followed where a quorum is unable to be maintained because of the number of Councillors who have a conflict of interest in the matter to be considered.*

### 15. Adjourned Meetings

- 15.1 *Council* may adjourn any meeting to another date or time.

- 15.2 *Council* may only adjourn a meeting in session to another location is but there is disorder or a threat to the safety of any Councillor or member of Council staff.
- 15.3 The *Chief Executive Officer* must give *written* notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.
- 15.4 If it is impracticable for the notice given under sub-Rule 15.3 to be in *writing*, the *Chief Executive Officer* must give notice to each Councillor by telephone or in person.

**16. Time limits for Meetings**

- 16.1 A *Council meeting* must not continue after 3 hours unless a majority of Councillors who are *in attendance* vote in favour of it continuing.
- 16.2 A meeting cannot be continued for more than 30 minutes at a time.
- 16.3 In the absence of such continuance, the meeting must stand adjourned to a time, date and place announced by the *Chair* immediately prior to the meeting standing adjourned. In that event, the provisions of sub-Rules 15.3 and 15.4 apply.

**17. Cancellation or Postponement of a Meeting**

- 17.1 The *Chief Executive Officer* may, in the case of an emergency necessitating the cancellation or postponement of a *Council meeting*, cancel or postpone a *Council meeting*.
- 17.2 The *Chief Executive Officer* must present to the immediately following *Council meeting* a *written* report on any exercise of the power conferred by sub-Rule 17.1.

**18. Public Submissions**

- 18.1 Submissions may be provided to Council from a Submitter where Council has called for Submissions in relation to a proposed decision
- 18.2 The CEO will decide if Submissions will be: -
  - 18.2.1 heard at a Council Meeting, following consultation with the Mayor;
  - 18.2.2 heard at a Council briefing session, following consultation with the Mayor;
  - 18.2.3 heard at a meeting or hearing called by the CEO, in which case Councillors will be notified and invited to attend;
  - 18.2.4 provided in writing, in which case Councillors will be provided a copy of any such Submission.
- 18.3 Submissions can only be provided by a person who is or by persons who are affected by the relevant decision of Council.
- 18.4 (Where Submissions are being heard in accordance with sub-rule 18.2 other than 18.2.4 the CEO, must advise the Submitters of the date, time, venue and protocols that apply.
- 18.5 Council must consider all Submissions received prior to consideration of the proposed decision, the subject of the Submission.

**Division 3 – Business of Meetings**

## 19. Agenda and the Order Of Business

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

### 19.1 Business to be considered at Scheduled Meetings

Unless determined otherwise by the CEO in consultation with the Mayor, the agenda for a Scheduled Meeting will include:

- 19.1.1 Welcome
- 19.1.2 Apologies and leaves of absence
- 19.1.3 Declarations of Conflict of Interest
- 19.1.4 Confirmation of previous minutes
- 19.1.5 Minutes of Advisory Committees, Community Asset Committees and other Committees of Council
- 19.1.6 Petitions.
- 19.1.7 Officer Reports
- 19.1.8 Notices of motion
- 19.1.9 Urgent Business
- 19.1.10 Councillor Reports
- 19.1.11 Confidential business.

### 19.2 Welcome and preliminaries.

- 19.2.1 Meeting preliminaries may include cultural ceremonial activities (such as acknowledgement of traditional owners, etc.)
- 19.2.2 Meeting preliminaries may be amended by Council resolution at any Scheduled Council Meeting or the annual Statutory Meeting

## 20. Change To Order of Business

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

## 21. Urgent Business

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

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

## 22. Councillor Reports

22.1 Council may require a Councillor to provide an individual periodic report on the Councillor's Council-related activities.

- 22.1.1 The format and content of any Councillor Reports required under this rule will be determined by Council from time to time.

22.1.2 A Councillor Report does not require a resolution and is considered to be a personal statement by a Councillor, not a formal Council report.

22.1.3 A Councillor may speak to their Councillor Report for up to 3 minutes but no debate on Councillor Reports will be permitted.

22.2 A report can only be made under this rule if:

22.2.1 all Councillors have been notified of the intention to make the report at least 24 hours prior to the Scheduled Council Meeting at which it is to be raised; and

22.2.2 prior approval of the Chairperson has been obtained.

### 23. Councillors May Propose Notices of Motion

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

### 24. Notice Of Motion

24.1 A *notice of motion* must be in *writing* signed by a Councillor and be lodged with or sent to the *Chief Executive Officer* at least one week before the *Council meeting* to allow sufficient time for the *notice of motion* to be included in agenda papers for a *Council meeting* and to give each Councillor at least 48 hours' notice of such *notice of motion*.

24.2 The Chief Executive Officer may reject any notice of motion which:

24.2.1 is vague or unclear in intention

24.2.2 it is beyond Council's power to pass; or

24.2.3 if passed would result in Council otherwise acting invalidly but must:

24.2.4 give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and

24.2.5 notify in *writing* the Councillor who lodged it of the rejection and reasons for the rejection.

24.3 The full text of any notice of motion accepted by the Chief Executive Officer must be included in the agenda.

24.4 The Chief Executive Officer must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.

24.5 Except by leave of Council, each notice of motion before any meeting must be considered in the order in which they were entered in the notice of motion register.

24.6 If a Councillor who has given a notice of motion is absent from the meeting or fails to move the motion when called upon by the Chair, any other Councillor may move the motion.

24.7 If a notice of motion is not moved at the Council meeting at which it is listed, it lapses.

**25. Chair's Duty**

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

25.1 defamatory;

25.2 objectionable in language or nature;

25.3 vague or unclear in intention;

25.4 outside the powers of Council; or

25.5 irrelevant to the item of business on the agenda and has not been admitted as urgent, or purports to be an amendment but is not,

must not be accepted by the *Chair*.

**26. Introducing a Report**

26.1 Before a *written* report is considered by *Council* and any motion moved in relation to such report, a member of Council staff may introduce the report by indicating in not more than 2 minutes, unless the *Chair* indicates otherwise:

26.1.1 its background; or

26.1.2 the reasons for any recommendation which appears.

**27. Introducing A Motion or an Amendment**

The procedure for moving any motion or amendment is:

27.1 the mover must state the motion without speaking to it;

27.2 the motion must be seconded and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder;

27.3 if a motion or an amendment is moved and seconded the Chair must ask:

27.4 "Is the motion or amendment opposed? Does the mover wish to speak to the motion or amendment?"

27.5 if no Councillor indicates opposition and the mover has no desire to speak to it, the Chair may declare the motion or amendment carried without discussion;

- 27.6 if a Councillor indicates opposition or a desire to speak to it, then the Chair must call on the mover to address the meeting;
- 27.7 after the mover has addressed the meeting, the seconder may address the meeting;
- 27.8 after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting,) the Chair must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;
- 27.9 Apart from the mover's right of reply referred to below, a Councillor may only speak once on the motion and once any amendment of a motion;
- 27.10 if, after the mover has addressed the meeting, the Chair has invited debate and no Councillor speaks to the motion, then the Chair must put the motion to the vote.
- 27.11 A Councillor may, with the leave of the Chair, ask a question for the purposes of clarification. In asking such questions Councillors must not offer opinions on the issue to be considered. Asking a question for the purposes of clarification will not be deemed as speaking to the motion.

**28. Right Of Reply**

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

**29. Moving An Amendment**

- 29.1 Subject to sub-Rule 27.4 a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.
- 29.2 A Councillor may address the meeting once on any amendment, whether or not they have spoken to the original motion but debate must be confined to the terms of the amendment;
- 29.3 The mover of an amendment has no right of reply;
- 29.4 A motion to confirm a previous resolution of Council cannot be amended.
- 29.5 An amendment must not be directly opposite to the motion.

**30. Who May Propose An Amendment**

- 30.1 An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.

- 30.2 Any one Councillor cannot move more than two amendments in succession.  
How Many Amendments May Be Proposed
- 30.3 Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time.
- 30.4 No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.

**31. An Amendment Once Carried**

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

**32. Withdrawal Of Motions**

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

**33. Separation Of Motions**

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

**34. Chair May Separate Motions**

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

**35. Priority of address**

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

**36. Motions In Writing**

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

**37. Repeating Motion and/or Amendment**

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



**38. Debate Must Be Relevant to The Motion**

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

**39. Speaking Times**

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

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

**40. Addressing the Meeting**

- 40.1 Except for the Chair, any Councillor or person who addresses the meeting must direct all remarks through the Chair..
- 40.2 Any person addressing the Chair must refer to the Chair as:
  - 40.2.1 Mayor; or
  - 40.2.2 Chairas the case may be;
- 40.3 All ~~Councillors, other than the Mayor~~, must be addressed as Cr (name).
- 40.4 All members of Council staff, must be addressed by their official title.

**41. Right to Ask Questions**

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

**Division 5 – Procedural Motions**

**42. Procedural Motions**

- 42.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chair.
- 42.2 Procedural motions require a seconder.
- 42.3 A Procedural Motion cannot be debated or amended.
- 42.4 Notwithstanding any other provision in this Chapter, procedural motions must be dealt with in accordance with the following table:

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**PROCEDURAL MOTIONS  
TABLE**

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
1. Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or *date	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	<ul style="list-style-type: none"> <li>a) During the election of the Mayor/Deputy Mayor other than provide for in sub-rule 6.3.6.</li> <li>b) During the election of a <i>Chair</i>;</li> <li>c) When another Councillor is speaking</li> </ul>	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	<ul style="list-style-type: none"> <li>a) During the election of the Mayor/Deputy Mayor other than provide for in sub-rule 6.3.6</li> <li>b) During the election of a Chair;</li> <li>c) When another Councillor is speaking;</li> <li>d) When the motion would have the effect of causing Council to be in breach of a legislative requirement</li> </ul>	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected	Yes

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
3. The closure	That the motion be now put	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	During nominations for <i>Chair</i>	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising their right to ask any question concerning or arising out of the motion	Debate continues unaffected	No
4. Alter the order of business	That the item listed at xx on the agenda be considered before/after the item listed as xy	Any Councillor	(a) At a Meeting to elect the Mayor; or (b) During any debate	Alters the order of business for the meeting	Items are considered in the order as listed in the agenda	No
5. Extend speaking time	That the speaking time for the speaker be extended for x minutes	Any Councillor who is not the speaker	When the matter being considered is a procedural motion.	The speaking time for the speaker is extended by the time resolved by Council	The speaking time for the speaker is not extended and the next speaker is permitted to speak	Yes

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Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
6. Speaker no longer be heard	That the Councillor or committee member no longer be heard	Any Councillor	When the speaker is the chair carrying out a duty under these Rules or the Act	That the Councillor or committee member immediately stops speaking	The Councillor or committee member continues speaking	No
7. To suspend a Councillor from a portion / remainder of a meeting	That Cr X be suspended from the remainder/ specified portion of the meeting in accordance with Governance Rule 62.2.1	Any Councillor	<ul style="list-style-type: none"> <li>a. When Chair has not previously warned the Councillor concerned.</li> <li>b. When the Chair has already made a determination to suspend the Councillor under 62.2.2</li> </ul>	The suspended Councillor immediately cease to take active part in the meeting for the period of the suspension	The Councillor continues to take active part in the meeting	No
8. Suspension of Standing Orders	<p>'That Standing Orders be suspended to ...' (reason must be provided)</p> <p>Eg. To enable a longer discussion about xx</p> <p>To enable a presentation from xx</p>	Any Councillor	When the Chair is responding to a procedural motion	<p>The rules of the meeting are temporarily suspended for the specific reason given in the motion</p> <p>No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted</p>	The meeting continues unaffected	No

Procedural Motion	Form	Mover & Secunder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
9. Resumption of Standing Orders	'That Standing Orders be resumed'	Any Councillor	When Standing Orders have not been suspended	The temporary suspension of the rules of the meetings is removed	The meeting cannot continue	No
10. Consideration of confidential matter(s) (Close the meeting to members of the public)	That, in accordance with section 66(2)(a) of the Local Government Act 2020 the meeting be closed to members of the public for the consideration of item xx	Any Councillor	During the election of the Mayor/Deputy Mayor	The meeting is closed to members of the public	The meeting continues to be open to the public	Yes
11. Reopen the meeting	That the meeting be reopened to members of the public	Any Councillor		The meeting is reopened to the public	The meeting remains closed to the public	No

## Division 6 – Rescission Motions

### 43. Notice of Rescission

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

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

- 43.1 A Councillor may propose a *notice of rescission* provided:
- 43.1.1 it is in writing;
  - 43.1.2 the resolution proposed to be rescinded has not been acted on; and
  - 43.1.3 the notice of rescission is delivered to the Chief Executive Officer
  - 43.1.4 within 24 hours of the resolution having been made setting out -
    - the resolution to be rescinded; and
    - the meeting and date when the resolution was carried.
- 43.2 Any Councillor proposing a *notice of rescission* is required to provide written justification that must include one or more of the following:
- ii. The vote may not have accurately reflected the opinion held by the meeting due to the misunderstanding of the motion or for some other reasons; or
  - iii. New information has become available which may affect the decision of *Council*; or
  - iv. Some vital information was overlooked in *Council* forming its decision.
- 43.3 A *notice of rescission* must include the written endorsement of one other Councillor.
- 43.4 A resolution will be deemed to have been acted on if:
- 43.4.1 its contents have or substance has been communicated in writing to a person whose interests are materially affected by it; or
  - 43.4.2 a statutory process has been commenced
- 43.5 so as to vest enforceable rights in or obligations on Council or any other person.
- 43.6 The *Chief Executive Officer* or an appropriate member of Council staff must defer implementing a resolution which:

43.6.1 has not been acted on; and

43.6.2 is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with sub-Rule 42.1.3,

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

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

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

*Sub-Rule 41.3 would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the resolution rather than deferring implementation of it.*

**44. If Lost**

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

**45. If Not Moved**

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

**46. May Be Moved by Any Councillor**

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

**47. When Not Required**

47.1 Unless sub-Rule 46.2 applies, a motion for rescission is not required where Council wishes to change policy.

47.2 The following standards apply if Council wishes to change policy:

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



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

## Division 7 – Points of Order

### 48. **Chair To Decide**

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

### 49. **Chair May Adjourn to Consider**

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

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

### 50. **Procedure For Point of Order**

A Councillor raising a point of order must:

50.1 state the point of order

### 51. **Valid Points Of Order**

A point of order may be raised in relation to:

51.1 a motion, which, under Rule 23, or a question which, under Rule 51, should not be accepted by the Chair;

51.2 a question of procedure; or

51.3 A matter which is:

51.3.1 contrary to these Rules;

51.3.2 defamatory or offensive;

51.3.3 irrelevant to the matter under consideration

51.3.4 outside Council's power;

51.3.5 constitutes improper behaviour;

51.3.6 constitutes a tedious repetition of something already said;

51.3.7 is an act of disorder;

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

is a statement that is verifiably incorrect.

### 52. **Suspension of Standing Orders**

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

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

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

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

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

- 52.4 No motion can be accepted by the Chair or lawfully be dealt with during any suspension of standing orders, other than a motion to resume standing orders.

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

52.6 "That standing orders be resumed."

## Division 9 – Petitions and Joint Letters

### 53. Petitions and Joint Letters

- 53.1 Unless Council determines to consider it as an item of urgent business, no motion (other than a motion to receive the same) may be made on any petition, joint letter, memorial or other like application until the next Council meeting after that at which it has been presented.

- 53.2 It is incumbent on every Councillor presenting a petition or joint letter to acquaint themselves with the contents of that petition or joint letter, and to ascertain that it does not contain language disrespectful to Council.

- 53.3 Every Councillor presenting a petition or joint letter to Council must:

53.3.1 write or otherwise record their name at the beginning of the petition or joint letter; and

53.3.2 confine themselves to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of the prayer or request.

- 53.4 Every petition or joint letter presented to Council must be in writing (other than pencil), contain the request of the petitioners or signatories and be signed by at least 12 people.

- 53.5 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity

or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.

- 53.6 Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by Council.
- 53.7 Every page of a hard copy petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter.
- 53.8 Electronic or online petitions, joint letters, memorials or like applications must contain the name and email address of each petitioner or signatory, which details will, for the purposes for Rule 51, qualify as the address and signature of such petitioner or signatory.
- 53.9 If a petition, joint letter, memorial or other like application relates to an operational matter, Council must refer it to the Chief Executive Officer for consideration.
- 53.10 A compliant petition will be included on the Agenda for the next available Scheduled Council Meeting with the names and addresses of the petitioners redacted. A summary report will contain the nature of the petition and the number of petitioners. Councillors will be provided with an un-redacted copy of the petition via confidential Agenda attachment.

## Division 10 – Voting

### 54. How Motion Determined

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

### 55. Silence

Subject to Rule 56, voting must take place in silence.

### 56. Recount

The *Chair* may direct that a vote be recounted to satisfy themselves of the result. Casting Vote

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

### 57. How Votes are Cast

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

### 58. Procedure For A Division

- 58.1 Immediately after any question is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.
- 58.2 When a division is called for, the vote already taken must be treated as set aside and the division shall decide the question, motion or amendment.

58.3 When a division is called for, the Chair must:

- 58.3.1 first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise one of their hands or otherwise signify their support in a manner recognised by the Chair. The Chair must then state, and the Chief Executive Officer or any authorised officer must record, the names of those Councillors voting in the affirmative; and
- 58.3.2 then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise one of their hands or otherwise signify their opposition in a manner recognised by the Chair. The Chair must then state, and the Chief Executive Officer or any authorised officer must record, the names of those Councillors voting in the negative.
- 58.3.3 Any Councillor which abstains from voting on the question, motion or amendment will be recorded as having abstained from voting.

*Although a Councillor who abstains from voting on a matter will be recorded as so in a division section 61(5)(e) of the Act states that for the purposes of determining the result of a vote, a Councillor in attendance at the meeting who does not vote is taken to have voted against the question.*

## 59. No Discussion Once Declared

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

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

*For example, Rule 58 would allow some discussion if, immediately after a resolution was made, a Councillor foreshadowed lodging a notice of rescission to rescind that resolution.*

*Equally, Rule 58 would permit discussion about a matter which would otherwise be left in limbo because a notice of rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.*

*Without a positive resolution – to the effect that a planning permit now be granted – the planning permit application will be left in limbo. Hence the reference, in sub-Rule 58.2, to discussion about a positive motion were a resolution has just been rescinded.*

## **Division 11 – Minutes**

### **60. Confirmation of Minutes**

- 60.1 At every *Council meeting* the minutes of the preceding meeting(s) must be dealt with as follows:
- 60.1.1 a copy of the minutes must be delivered to each Councillor no later than 48 hours before the meeting;
  - 60.1.2 A Councillor can express opposition in regard to the items in the minutes on the basis that the record is incomplete or inaccurate;
  - 60.1.3 The Councillor who indicates opposition must specify the particular item or items in the minutes concerned and can, after asking any questions to clarify the matter, only move a motion to rectify the alleged error(s) in the record;
  - 60.1.4 if no Councillor indicates opposition, the minutes must be declared to be confirmed;
  - 60.1.5 a resolution of Council must confirm the minutes and the minutes must, if practicable, be signed by the Chair of the meeting at which they have been confirmed;
  - 60.1.6 unless otherwise resolved or required by law, minutes of a Delegated Committee requiring confirmation by Council must not be available to the public until confirmed by Council.

### **61. No Debate on Confirmation Of Minutes**

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

### **62. Deferral Of Confirmation Of Minutes**

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

### **63. Form and Availability of Minutes**

- 63.1 The Chief Executive Officer (or other person authorised by the Chief Executive Officer to attend the meeting and to take the minutes of such meeting) must keep minutes of each Council meeting, and those minutes must record:
- 63.1.1 the date, place, time and nature of the meeting;
  - 63.1.2 the names of the Councillors in attendance and the names of any Councillors who apologised in advance for their non-attendance;
  - 63.1.3 the names of the members of Council staff in attendance;
  - 63.1.4 any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 5;

- 63.1.5 arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
  - 63.1.6 each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
  - 63.1.7 the vote cast by each Councillor upon a division;
  - 63.1.8 the vote cast by any Councillor who has requested that their vote be recorded in the minutes;
  - 63.1.9 questions upon notice;
  - 63.1.10 the failure of a quorum;
  - 63.1.11 any adjournment of the meeting and the reasons for that adjournment; and
  - 63.1.12 the time at which standing orders were suspended and resumed.
- 63.2 The *Chief Executive Officer* must ensure that the minutes of any *Council meeting* are:
- 63.2.1 published on Council's website; and
  - 63.2.2 available for inspection at Council's office during normal business hours.
- 63.3 Nothing in sub-Rule 62.2 requires *Council* or the *Chief Executive Officer* to make public any minutes relating to a *Council meeting* or part of a *Council meeting* closed to members of the public in accordance with section 66 of the Act. Division 12 – Behaviour

## **Division – 12 Conduct during meetings**

### **64. Disorderly Conduct**

- 64.1 The conduct of Councillors and members of Delegated Committees is governed by the Act and the Councillor Code of Conduct.
- 64.2 The Chair may call a break in a Council Meeting for either a short time, or to resume another day if the behaviour by Councillors or people in attendance at the Council Meeting are significantly disruptive.
- 64.3 The break referred to in sub-rule (2) is an adjournment and must be conducted in accordance with role of the Chair rules and Notice for Adjournment of Meeting rules.

### **65. Behaviour during Council Meetings**

- 65.1 Having regard to the role of Councillors under the Act and in the interests of good governance, it is the responsibility of individual Councillors to exhibit good conduct in Council Meetings. Councillors should listen while others are speaking, avoid interrupting, be aware of their body language and use reasonable and temperate language in debates (no matter how contentious the topic may be).
- 65.2 If a Councillor engages in improper or disorderly conduct, or acts in a way that otherwise disrupts the Council Meeting and prevents the conduct of Councilbusiness:
- 65.2.1 Council may, by Resolution, suspend that Councillor from a portion of the Council Meeting or from the remainder of the Council Meeting if the Chair has already warned the Councillor to cease that behaviour; or
- 65.2.2 The Mayor, under section 19 of the Act, at a Council Meeting, having previously warned the Councillor to cease that behaviour, may direct a Councillor to leave the Council Meeting for a period or the remainder of the Council Meeting.
- 65.3 When Council suspends a Councillor under sub-rule 62.2.1, or the Mayor directs a Councillor to leave the Council Meeting under sub-rule 62.2.2, the Councillor will take no active part in the portion of the Council Meeting from which they have been suspended.
- 65.4 If a Councillor has been directed to leave in accordance with sub-rule 62.2.2, the Minutes of the Council Meeting will record the time the Councillor left and if so allowed, the time the Councillor returned to the Council Meeting.
- 65.5 If a Councillor has been suspended from a Council Meeting or directed to leave in accordance with sub-rule 62.2 the Chair may ask the CEO, an Authorised Officer or a member of Victoria Police to remove the Councillor.

## **66. Public behaviour at the Meeting**

- 66.1 Gallery to be Silent.
- 66.1.1 Visitors must not interject or take part in the debate of any item of business before the Council.
- 66.1.2 Silence must be always maintained by members of the public in the gallery.
- 66.2 Display of Posters, Banners, and Placards
- 66.2.1 A person must not display any placards or posters in the Council Chamber or in any building where a Council Meeting is being, or is about to be held, except outside the entrance to the building.
- 66.2.2 A poster, banner or placards must not:

- Display any offensive, indecent, insulting, or objectionable item or words; or
- Obstruct the entrance to the Council Chamber or a building where a Council Meeting is being or is about to be held; or
- Obstruct the view or physically impede any person.

66.2.3 The Chair or CEO may order and cause the removal of any poster, banner, or placard that is deemed by the Chair or CEO to be objectionable, disrespectful, or otherwise inappropriate.

## **67. Ejection of Disorderly Visitors – Chair May Remove**

67.1 If a person, other than a Councillor, interjects or is gesticulating offensively during the Council Meeting, the Chair must direct;

67.1.1 the person to stop interjecting or gesticulating offensively; and/or

67.1.2 the removal of the person if they continue to interject or gesticulate offensively.

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

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

67.3 The Chair may cause the removal of any object or material that is deemed by the Chair to be objectionable or disrespectful.

67.4 In giving effect to a person's removal under sub-rule 65.1.1 or material under sub-rule 65.1.2 the Chair may ask the CEO, an Officer or a member of Victoria Police to remove the person, object or material.

## **68. Chair or Chief Executive Officer May Close Disorderly Meeting**

68.1 In accordance with section 66(2)(b) and (c) the Chief Executive Officer or the Mayor, or a Chair of a Delegated Committee, prior to or during the meeting, may close the meeting to the public if disorderly or other conduct

68.1.1 leads to a safety or security risk, or

68.1.2 necessitates it to enable the meeting to proceed in an orderly manner.

68.2 If the circumstance specified in sub-rule 66.1.1 or 66.1.2 applies, the meeting can only be closed to the public if the Council or Delegated committee has made arrangements to enable the proceedings of the meeting to be viewed by members of the public as the meeting is being held.

The authorisation of the CEO to close a meeting in certain circumstances is provided in recognition of the CEO's responsibility under various workplace legislation to ensure the health and safety of Council officers.



**69. Chair May Adjourn Disorderly Meeting**

69.1 If the Chair is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the Council Meeting, they may adjourn the Council Meeting to a later time on the same day, or to some later day prior to the next Council Meeting, at a time and date and venue to be fixed as they think proper.

69.2 Any adjournment is to be done in accordance with rule 15 of these Rules.

**70. Electronic Devices**

70.1 Any person in attendance at a Council Meeting must ensure that their electronic device is turned off or switched to silent.

70.2 Media representatives must seek prior permission from the CEO to use recording devices during the Council Meeting and/or within the Council Chamber for the purposes of taking photos or providing social media updates.

70.3 Subject to sub-rule 67.2 the use of recording devices during the Council Meeting and/or within the Council Chamber for the purposes of audio or visual recording is prohibited. Media representatives and members of the public may access the live broadcasting or recording after the Council Meeting via Council's website.

**71. Public addressing the Council**

71.1 Members of the public do not have a right to address Council and may only do so with the consent of the Chair or by prior arrangement.

71.2 Any member of the public addressing Council must extend due courtesy and respect to Council and the processes under which it operates and must take direction from the Chair whenever called on to do so.

71.3 A member of the public in attendance at a Council meeting must not disrupt the meeting.

**Division 13 – Additional Duties of Chair**

**72. The Chair's Duties And Discretions**

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

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

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

## Division 14 – Physical and Remote Attendance

### 73. Mode of Attendance

- 73.1 Each notice of meeting must indicate whether the relevant *Council meeting* is to be conducted:
- 73.1.1 wholly in person;
  - 73.1.2 wholly by electronic means; or
  - 73.1.3 partially in person and partially by electronic means (hybrid).
- 73.2 The indication in the notice of meeting must be consistent with any Resolution of *Council* that has expressed a preference for, or otherwise specified, when *Council* meetings are to be conducted:
- 73.2.1 wholly in person;
  - 73.2.2 wholly by electronic means; or
  - 73.2.3 partially in person and partially by electronic means (hybrid)
  - 73.2.4 If a Council meeting is to be conducted wholly in person a Councillor may nonetheless request to attend by electronic means.
- 73.3 Any request made under sub-Rule 69.3 must:
- 73.3.1 Be in writing;
  - 73.3.2 Be given to the Chief Executive Officer no later than 24 hours prior to the commencement of the relevant Council meeting; and
  - 73.3.3 specify the reasons why the Councillor is unable or does not wish to attend the Council meeting in person.
- 73.4 The Chief Executive Officer must ensure that any request received in accordance with sub-Rule 69.4 and any other request received from a Councillor to attend by electronic means is made known at the commencement of the relevant Council meeting.
- 73.5 The Chief Executive Officer may approve and must not unreasonably refuse any request.
- 73.6 The Chief Executive Officer may approve a request received less than 6 hours prior to the commencement of the relevant Council meeting where there is a personal, health, family emergency or extraordinary circumstance.
- 73.7 A Councillor who is attending a Council meeting by electronic means is responsible for ensuring that they are able to access such equipment and are in such an environment that facilitates participation in the Council meeting.
- 73.8 Without detracting from anything said in sub-Rule 69.8, a Councillor who is attending by electronic means must be able to:

- 73.8.1 hear the proceedings;
  - 73.8.2 see all Councillors and members of Council staff who are also attending the Council meeting, at least while a Councillor or member of Council staff is speaking;
  - 73.8.3 be seen by all Councillors, member of Council staff and members of the public who are physically present at the Council meeting, and
  - 73.8.4 be heard when they speak.
- 73.9 If the conditions of sub-Rule 69.8 cannot be met by one or more Councillors *attending a Council meeting*, whether because of technical difficulties or otherwise:
- 73.9.1 The Council meeting will nonetheless proceed as long as a quorum is present; and
  - 73.9.2 The relevant Councillors (or Councillors) will be treated as being absent from the Council meeting or that part of the Council meeting. The absence will be announced by the Chair to enable recording in the minutes.
- Unless the *Council meeting* has been adjourned in accordance with *these Rules*.
- 73.10 Nothing in this Rule 69 prevents a Councillor from joining (or re-joining) a Council meeting at the time that they achieve compliance with sub-Rule 69.8 even if the Council meeting has already commenced or has continued in their absence.
- 73.11 Should the Chair lose visual or audio connection with the meeting, the Host will notify attendees and the meeting will be adjourned for a maximum period of 30 minutes to allow for the Chair to re-join the meeting.
- If the *Chair* re-connects within 30 minutes, the *Chair* will restart the meeting.
- If the *Chair* is unable able to reconnect within the 30 minute adjournment period the *Council meeting* is to be chaired by a Councillor who is present at the meeting and is appointed by a resolution of the *Council* to chair the meeting.
- 73.12 Should the CEO or a presenting officer's visual or audio disconnect the Chair may decide whether to adjourn the meeting to allow that attendee to reconnect.
- Should the meeting be adjourned the same process for "Loss of Councillor's presence" should be followed.
- 73.13 Should a loss of all Councillors or attendees occur, and a quorum is not able to be regained within 30 minutes, then the meeting will be automatically adjourned. The remaining items will be held over until the next ordinary meeting or another meeting called for that purpose

**74. Meetings Conducted Remotely**

If a Council meeting is conducted wholly or partially by electronic means, the *Chair* may, with the consent of the meeting, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the meeting.

**75. Live Streaming and Recording of Proceedings**

75.1 Council Meetings will be livestreamed to the public made available through Council's Facebook Page. A recording of proceedings will also be available through the Council website and Council's Facebook page.

75.2 The Host may need to cease the electronic meeting or the livestream should any security threat or technical interruption occur.

75.3 The Host will co-ordinate the livestream and alert the meeting Chair if the livestream is interrupted or disconnected due to technical issues during the meeting.

The meeting will then be officially adjourned by the meeting chair for a maximum period of 30 minutes to resolve the technical issues. This will be minuted. Should the livestream not be able to be re-connected within 30 minutes the meeting will end and the remaining items will be held over until the next ordinary meeting or an additional meeting called for that purpose.

During adjournment all attendees should remain muted while attempts are made to reconnect the livestream.

Should the livestream be re-connected then the Host will inform the meeting chair who will restart the meeting.

75.4 To comply with its obligations under legislation (including but not limited to the Privacy and Data Protection Act 2014), Council maintains the right to cease transmission of live-streaming at any time in order to prevent the broadcasting of material that it deems to be:

75.4.1 defamatory;

75.4.2 disclosing personal, health or sensitive information about individuals;

75.4.3 offensive on the basis of race colour, national or ethnic origin;

75.4.4 vilification or inciting hatred on religious or racial grounds;

75.4.5 related to sex, drugs, violence or revolting or abhorrent phenomena, which is likely to cause offence to a reasonable person; and/or an

75.4.6 infringement of copyright.

**Division 15 – Miscellaneous**

**76. Procedure not provided in this Chapter**

In all cases not specifically provided for by this Chapter, resort must be had to the Standing Orders and Rules of Practice of the Upper House of the Victorian Parliament (so far as the same are capable of being applied to *Council* proceedings).

**77. Criticism of members of Council staff**

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

77.2 A statement under sub-Rule 71.1 must be made by the Chief Executive Officer, through the Chair, as soon as it practicable.

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## Chapter 3 – Meeting Procedure for Delegated Committees

### 78. Meeting Procedure Generally

If *Council* establishes a *Delegated Committee*:

- 78.1 all of the provisions of Chapter 2 apply to meetings of the Delegated Committee; and
- 78.2 any reference in Chapter 2 to:
  - 78.2.1 a Council meeting is to be read as a reference to a Delegated Committee meeting;
  - 78.2.2 a Councillor is to be read as a reference to a member of the Delegated Committee; and
  - 78.2.3 the Mayor is to be read as a reference to the Chair of the Delegated Committee.

### 79. Meeting Procedure Can Be Varied

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

- 79.1 Council may; or
- 79.2 the Delegated Committee may, with the approval of Council

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

## Chapter 4 – Meeting Procedure for Community Asset Committees



### 80. Introduction

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

### 81. Meeting Procedure

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

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## Chapter 5 – Disclosure of Conflicts of Interest

### 82. Definition

In this Chapter:

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

### 83. Disclosure of a Conflict of Interest at a Council Meeting

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

- 83.1 are in attendance must disclose that conflict of interest by explaining the nature of the conflict of interest to those in attendance at the Council meeting immediately before the matter is considered; or
- 83.2 intend to attend must disclose that conflict of interest by providing to the Chief Executive Officer before the Council meeting commences a written notice:
- 83.2.1 advising of the conflict of interest;
- 83.2.2 explaining the nature of the conflict of interest; and
- 83.2.3 detailing, if the nature of the conflict of interest involves a Councillor’s relationship with or a gift from another person, the:
- name of the other person;
  - nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
  - nature of that other person’s interest in the matter,

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



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

Should an attendee declare a conflict of interest whilst *attending the Council meeting* through electronic means, then the meeting chair will pause to allow time for that attendee to be placed in the waiting room – a separated holding space where that attendee cannot participate in the main meeting. The Host will place that attendee in the waiting room upon the declaration. The Host will then notify the meeting chair when the meeting can resume.

The attendee will re-join the meeting at the invitation of the meeting chair at the end of the matter being heard. The meeting Host will be able to reconnect that attendee.

The attendees should remain at their screen and muted ready to return to the meeting when the item has been completed.

#### **84. Disclosure of Conflict of Interest at a Delegated Committee Meeting**

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

- 84.1 Are in attendance must disclose that conflict of interest by explaining the nature of the conflict of interest to those in attendance at the Delegated Committee meeting immediately before the matter is considered; or
- 84.2 Intend to attend must disclose that conflict of interest by providing to the Chief Executive Officer before the Delegated Committee meeting commences a written notice:
- 84.2.1 advising of the conflict of interest;
- 84.2.2 explaining the nature of the conflict of interest; and
- 84.2.3 detailing, if the nature of the conflict of interest involves a member of a Delegated Committee's relationship with or a gift from another person the:
- name of the other person;
  - nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
  - nature of that other person's interest in the matter,

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

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

Should an attendee declare a conflict of interest whilst *attending* the *Delegated Committee* meeting through electronic means, then the meeting chair will pause to allow time for that attendee to be placed in the waiting room – a separated holding space where that attendee cannot participate in the main meeting. The Host will place that attendee in the waiting room upon the declaration. The Host will then notify the meeting chair when the meeting can resume.

The attendee will re-join the meeting at the invitation of the meeting chair at the end of the matter being heard. The meeting Host will be able to reconnect that attendee.

The attendee should remain at their screen and muted ready to return to the meeting when the item has been completed.

## **85. Disclosure of a Conflict of Interest at a Community Asset Committee Meeting**

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

- 85.1 Are in attendance must disclose that conflict of interest by explaining the nature of the conflict of interest to those in attendance at the Community Asset Committee meeting immediately before the matter is considered; or
- 85.2 intend to attend must disclose that conflict of interest by providing to the Chief Executive Officer before the Community Asset Committee meeting commences a written notice:
- 85.2.1 advising of the conflict of interest;
- 85.2.2 explaining the nature of the conflict of interest; and
- 85.2.3 detailing, if the nature of the conflict of interest involves a member of a Councillor's relationship with or a gift from another person the:
- name of the other person;
  - nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
  - nature of that other person's interest in the matter,

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

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

- 85.3 Should an attendee declare a conflict of interest whilst *attending* the *Community Asset Committee* meeting through electronic means, then the meeting chair will pause to allow time for that attendee to be placed in the waiting room – a separated holding space where that attendee cannot participate in the main meeting. The Host will place that attendee in the waiting room upon the declaration. The Host will then notify the meeting chair when the meeting can resume.

The attendee will re-join the meeting at the invitation of the meeting chair at the end of the matter being heard. The meeting Host will be able to reconnect that attendee.

The attendee should remain at their screen and muted ready to return to the meeting when the item has been completed.

**86. Disclosure at a Meeting Conducted Under the Auspices of Council**

A Councillor who has a conflict of interest in a matter being considered by a meeting *conducted* under the *auspices of Council* at which they are *in attendance* must:

- 86.1 disclose that conflict of interest by explaining the nature of the conflict of interest to those in attendance at the meeting immediately before the matter is considered;
- 86.2 absent themselves from any discussion of the matter; and
- 86.3 as soon as practicable after the meeting concludes provide to the Chief Executive Officer a written notice recording that the disclosure was made and accurately summarising the explanation given to those in attendance at the meeting.

**87. Disclosure by Members of Council Staff Preparing Reports for Meetings**

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

87.1.1 Council meeting;

87.1.2 Delegated Committee meeting;

87.1.3 Community Asset Committee meeting

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

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

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

87.3.1 the written notice referred to in sub-Rule 7.1 must be given to the Mayor; and

87.3.2 the obligation imposed by sub-Rule 7.2 may be discharged by any other member of Council staff responsible for the preparation of the Report.

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

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

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

88.3 The staff member with the conflict of interest must then exclude themselves from the decision making process in relation to that matter, including any discussion on the matter and any action in relation to the matter.

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

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

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

89.3 The staff member with the conflict of interest must then exclude themselves from the decision making process in relation to that matter, including any discussion and any action in relation to the matter.

## Chapter 6 – Miscellaneous



### 90. Confidential Information

- 90.1 If the Chief Executive Officer is of the opinion that information relating to a meeting is confidential information within the meaning of the Act, they will advise Councillors and/or members of Council staff in writing accordingly.
- 90.2 Information which has been identified by the Chief Executive Officer as confidential information within the meaning of the Act, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be treated as confidential information.

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# Chapter 7 – Election Period Policy

Directorate:	Chief Executive Office
Responsible Manager:	Manager Governance, Property and Risk
Adoption:	Council
Date Adopted:	25 August 2020

## Acknowledgement

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Central Goldfields Shire Council acknowledges that we are situated on the traditional lands of the Dja Dja Wurrung people, and we offer our respects to their elders past, present and emerging.

## 1. Purpose

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The purpose of this Policy is to ensure that the election for the Central Goldfields Shire Council is conducted in a manner that is ethical, fair and equitable, and publicly perceived as such.

This Policy will also facilitate the continuation of the ordinary business of local government in Central Goldfields Shire throughout the election period in a responsible and transparent manner, in accordance with statutory requirements and established election period conventions.

This Policy also commits Council during the election period to:

- Avoid making significant new policies or decisions that could unreasonably bind a future Council; and
- Ensure public resources, including staff resources are not used in election campaigning in a way that may improperly influence the result of an election, or improperly advantage existing Councillors as candidates in the election.

## 2. Application and Scope

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This policy applies to Council, all Councillors, Delegated Committees, Community Asset Committees and Council staff.

## 3. Definitions

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**Act** means the Local Government Act 2020.

**CEO** means Chief Executive Officer.

**Chief Executive Officer** includes an Acting Chief Executive Officer.

**Election Period** means in relation to a general election means the period that starts on the last day on which nominations for that election can be received and ends at 6pm on election day, a period of 32 days.

**Electoral Material** means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing holding a meeting.

**Electoral Matter** means matter which is intended to, or likely to, affect voting in an election other than that which is prepared by the Returning Officer for the purposes of conducting the election.

**Handbill** means a small printed advertisement or other notice distributed by hand.

**Publication** includes any means of publication including letters and information on the internet and social media.

**Significant Decision** means a decision that significantly affects the municipality.

Any reference to a Councillor in this Policy is to be read as referring to an Administrator of Council.

## 4. General Provisions

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### 4.1 Chief Executive Officer

The Chief Executive Officer must ensure, as far as possible, that:

- All Councillors and Council staff are informed of the application of this policy prior to the commencement of the Election period; and
- Matters of Council business requiring major policy or significant decisions are scheduled for Council to enable resolution prior to the commencement of the election period, or deferred where appropriate for determination by the incoming Council.

### 4.2 Decisions By Council

Section 69(2) of the Act prohibits any Council decision during the election period for a general election that:

- a) Relates to the appointment or remuneration of the Chief Executive Officer but not the appointment or remuneration of an Acting Chief Executive Officer;
- b) Commits the Council to expenditure exceeding one percent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year;
- c) The Council considers could be reasonable deferred until the next Council is in place;
- d) The Councils considers should not be made during an election period.

Section 69 (4) of the Act states that a decision made in contravention of a) or b) above is deemed to be invalid under the Act.

Section 69(3) of the Act also prohibits any Council decision during the election period for a general election or a by election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

Council will avoid making decisions that significantly affect the municipality and unreasonably bind the incoming Council.

Council acknowledges that it has an ongoing responsibility to act in the best interests of the community. Where a delay in making a significant decision would result in a significant detriment to the municipality, Council may make an exception where the issue is:

- Urgent
- Cannot be reasonably deferred without major negative repercussions.

It is the responsibility of the CEO to determine if a matter is significant and urgent.

#### **4.3 Council Meetings**

Council meeting papers will be carefully vetted to ensure that no agenda item is included that could potentially influence voters' intentions at the forthcoming election or could encourage councillors and candidates to use the item as part of their electioneering.

#### **4.4 Briefing Sessions**

Briefing session meeting papers will be carefully vetted to ensure that no agenda item is included that could be perceived as a disadvantage to candidates.

#### **4.5 Public Consultation and Events**

Public consultation will not take place during the election period except where there is a legal obligation or the CEO determines that special circumstances exist.

Scheduling of Council events will be permitted but limited during the election period. Council events will only be organised and run by Council administration if they are part of the normal services or operation of the Council and the scheduling of the event during the election period is deemed appropriate.

Where events occur and whether or not a Councillor is to make a speech, Councillors will be conscious of the fact that they are representing Council and are not to use the opportunity for electioneering.

Speeches for Councillors will only be prepared by Council staff in relation to events that are part of the normal services or operation of the Council and such speeches will not be circulated or available for publication.

#### **4.6 Council Publications**

#### **4.7 Prohibition on publishing material that contains electoral material**

Section 304(2) of the Act prohibits Council from printing, publishing or distributing any electoral material during an election period unless the electoral material only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation. This is to ensure that Council does not utilise public funds that may influence or be seen to influence people's voting intentions.



#### **4.8 Approval Procedures for Council Publications during the Election Period**

All proposed publications during the election period must be approved by the CEO, or someone authorised by the CEO for the purpose, that they comply with section 304(2) of the Act.

The CEO will determine if there is any electoral material in the proposed publication (other than factual election process information).

Should the proposed publication contain such information, it will be returned to the author for correction.

Should the proposed publication not contain such information, it will be approved for publishing and forwarded to the Manager Community Engagement.

#### **4.9 Website**

Material published on Council's website in advance of the election period is not subject to certification, however existing material that is prominently displayed will be reviewed and consideration given to the removal of any such material that would be considered electoral matter, were it to be published during the election period.

Councillor contact information will remain available on the website during the election period, but Councillor profiles will be removed.

Any material published on Council's website during the election period must be certified by the CEO.

#### **4.10 Annual Report**

The Annual Report will be compiled during the election period and will not contain any material that could be regarded as electioneering or inappropriately promotes individual Councillors. Information about Councillors will be restricted to names, contact details, titles, membership of Committees and other bodies to which they have been appointed by the Council.

#### **4.11 Social Media**

Any publication (comments or new content) on Council-managed social media sites during the election period must be certified by the CEO.

At the commencement of the election period, Council may advise social media subscribers that comments containing electoral material will be deleted.

Councillor's individual (personal) social media pages are not managed by Council and are not subject to the same provisions.

#### **4.12 Council Resources**

Public resources must not be used by Councillors or a member of Council staff in a manner that would influence the way people vote in elections. Council will ensure Council resources are not used inappropriately during the Council election and comply with the requirements of section 304 of the Act.

Council resources, including offices, Council staff, equipment, electronic equipment and stationery will be used exclusively for normal Council business during the election period, and will not be used in connection with any electioneering activity.

#### **4.13 Use of Council Resources by Councillors**

Councillors may continue to use any Council equipment provided to them to facilitate their performance of normal Council duties, subject to existing protocols and terms of use. Councillors standing for re-election must not use Council equipment as a resource to assist with election campaigns.

Photocopying for election campaigning by Councillors or staff on office photo copiers is not permitted.

Databases and mailing lists held by the organisation remain the property of the Council and are therefore not available to members of the public, candidates or Councillors.

The organisation will not prepare or produce any materials associated with Councillors' individual election campaigns.

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

Councillors will not use Council issued mobile phone and email addresses for election campaigning purposes.

The use of Council's internet and intranet sites for any activity to do with election campaigning is prohibited. This includes linking Council websites to private candidate websites.

Access to the voters' roll is subject to the requirements of the Act and the Privacy and Data Protection legislation. A copy of the voters' roll will be provided to candidates by the Returning Officer. The voters' roll will be available for inspection during the election period at advertised times.

Council facilities booked for electoral campaigning purposes by Councillors, candidates or supporters or other persons during the election period will be let at the same rates to all hirers.

#### **4.14 Staff Discretion**

Staff must avoid assisting Councillors in ways that are, or could, create perception that staff are assisting Councillors in their election campaign.

If any staff member considers that a particular use of Council resources may influence voting in the election, or be perceived as influencing voting, or be perceived as being part of an election campaign, they must advise the CEO immediately.

#### **4.15 Councillor Expenses Reimbursement**

Reimbursement of Councillor's out-of-pocket expenses during an election period will only apply to costs that have been incurred in the performance of official Council duties as defined and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign.

#### **4.16 Media**

Council publicity during the election period will be restricted to communicating normal Council activities and initiatives and subject to certification by the CEO.

All official media statements during the election period will only be made by the CEO.

Media Releases or other media statements will not refer to specific Councillors or feature any photograph, quote from or name of incumbent Councillors during the Election Period. Where it is necessary to make or clarify any public statement, comment on sensitive or political issues or identify a spokesperson in relation to an issue, the matter must be referred to and approved by the CEO.

Media services, including media releases, will not be provided for individual Councillors by any Council officers, including the CEO, during the election period.

Media statements dealing with their election campaign must be issued by Councillors privately. Statements must be clearly communicated as personal opinion and not undermine the standing of the Council in the community.

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

#### **4.17 Council staff**

Staff must not provide advice or assistance in the preparation of media releases or other media statements that contain electoral material.

Staff must not make any public statement that can be interpreted as a political comment or have influence on the electoral process, public statement includes social media platforms. Council staff must make it clear when making comments related to the election that they are expressing their own views and not making an official comment.

It is critical that Council staff be, and appear to be, apolitical throughout the election period to maintain the confidence of the Council, Councillors and the community at all times throughout the electoral process.

#### **4.18 Access to Information**

#### **4.19 Candidates**

All election related enquiries from candidates or prospective candidates must be directed to the Returning Officer.

Staff must not provide any information to any candidate or prospective candidate that is not publically available. If staff receive requests from candidates, or prospective candidates, for any information that is not publically available these requests must be forwarded to the Manager Governance, Property and Risk.

If the information requested is appropriate to be released to the candidate, the Manager Governance, Property and Risk will ensure that it is made available to all candidates, not just the candidate who requested the information. This is to ensure that all candidates have fair and equitable access to information.

#### 4.20 Current Councillors

As Councillors must continue to perform their elected role during the election period, they may receive all necessary information for them to fulfil that role. Information that can be provided to Councillors includes:

- Information that is publicly and freely available – Council Plans, Annual Reports, strategies, policies etc.;
- Information and advice provided by Council’s management as part of Council meeting agendas; and
- Briefing papers in relation to matters to be decided upon at forthcoming Council meetings.

Any information provided to Councillors must be necessary to the carrying out of the Councillor’s role and must not be used for election purposes.

Requests for information which require significant resources to be devoted to making a response or which might be perceived to support an election campaign must be referred to the CEO or the Manager Governance, Property and Risk for consideration.

#### 4.21 Displaying Electoral Material

Electoral material, including pamphlets, posters and notices must not be visible or available at any council premises, including libraries, during the election period. The only exception to this is material issued by the Returning Officer for the purpose of conducting the election.

#### 4.22 Use of Title

Councillors may use the title ‘Councillor’ in their election material as they continue to hold the positions in the period; however to avoid confusion, Councillors must ensure that any election publication using the title Councillor clearly indicates that it is their own material and has not been produced or endorsed by Council.

## 5 Human Rights Statement

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It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act (2006). Central Goldfields Shire Council is committed to consultation and cooperation between management and employees.

## 6 Relevant Legislation and Council Policies

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- Local Government Act 2020
- Councillor Code of Conduct



### 8.3 PROCUREMENT POLICY 2023

**Author:** Coordinator Procurement

**Responsible Officer:** General Manager Corporate Performance

*The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.*

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#### SUMMARY/PURPOSE

The purpose of this report is to present to Council the updated Procurement Policy for adoption following an extensive review and consultation process.

#### RECOMMENDATION:

That Council repeal the current Procurement Policy and adopt the attached updated Procurement Policy in accordance with the Local Government Act 2020.

#### LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2021-2025 – Leading Change

The Community's vision

4. Good planning, governance, and service delivery
4. Transparent decision making;
4. Effective and sustainable financial management.

- Local Government Act 2020 (The Act) Section 108 and Section 109.
- Procurement Policy December 2021

#### BACKGROUND INFORMATION

Central Goldfields Shire Council adopted its Procurement Policy in December 2021, following the commencement of The Act. The Act no longer requires an annual review (as the previous Act did), a review date of December 2022 was set on its adoption.

Staff vacancies, workload and the commencement of a new Manager have delayed the review until now.

The Procurement Policy is supported by the Procurement Team (2 FTE), the online tendering portal, and ongoing training such as the "bite sized learning" offered regularly by the Coordinator Procurement.

The Procurement Team also work one on one with officers and teams to ensure the best procurement outcome within the highest level of probity.

The application of the policy has led to some improvements in procurement performance such as the establishment of quarterly reporting on compliance to the policy, and a reduction in the number of retrospective purchase orders.

There are further opportunities for ongoing improvement in policy and practice.

**REPORT**

Section 108 of the *Local Government Act 2020* (the Act) prescribes the following requirements for the Procurement Policy.

1. *A Council must prepare and adopt a Procurement Policy which specifies the principles, processes and procedures applying in respect of the purchase of goods and services by the Council, including for the carrying out of works.*
2. *A Procurement Policy must seek to promote open and fair competition and provide value for money.*
3. *A Procurement Policy must include the following—*
  - a. *the contract value above which the Council must invite a tender or seek an expression of interest;*
  - b. *a description of the criteria to be used by the Council to evaluate whether a proposed contract provides value for money;*
  - c. *a description of how the Council will seek collaboration with other Councils and public bodies in the procurement of goods or services;*
  - d. *the conditions under which the Council may purchase goods or services without inviting a public tender or expression of interest;*
  - e. *a description of the process to be undertaken in inviting a public tender or expression of interest;*
  - f. *any other matters prescribed by the regulations.*
4. *The contract value to be included in a Procurement Policy in accordance with subsection 3(a) must not exceed the value prescribed by the regulations for the purposes of this section.*
5. *A Council must review its Procurement Policy at least once during each 4 year term of the Council.*
6. *A Council must adopt the first Procurement Policy under this section within 6 months of the commencement of this section.*

Section 109 of the Act requires that:

1. *A Council must comply with its Procurement Policy before entering into a contract for the purchase of goods or services or the carrying out of works.*
2. *The Chief Executive Officer must ensure that any report to the Council that recommends entering into a procurement agreement includes information in relation to any opportunities for collaboration with other Councils or public bodies which may be available.*

Victorian councils play a pivotal role in providing and maintaining a wide range of services, programs, and infrastructure for their communities.

With responsibility for the management of community infrastructure worth approximately \$90 billion and delivery of more than \$7 billion in critical public services every year, councils spend between 45 per cent and 60 per cent of their annual budgets on procurement.

Considerable power is therefore vested in public officers of councils to source suppliers, manage contracts and authorise payment for goods, services and works – using public money.

The Victorian community rightly expects that council employees will perform their duties with integrity and impartiality and will act in the public interest rather than their own.<sup>1</sup>

Council officers have reviewed the Procurement Policy prior to going to council for adoption in August 2023. The review has considered:

- requirements of the Act and regulations
- Victorian Local Government Best Practice Procurement Guidelines 2013
- recommendations from investigations by the Independent Broad Based Anti-Corruption Commission (IBAC), the Local Government Inspectorate, and the Victorian Ombudsman
- internal consultation with all staff and key internal stakeholders
- feedback from two sessions with Councillors.

### What is Procurement?<sup>2</sup>

Procurement is the whole process of acquisition of external goods, services and works. This process spans the whole life cycle from initial concept through to the end of the useful life of an asset (including disposal) or the end of a service contract.

### Principals of Procurement<sup>3</sup>

#### 1. Value for Money

The concept of 'value for money' involves considering both costs and non-cost factors including:

- Advancing the council's priorities
- Fitness for purpose
- Quality
- Service and support
- Whole-of-life costs and transaction costs associated with acquiring, using, holding, maintain and disposing of goods, services and works.

#### 2. Open and Fair competition

All prospective suppliers/vendors must be treated (and be seen to be treated) fairly in an open and transparent manner with the same access to information about the procurement to enable them to submit prices/quotations/tenders on the same basis.

Councils must adequately test the market in a consistent manner without any bias, or perception of bias, so that potential suppliers and the public have confidence in the outcome.

#### 3. Accountability

Council staff are responsible for the actions and decisions they take in relation to procurement and for the resulting outcomes.

<sup>1</sup> Preface to New Best Practice Procurement Guidelines For The Local Government Sector in Victoria June/July 2020

<sup>2</sup> Central Goldfields Shire Council Procurement Policy December 2021

<sup>3</sup> Victorian Local Government Best Practice Procurement Guidelines 2013



Staff are answerable for such activities through established lines of accountability and delegation, and ultimately to the Chief Executive Officer (CEO).

Staff must also ensure they provide adequate and reliable advice to the elected council to allow it to make sound decisions on procurement matters.

#### 4. Risk Management

All procurement carries some level of risk. It is important for councils to recognise this risk and to develop appropriate strategies to deal with it.

#### 5. Probity and Transparency

In all commercial dealings, the highest standards of honesty must be observed. Councils must conduct their business in a fair, honest, and open manner, demonstrating the highest levels of integrity consistent with the public interest.

#### 6. Sustainable and social procurement objections<sup>4</sup>

### Emerging Themes in Local Government Procurement

- Circular Economy
- Sustainable Procurement
- Social Procurement
- Collaboration
- Post-disaster/emergency procurement management
- Entrepreneurial Powers of Council
- Grants Funding and Procurement
- Supplier Code of Conduct

### **Findings**

The policy has been in operation for a year and during that time the Procurement Team has been working with procurement practitioners, the local Regional Procurement Network and the Audit and Risk Committee, and has been undertaking research around industry trends, benchmarking, and best practice.

The team has also consulted extensively across the organisation specifically calling for feedback on the review.

The focus of the review has been on maintaining and enhancing probity in the procurement process, while ensuring the policy is flexible enough to accommodate the operational needs of the organisation in order to deliver best value for the community.

The major changes include:

- clarifying sustainable procurement principles
- examining the policy to remove content that would more appropriately sit in a procedure, or where it repeats existing policies and procedures (eg, Fraud Policy).

<sup>4</sup> Preface to New Best Practice Procurement Guidelines For the Local Government Sector in Victoria June/July 2020

- tightening definition of areas of past challenge such as emergencies, cumulative spend and variations to contracts, including a provision for Council to provide delegation to the CEO to approve a percentage or set value of variation for individual contracts.
- adjusting thresholds to better match industry standard and provide a more workable policy (Appendix 1 of the Draft Policy)
- specifying how vendor panels are to be used
- managing personal interest risks by including a provision for a probity advisor under specific circumstances
- including reference to modern-day slavery laws.

## CONSULTATION/COMMUNICATION

A program of internal consultation on the operational application of the Policy has been conducted in accordance with the schedule below:

Date	Activity	Status
07/03/2023 – 24/03/2023	Staff Consultation	Completed
08/03/2023	Executive Management Team Consultation	Completed
21/03/2023	Councillor Briefing – Initial Councillor consultation	Completed
23/05/2023	Councillor Briefing – Councillor consultation	Completed
07/06/2023 – 13/06/2023	Staff Consultation – Draft Policy	Completed
14/06/2023	Executive Management Team – Draft Policy	Completed
19/06/2023	Audit and Risk Committee – Draft Policy	Completed
20/06/2023	Councillor Briefing – Draft Policy (with verbal update from Audit and Risk Committee)	Completed
27/06/2023	Council Meeting - For endorsement of Draft for community feedback, including local vendors	Completed
28/06/2023 – 26/07/2023	Community Feedback	Completed
18/07/2023	Staff Consultation	Completed
2/08/2023	Executive Management Team – For review	Completed
15/08/2023	Councillor Briefing – For briefing	Completed
<b>22/08/2023</b>	<b>Council Meeting – For adoption</b>	

During the staff consultation, feedback was received regarding grammatical errors and references to supporting acts. These have been updated.

Community feedback included a recommendation for a change in wording in the policy, this can be reviewed in the attachments to this report.

## FINANCIAL & RESOURCE IMPLICATIONS

The Policy review is funded from existing department budgets.

## **RISK MANAGEMENT**

This report addresses Council's strategic risk Governance - Failure to transparently govern and embrace good governance practices and Legislative compliance - Failure to manage our compliance with relevant legislative requirements by ensuring Council's policy in relation to Procurement is regularly updated, complies with the legislative requirements of the *Local Government Act 2020*, and aligns with best practice.

## **CONCLUSION**

After extensive research, internal and external consultation, the Procurement Policy 2023 is presented to Council for adoption.

## **ATTACHMENTS**

- 8.3.1 Community Feedback
- 8.3.2 Wording change following community feedback.
- 8.3.3 Procurement Policy 2023

## **FURTHER REFERENCES**

[Best Practice Procurement Guidelines 2013](#)

[Preface to New Best Practice Procurement Guidelines 2020](#)

[Beyond Value for Money - Social Procurement for Victorian Local Government](#)

[Sustainable Procurement Guide – A practical guide for Commonwealth entities](#)

[Ombudsman – How to prevent employees and contractors misusing procurement](#)

[IBAC Information Sheet – Red flags of corruptions: procurement](#)

[IBAC Special Report – Procurement In Local Government](#)

### 8.3.1

Attachement 11: Community Feedback					
<b>Draft Procurement Policy</b>					
Title/Question:	Provide your feedback on the Draft Procurement Policy here				
Tool Type:	Form				
Activity ID:	74				
Report Date Range:	19 Jul 2023 - 25 Jul 2023				
Date Exported:	25 Jul 2023 08:45 am				
Exported By:	Angela.Tucker				
Contribution ID	Date Submitted	What do you like about the Draft Procurement Policy?	What would you change about the Draft Procurement Policy and why?	Is there something missing that you'd like to see added?	IP Address
678	Jul 21, 2023, 03:31 PM	Generate and support Local Business through inclusion wherever practicable.	<p>In the objectives section I note the comment &gt;Achieve demonstrable Value for Money; and &gt;Generate and support Local Business through inclusion wherever practicable.</p> <p>Communities where spending at local businesses is given a priority over spending outside of the Shire has been able to generate very significant flow on benefits, such as increasing employment. This section could be significantly improved by using the wording. &gt;Prioritise supporting local businesses through inclusion; and &gt;Achieve demonstrable Value for Money, inclusive of supplementary benefits such as increased local employment.</p>	<p>There has been a very interesting example of a municipality in England, Preston, where the Council redefined value to not just mean the cheapest price, rather 'best value' encompassed prioritising the value of money that stayed in the local community, and they were able to lift local procurement spend from 14 to 30%*.</p> <p>*Glimpses of Utopia, written by Jess Scully and published by Pantera Press 2020.</p>	0f7a02d24f300b4a

## 8.3.2

**Attachment 2: Wording change following community feedback**

Page	Previous Wording	Revised Wording
8 – Objectives	<p>These objectives will be achieved by requiring that the Council’s contracting, purchasing and contract management activities:</p> <ul style="list-style-type: none"> <li>• Support the Council’s corporate strategies, aims and objectives;</li> <li>• Span the whole life cycle of an acquisition and take sustainability and environmental benefit considerations into account;</li> <li>• Consider adaptability and resilience to climate change impacts;</li> <li>• <b>Achieve demonstrable Value for Money;</b></li> <li>• Are conducted in and demonstrate an impartial fair and ethical manner;</li> <li>• Seek continual improvement through innovative and technological initiatives, and</li> <li>• <b>Generate and support Local Business through inclusion wherever practicable.</b></li> </ul>	<p>These objectives will be achieved by requiring that the Council’s contracting, purchasing and contract management activities:</p> <ul style="list-style-type: none"> <li>• Support the Council’s corporate strategies, aims and objectives;</li> <li>• Span the whole life cycle of an acquisition and take sustainability and environmental benefit considerations into account;</li> <li>• Consider adaptability and resilience to climate change impacts;</li> <li>• <b>Achieve demonstrable Value for Money, inclusive of supplementary benefits such as increased local employment</b></li> <li>• Are conducted in and demonstrate an impartial fair and ethical manner;</li> <li>• Seek continual improvement through innovative and technological initiatives, and</li> <li>• <b>Prioritise supporting local business through inclusion wherever practicable.</b></li> </ul>

# PROCUREMENT POLICY

Directorate:	Corporate Performance
Responsible Manager:	Manager Governance, Property and Risk
Review Due:	Month Year
Adoption:	Council
Date Adopted:	.....

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## Acknowledgement

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Central Goldfields Shire Council acknowledges that we are situated on the traditional lands of the Dja Dja Wurrung people, and we offer our respects to their elders past, present and emerging.

## Purpose

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The purpose of this policy is to:

- provide a framework to guide the efficient, effective, socially and ecologically responsible procurement of goods, services and works on behalf of the community;
- provide guidance to Council to allow consistency and control over procurement activities;
- demonstrate accountability to ratepayers;
- provide guidance to Council employee's regarding ethical behaviour in public sector purchasing;
- demonstrate the application of elements of best practice in purchasing; and
- align the City's procurement practices with the Guidelines.

## Application and Scope

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This Policy applies to all Council staff and Councillors.

## Definitions and Abbreviations

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Term	Definition
<b>Act</b>	Section 108 <i>Local Government Act 2020</i> . ( <i>The Act</i> )
<b>Collaborative Procurement Arrangement</b>	A contract established by the Council, government or a nominated agent, such as Procurement Australasia (PA), Municipal Association of Victoria (MAV), Loddon Mallee Procurement Network of Councils or a local government entity, for the benefit of numerous state, federal and/or local government entities that achieves best value by leveraging combined economies of scale.
<b>Commercial in Confidence</b>	Information that, if released, may prejudice the business dealings or commercial interests of Council or another party, e.g. prices, discounts, rebates, profits, methodologies, and process information, etc.
<b>Conflict of Interest</b>	A conflict of interest exists when private interests conflict with public duty. In a situation where private interests may benefit from or be adversely affected



Term	Definition
	by public duty a conflict of interest probably exists and it should be declared.
<b>Contract Management</b>	The process that ensures all parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the contract objectives and provide Value for Money.
<b>Council</b>	The Central Goldfields Shire Council organisation, including Councillors and Council Staff.
<b>Councillors</b>	Council's elected representatives (the Mayor and Councillors) or Administrator(s) appointed to act in this capacity.
<b>Council Staff</b>	Includes all Council officers, temporary employees, contractors, volunteers and consultants while engaged by Council.
<b>Cumulative Spend</b>	<p>The combined total spent on a good, services or works or with a single supplier.</p> <p>Council will consider the cumulative spend over a period of 2 Financial Years.</p>
<b>Emergency</b>	As per the Emergency Management Act 2013: An actual or imminent occurrence of an event which in any way endangers or threatens to endanger the safety or health of any person, or threatens to destroy or damage, any property or endangers or threatens to endanger the environment or an element of the environment.
<b>IBAC</b>	The Independent Broad-based Anti-corruption Commission
<b>Indigenous Business</b>	An Indigenous Business is one that is at least 50% owned by an Aboriginal or Torres Strait Islands person(s) (consistent with Supply Nation's definition).

Term	Definition
	<a href="https://supplynation.org.au/benefits/indigenous-business/">https://supplynation.org.au/benefits/indigenous-business/</a>
<b>Local Business</b>	<p>A commercial business with an operational premises that is physically located within the municipal borders.</p>
<b>Loddon Procurement (LMPN)</b> <b>Mallee Network</b>	<p>The 10 Councils comprising the LMPN, being the Buloke Shire Council, Campaspe Shire Council, Central Goldfields Shire Council, City of Greater Bendigo, Gannawarra Shire Council, Loddon Shire Council, Macedon Ranges Shire Council, Mildura Rural City Council, Mount Alexander Shire Council and Swan Hill Rural City Council.</p>
<b>Preferred Supplier Panels</b>	<p>Panels of suppliers or vendors who are able to supply goods, works or services. Panels are based on categories such as trade services and plant hire. Panels mean that Council staff are able to request a quotation (from suppliers on the panel) without publicly inviting tenders (noting that the number of quotations requested still needs to be compliant with the policy). Preferred Supplier Panels are also known as Approved Supplier Lists or Approved Contractor Lists.</p>
<b>Principles</b>	<p>Procurement principles are the fundamental propositions or forces that serve as the foundation for the policy and will govern procurement practices and decision making.</p>
<b>Probity</b>	<p>Within government, the term "probity" is often used in a general sense to mean "good process". A procurement process that conforms to the expected standards of probity is one in which clear procedures that are consistent with the Council's policies and legislation, are established, understood, and followed from the outset. These procedures need to consider the legitimate interests of suppliers and ensure that all potential suppliers are treated equitably.</p>

Term	Definition
<b>Procurement</b>	Procurement is the whole process of acquisition of external goods, services and works. This process spans the whole life cycle from initial concept through to the end of the useful life of an asset (including disposal) or the end of a service contract.
<b>Procurement System</b>	The Procurement System is the IT system for managing procurement and contract management processes.
<b>Public Advertising</b>	Public Advertising is through The Maryborough District Advertiser and online/digital through Councils eTender Portal. Print advertising is at the discretion of the Tender Evaluation Panel.
<b>Schedule of Rates Contract</b>	A standing offer arrangement based on a Schedule of Rates contract that sets out rates for goods and services which are available for the term of the agreement but without a commitment to purchase a specified value or quantity of goods or services.
<b>Social Benefit</b>	The positive impacts on people, places or communities generated through procurement practices within the municipal boundary.
<b>Suppliers</b>	Any organisation which supplies goods or services to Council including but not limited to, contractors, subcontractors, manufacturers, wholesalers, retailers and consultants.
<b>Sustainability</b>	Activities that meet the needs of the present without compromising the ability of future generations to meet their needs.
<b>Tender Process</b>	The process of inviting parties from either a select list or via public advertisement to submit an offer by tender followed by evaluation of submissions and selection of a successful bidder or tenderer in accordance with pre-determined evaluation criteria.

Term	Definition
<b>Total Contract Sum</b>	<p>The potential total value of the contract including:</p> <ul style="list-style-type: none"> <li>• costs for the full term of the contract, including any options for either party to extend the contract;</li> <li>• applicable goods and services tax (GST);</li> <li>• anticipated contingency allowances or variations, and</li> <li>• all other known, anticipated and reasonably foreseeable costs.</li> </ul>
<b>Value for Money</b>	<p>Value for Money in procurement is about selecting the supply of goods, services and works taking into account both cost and non-cost factors including:</p> <ul style="list-style-type: none"> <li>• non-cost factors such as contribution to the advancement of Council’s priorities, fitness for purpose, quality, service and support, and</li> <li>• cost-related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works.</li> </ul>
<b>Variation</b>	<p>A change to a contract that varies the original agreement. This includes increases and decreases in contract price, extensions of time and changes to scope.</p>

**Overview**

This Procurement Policy is made under Section 108 of the [Local Government Act 2020 \(the Act\)](#). The Act requires each council to:

- Prepare and adopt a procurement policy which specifies the principles, processes and procedures applying in respect of the purchase of goods and services and carrying out of works by the Council; and
- Review its procurement policy at least once during each 4-year term of the Council.

The Policy has been developed collaboratively by the Loddon Mallee Procurement Network (LMPN) with a view to facilitating smooth collaborative procurement processes, consistent with *the Act*.

The Policy will enhance achievement of the Council's objectives such as sustainable and socially responsible procurement, supporting local economies and obtaining Value for Money, leading to a better result in the provision of goods, services and works for the benefit of the community.

### Applicability

This Policy applies to all procurement activities at the Council and is applicable to all Councillors and Council Staff.

The Policy provides direction on the conduct of procurement activities throughout the sourcing, management and disposal phases. It does not extend to the related accounts payable processes.

The Council must comply with this Procurement Policy before purchasing, or entering into a contract for, the purchase of goods, services or the carrying out of works.

### Objectives

The Policy is consistent with the requirements of s 108 (2) of *the Act* and will:

- Promote open and fair competition and provide Value for Money;
- Provide clear guidelines to the Council to allow consistency and control over procurement activities;
- Demonstrate accountability to ratepayers and residents;
- Provide guidance on ethical behaviour in public sector procurement;
- Demonstrate the application of best practice in procurement activities;
- Demonstrate the consideration of sustainability in procurement with respect to social, economic and environmental factors;
- Increase the probability of obtaining the best outcome for the municipal community when procuring goods and services; and delivering works, and
- Promote collaborative procurement.

These objectives will be achieved by requiring that the Council's contracting, purchasing and contract management activities:

- Support the Council's corporate strategies, aims and objectives;
- Span the whole life cycle of an acquisition and take sustainability and environmental benefit considerations into account;
- Consider adaptability and resilience to climate change impacts;
- Achieve demonstrable Value for Money, inclusive of supplementary benefits such as increased local employment;
- Are conducted in and demonstrate an impartial fair and ethical manner;
- Seek continual improvement through innovative and technological initiatives, and
- Prioritise supporting Local Business through inclusion wherever practicable.

## 1 Application of GST

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All monetary values stated in this policy are inclusive of GST.

## 2 Effective Legislative and Policy Compliance and Control

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### 2.1 Ethics and Probity

### 2.1.1 Requirement

The Council's procurement activities will be performed in an open, transparent and ethical manner with demonstrated integrity, fairness and accountability that meets relevant legal requirements.

All tender processes will be conducted in accordance with the requirements of this Procurement Policy and any associated procedures, relevant legislation, relevant Australian Standards, Commercial Law and *the Act*.

### 2.1.2 Conduct of Councillors and Council Staff

Councillors and Council Staff will at all times conduct themselves in ways that are in accordance with the Councillor Code of Conduct and the Staff Code of Conduct respectively, and will perform their duties ethically and with integrity and must:

- Treat potential and existing suppliers with equality and fairness;
- Not use their position to seek or receive personal gain in procurement matters;
- Maintain confidentiality of Commercial in Confidence information;
- Present the highest standards of professionalism and probity;
- Afford suppliers and tenderers with the same information and an equal opportunity to tender or quote for goods, services and works contracts;
- Be able to account for all decisions and demonstrate and provide evidence of the processes followed;
- Not perform any work under any Council contracts they are supervising i.e. Council Staff cannot also work for the relevant supplier;
- Query incidents, decisions or directions that appear to contradict or deviate from Council's standards of ethics or probity or established policies and procedures; and
- Ensure that this Procurement Policy and Council's Procurement guidelines are adhered to in relation to any expenditure of Council funds.

### 2.1.3 Conflict of Interest

Councillors and Council Staff will at all times avoid situations which may give rise to an actual or perceived conflict of interest. A conflict of interest may be a 'general' or a 'material' conflict of interest.

A person has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty. A general conflict of interest includes a perceived conflict of interest, that is, when it could be perceived that there may be a conflict of interest.<sup>1</sup>

A person has a material conflict of interest in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter. The benefit or loss may be direct or indirect and pecuniary or non-pecuniary. Affected persons include, among others, the member of Council Staff, Councillors and their family members.

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<sup>1</sup> The policy for managing conflicts of interests and the codes of conduct can be referred for further information.

Council Staff involved in the procurement process, in particular preparing tender documentation, writing tender specifications, participating in tender evaluation panels, preparing a recommendation report; and Councillors and Council Staff awarding tenders must:

- **Avoid** conflicts of interest, whether material or general or actual, potential or perceived;
- **Declare** if they have a conflict of interest in respect of the procurement. Council Staff, Contractors and external parties participating in any stage of the tender process must complete a Conflict of Interest and Confidentiality declaration. and
- **Observe** prevailing Council and Government guidelines on how to prevent or deal with conflict of interest situations; and not take advantage of any tender related information whether or not for personal gain.

#### 2.1.4 Fair and Honest Dealing

All prospective contractors and suppliers must be treated impartially and afforded an equal opportunity to tender or submit a quotation.

Any suspected improper conduct, including suspected fraud, corruption, substantial mismanagement of public resources, risk to public health and safety, risk to the environment, or detrimental action should be managed in accordance with Council's internal policies and processes.

#### 2.1.5 Probity, Accountability and Transparency

Accountability in procurement means being able to justify and provide evidence of the process followed. An independent third party must be able to see clearly that a process has been followed and that the process was fair and reasonable.

Council Staff must be able to account for all procurement decisions and ensure all procurement activities leave an audit trail for monitoring and reporting purposes.

#### 2.1.6 Gifts and Benefits

- Any gift or benefit offered to a Councillor or Council Staff will be managed in accordance with the Local Government Act 2020 and Council's internal policies and processes, but noting that Councillors and Council Staff:
  - Must not receive a private benefit from a contractor or supplier;
  - Must declare the offer of a gift or benefit even if this is refused;
  - must not knowingly engage a Council supplier for private benefit,

#### 2.1.7 Disclosure of Information

Councillors and Council Staff must take all reasonable measures to maintain confidentiality of:

- Information disclosed by organisations in tenders, quotation or during tender negotiations; and
- Commercial in Confidence information.

Councillors and Council Staff are to avoid references to current or proposed contracts in discussion with acquaintances or outside interests.

Discussion with potential suppliers during tender evaluations should not go beyond the extent necessary to resolve doubt on what is being offered by that supplier.

At no stage should any discussion be entered into which could improperly influence the procurement process or negotiation of a contract prior to the contract approval process being finalised, other than authorised pre-contract negotiations.

#### 2.1.8 Complaints, suspected fraud and misconduct

All complaints management and reports of suspected fraud and misconduct are to be carried out in accordance with the Local Government Act 2020, with consideration of the requirements of the IBAC Act and the Public Interest Disclosure Act, and in accordance with Council's Complaints Handling Policy and Fraud Prevention Policy.

## 2.2 Governance

### 2.2.1 Structure

Council has delegated a range of powers, duties and functions to the CEO in relation to procurement. The delegation aims to ensure that the Council's procurement structure operates according to processes that:

- Are flexible enough to procure in a timely manner the diverse range of goods, works and services required by Council;
- Guarantee that prospective contractors and suppliers are afforded an equal opportunity to tender or submit a quotation; and
- Encourage competition and collaboration.

### 2.2.2 Methods

The Council's standard methods for procuring goods, services and works will be by any of the following:

- Purchase order that represent best Value for Money under the quotation process from suppliers for goods or services under the thresholds adopted by the Council. An approved purchase order must be created prior to committing expenditure on behalf of Council;
- Under contract following a quotation or tender process;
- Under a Preferred Supplier Panel
- Using Collaborative Procurement Arrangements;
- Multi-stage tenders commencing with an EOI followed by a tender process;
- Under a sole-sourcing arrangement or other exemption contained in Appendix 4;
- Purchasing Cards (in a manner consistent with this policy);
- Petty Cash

unless other arrangements are authorised by Council or under appropriate delegated authority on an 'as needs' basis as required by exceptional circumstances such as emergencies.



### 2.2.3 Responsible Financial Management

The principle of responsible financial management will be applied to all procurement activities. Accordingly, to give effect to this principle, the availability of existing funds within an approved budget or source of funds will be established prior to the commencement of any procurement action for the supply of goods, services or works.

Council funds must be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.

### 2.2.4 Procurement Thresholds and Competition

In every procurement activity all practicable efforts will be made to consider the sustainable procurement considerations as listed in Section 3.2.

Council will invite offers from the supply market for goods, services, and works in accordance with the thresholds listed in Appendix 1.

### 2.2.5 Procurement Principles

Council will apply the following fundamental best practice principles to procurement, irrespective of the value and complexity of that procurement:

- Value for Money;
- Sustainability (social, economic and environmental);
- Open and fair competition;
- Accountability;
- Risk management, and
- Probity and transparency.

Council also recognises the importance of purchasing locally.

### 2.2.6 Procurement Methodology

Section 108 of *the Act* details that each Council will set the public tender threshold above which tenders or expressions of interest for contracts must be publicly invited.

A public tender process must be used for all procurements valued at \$200,000 (inclusive of GST) and above for goods, services or works through either a single contract or cumulative spend over a period of two Financial Years.

For procurements valued under \$200,000 (inclusive of GST), the procurement methodology and thresholds detailed in Appendix 1 will apply.

### 2.2.7 Contract Variations

All contract variations must be assessed to determine whether they are properly characterised as variations, or whether they are, in effect, a new contract. This will depend on factors like:

- The monetary value of the proposed variation, i.e. the value of the variation in the context of the thresholds fixed by the Procurement Policy; and
- The subject matter of the proposed variation, and whether it is consistent with the scope of the original contract.

Variations must take into account the cumulative spend under the contract.

#### 2.2.7.1 Recording of Contract Variations

All contract variation requests, including specification variation requests, must be recorded in Council's contract management section of Procurement System. A record of the decision of a variation, including the reasons for the decision, must also be saved in the Procurement System.

#### 2.2.7.2 Approving of Contract Variations

Approval of contract variations must be in accordance with Financial Delegation and take into account the cumulative spend under the contract. A variation can only be approved by a Council staff member holding the correct financial delegation for the revised contract sum.

Where the revised contract sum falls above the financial delegation of the CEO, or above the nominated figure or percentage of a figure delegated by Council to approve variations to the contract, the variation must be approved by Council at a Council meeting.

### 2.2.8 Public Tender Requirements

All public tenders invited by the Council will be published via Council's eTender Portal and may be advertised in the media.

Information regarding Current Tenders and Awarded Tenders will be published on Council's eTender Portal.

#### 2.2.8.1 Procurement Conduct Plan

A detailed Procurement Conduct Plan, completed by the chairperson, will be developed, approved, and strictly adhered to by that panel.

The Procurement Conduct Plan should be completed and signed off prior to the tender being issued.

#### 2.2.8.2 Tender Evaluation

A tender evaluation panel will be established to evaluate each tender submission against the tender's selection criteria. Tender evaluation panels can include external personnel in order to ensure the best outcome for a procurement activity and must comprise of at least 3 Council Officers including a chairperson and Procurement Officer. The Procurement Officer does not score submissions, but their role is to oversee the evaluation process, including compliance to the best practice guidelines, this Procurement Policy and legislation.

### 2.2.8.3 Evaluation Criteria

The Council may include the following evaluation criteria categories to determine whether a proposed contract provides Value for Money:

- Mandatory Compliance criteria (e.g. ABN registration, OH&S, Fair Work Act, risk and conflict of interest);
- Tendered price;
- Capacity of the Tenderer to provide the goods and/or services and/or works;
- Capability of the Tenderer to provide the goods and/or services and/or works;
- Local Economic Benefit;
- Environmental Benefit; and
- Social Benefit.

### 2.2.8.4 External Probity Advisor

An external probity advisor must be appointed, in the following circumstances:

- Where the proposed Total Contract Sum exceeds \$1.5 million over the life of the contract or for a lesser value set by Council from time to time; or
- Where a proposed contract is considered by Council or the CEO to be particularly complex, of a high risk or controversial nature, and requiring a high level of public confidence; or
- Where a Councillor or member of Council's executive staff have or are perceived to have a pecuniary interest in the proposed contract.

A probity advisor may be appointed to any tender evaluation panel and may be appointed to oversee the evaluation process.

### 2.2.8.5 Shortlisting and Negotiations

Council may conduct a shortlisting process during EOI, tender and quotation processes. Shortlisting must be based on the advertised selection criterion.

Shortlisted tenderers may be invited by the Council to submit a best and final offer in relation to all or certain aspects of their respective tenders.

Once one or more preferred tenderers are selected, negotiations can be conducted in order to obtain the optimal solution and commercial arrangements within the original scope and intent of the tender. Probity requirements apply to all negotiations.

### 2.2.8.6 Expression of Interest

Council may conduct an expression of interest prior to conducting a tender. A tender must follow the expression of interest. An expression of interest should be used in the following circumstances;

- Where there is likely to be many tenderers and Council does not wish to impose the costs of preparing full tenders on a large number of potential tenderers

- Where there is uncertainty as to the interest of suppliers or vendors or their capacity to fulfil the contract.

#### 2.2.8.7 Request for Information

Council may conduct a request for information where Council is uncertain as to what goods or services it requires. A request for information does not replace the need for public tender or an expression of interest followed by a tender. Requests for information may be undertaken to establish:

- Available technologies, products or services
- If proposed terms and conditions or deliverables are acceptable to the market
- Whether proposed budgets are adequate

#### 2.2.9 Collaborative Procurement

In accordance with section 108(c) of *the Act*, this policy must describe how council will seek collaboration with other councils and public bodies in the procurement of goods or services.

Council Staff must consider any opportunities for Collaborative Procurement in relation to a procurement process undertaken by Council. Any report to the Council that recommends entering into a procurement agreement must set out information relating to opportunities for Collaborative Procurement, if available, including:<sup>2</sup>

- The nature of those opportunities, if any, and the councils or public bodies with which they are available; and
- Why Council did, or did not, pursue the identified opportunities for collaboration in relation to that procurement process.

When collaborating with the LMPN, the Council will do so in accordance with the following:

- The LMPN will develop a consolidated contract register to identify joint procurement projects on an annual basis;
- Council contracts with a minimum value of \$1 million per annum (per Council), for the ongoing supply of goods or provision of services or works, other than projects that are unique to an individual Council (e.g. unique construction or works projects), will be included in the consolidated contract register for collaboration consideration;
- Other contracts which, due to the subject matter, nature or scope, are likely to deliver operational efficiencies if procured in collaboration with the LMPN, must be included in the consolidated contract register for consideration as a possible joint procurement opportunity;
- Where Collaborative Procurement is to be pursued:
  - A pre-market approval submission will be submitted to each Council and the LMPN prior to commitment to collaboration, seeking delegation of contract approval to CEOs;

<sup>2</sup> *Local Government Act 2020*, s 109 (2).

- The LMPN will establish a Heads of Agreement that gives authority for a lead council to act as each Council's agent in the Collaborative Procurement;
- Each of the Councils who participate will be able to enter into a contract with the preferred supplier identified through the Collaborative Procurement process, or may choose as a group to enter into a contract using "jump in/opt-in" contract provisions during the contract term, or with the Council which conducted the public tender; and
- Each participating council must be involved in:
  - The initial decision to undertake the Collaborative Procurement;
  - Preparation of, and agreement to, the specifications and evaluation criteria;
  - Ensuring probity for the Collaborative Procurement; and
  - The acceptance of tender(s) and awarding of contract(s).

Furthermore, Council may collaborate with other Councils or other agents such as MAV Procurement or Procurement Australasia to procure goods, services or works, or utilise existing Collaborative Procurement Arrangements for the procurement of goods, services or works established through a public tender process where it provides an advantageous, Value for Money outcome for the Council.

The following principles will be applied when utilising procurement agents (e.g. MAV Procurement and Procurement Australasia) and whole of government contracts:

- Council will use an agent where potential cost savings exist.
- Council will follow the procurement agent's established procedures.
- The use of procurement agents must not eliminate the ability of suppliers locally and within our region to submit a quotation or tender.

Any Federal or State Government grant funded projects may be excluded from collaborative procurement if required as part of the funding agreement.

### **2.3 Delegation of Authority**

Instruments of Delegation define the limitations within which Council Staff are permitted to commit Council to the procurement of goods, services or works and the associated costs. The Instrument of Delegation allows specified Council Staff to undertake certain purchases, quotation, tender and contractual processes without prior referral to the Council. This enables the Council to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity.

Council has delegated responsibilities relating to the expenditure of funds for the purchase of goods, services and works, the acceptance of quotations and tenders and for contract management activities to the CEO. The CEO has further delegated some of those responsibilities to other members of Council Staff, subject to specified conditions and limitations.

Procurement approval delegations can be found in Appendix 1

### **2.4 Internal Controls**

The CEO will install and maintain a framework of internal controls over procurement processes that will ensure:

- More than one person is involved in, and responsible for, the creation and authorisation of a contract (this includes creation and authorisation of purchase orders);
- Transparency in the procurement process;
- A clearly documented audit trail exists for procurement activities;
- Appropriate authorisations are obtained and documented;
- Systems are in place for appropriate monitoring and performance measurement; and
- A process is in place for escalation, where appropriate, of procurement matters (including procedural non-compliance) to the Executive Management Team, the Audit and Risk Committee and Council.

## 2.5 Risk Management

Council is committed to the practice of effective risk management to provide improved stakeholder confidence and trust, and to support improved compliance and better corporate governance. Risk management is to be appropriately applied at all stages of procurement activities including:

- Standardisation of contracts including current and relevant clauses
- Requiring security deposits where appropriate
- Referring specifications to relevant industry experts as required
- Ensuring contractual agreements are in place before the commencement of works
- Use of and enforcement of delegated authorities
- Effectively manage the contract through ongoing monitoring to ensure the required performance is being achieved

To protect the interests of Council, terms and conditions must be settled in advance of any commitment being made with a supplier. Any exceptions to this requirement exposes Council to risk.

Contracts are to be proactively managed by Council staff responsible for the delivery of the project/contract. Each should be assessed equivalent to size, type, complexity, duration and value to determine the level of risk. This will then determine the level of management of the particular project / contract and forms an integral part of good contract management.

Risk assessments are a vital part of the procurement planning process, particularly for significant contracts. Risks will be identified for each part of the sourcing, transition, delivery and finalisation stages of procurement. Appropriate risk avoidance and mitigation strategies will be employed whenever practicable and appropriate.

## 2.6 Endorsement

Council Staff must not publicly endorse any products or services without the permission of the CEO.

## 2.7 Dispute Resolution

All Council standard contracts will incorporate dispute management and alternative dispute resolution provisions to minimise the chance of disputes escalating to legal action.

## 2.8 Contract Management

In order to continually improve its procurement and contract management processes and outcomes, Council will evaluate and seek to improve on all aspects of procurement and contract management, in accordance with its documented procurement processes and Contract Management Guidelines.

Good contract management ensures goods, services and works are delivered to the required standards of quality and quantity as intended by the contract through:

- Establishing a system for monitoring and achieving the responsibilities and obligations of all parties under the contract;
- Providing a means for the early recognition of issues and performance problems and the identification of solutions;
- Adhering to the Council's risk management framework and relevant Occupational Health and Safety and sustainability requirements.

Council contracts are to include contract management requirements commensurate with the complexity of the procurement. Furthermore, contracts are to be proactively managed by the member of Council Staff responsible for the delivery of the contracted goods, services or works to ensure the Council, and therefore the community, receives Value for Money.

Council awards some contracts that are strategically critical and of relatively high value. Council will provide additional senior oversight to the management of such significant contracts.

## **2.9 Training**

All staff with duties that involve the purchasing of good and services will undertake procurement training when they commence employment. In order to ensure existing staff are up-to-date with the latest requirements of this policy they should participate in refresher training every 12 months.

Staff that breach the policy will be required to undertake refresher training immediately and may be subject to disciplinary action. Until initial training and/or refresher training has been completed, any staff member that has breached the policy will be prohibited from participating in any procurement process.

## **2.10 Cost Splitting**

Any attempts to circumvent procurement thresholds by order splitting or other methods constitutes a breach of the Procurement Policy.

## **2.11 Approved Panel of Suppliers**

An approved panel supplier is a contractor or consultant that has been appointed following a public tender process. Unless specified during the tender process there is no minimum quantity of work guaranteed to an approved panel supplier.

The use of panel of suppliers contracts should be transparent as suppliers appointed to the panel will have a reasonable expectation that Council will provide panel members with an equal opportunity to quote for goods, services or works.

Thresholds listed in Appendix 1 Table 4 Panel Contract Thresholds apply when using approved panel of suppliers.

### **3. Demonstrate Sustained Value**

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#### **3.1 Achieving Value for Money**

##### 3.1.1 Requirement

The Council's procurement activities will be carried out to obtain Value for Money. This means minimising the total cost of ownership over the lifetime of the requirement consistent with acceptable quality, reliability and delivery considerations. Lowest price is not the sole determinant of Value for Money.

##### 3.1.2 Approach

This will be facilitated by:

- Achieving continuous improvement in procurement activity;
- Developing, implementing and managing processes that support the co-ordination and streamlining of activities throughout the procurement lifecycle;
- Effective use of competition;
- Using existing Council contractual arrangement or Collaborative Procurement Arrangements where appropriate;
- Identifying and rectifying inefficiencies in procurement processes;
- Developing cost efficient tender processes;
- Council Staff responsible for providing procurement services or assistance within the Council providing competent advice in terms of available products and agreements; and
- Working with suppliers to create relationships that are professional, productive, and are appropriate to the value and importance of the goods, services and works being acquired.

#### **3.2 Sustainable Procurement**

##### 3.2.1 Sustainable procurement definition

Sustainable procurement involves decision making that has the most positive environmental, social and economic impacts possible across the entire lifecycle of goods, services and works. It looks beyond up-front costs to make purchasing decisions that consider associated environmental and social risks and benefits, and broader social and environmental implications.

The United Nations Environment Programme defines sustainable procurement as a "process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves Value for Money on a whole of life basis in terms of generating benefits not only the organisation, but also to society and the economy whilst minimising damage to the environment."



### 3.2.2 Applying sustainable procurement in Council

Sustainability will be embedded in Council's work. All Council staff will have a clear and shared understanding about what it means and how they can apply it to their daily tasks. Council commits to applying the principles of sustainability to its decision-making and activities.

Council demonstrates sustainable procurement by:

- Being accountable for its impacts on society, the economy and the environment including the impacts of the organisation's supply chain;
- Examining anticipated organisational, project and/or community needs;
- Continually improving sustainability specifications, practices and outcomes, and
- Planning and undertaking sustainability evaluations as part of contracting activities.

Social, environmental and economic sustainability criteria are to be considered at the planning stage of procurement and included in Council's tender documentation to achieve Council's sustainability outcomes. Environmental and social outcomes sought to be achieved through the tender may be imbedded in any tender criteria.

Social, environmental and economic sustainability criteria are to be evaluated independently of one another and are not to be bundled into a single sustainability measure.

### 3.2.3 Principles and objectives

In its Procurement Activities Council commits to

- Applying specific principles of sustainability to its decision-making and activities, and
- Focusing on specific Economic, Environmental and Social objectives.

While Council is not subject to the reporting requirements of the Modern Slavery Act 2018, Council understands its responsibility to resist modern slavery through its procurement processes. Council will take the following steps to ensure it is avoiding modern slavery risks in its procurement:

- Include in tender document a declaration of whether the Act applies to them, and if so, ask them to provide Modern Slavery Statement (if one has been prepared) or to provide details of activities they have undertaken so far and have planned to address the Act reporting requirements.

Consider including modern slavery as an evaluation criterion in high risk procurement such as electronics, clothing, construction and cleaning services.

The following economic, environmental and social objectives have been determined in line with these principles.

Area	Principles	Objectives
<p><b>Economic</b></p>	<p>Council is committed to procurement that supports Local Business and economic diversity in the LMPN.</p> <p>Where practicable and applicable Council will give preference to goods manufactured or produced in Australia and will actively seek quotations and tenders from Local Businesses in the Shire as a first priority and the LMPN as a second priority</p> <p>Council's Procurement Policy will be underpinned by the following economic sustainability principles:</p> <ul style="list-style-type: none"> <li>• Ensuring accountability and transparency;</li> <li>• Ensuring Value for Money outcomes;</li> <li>• Ensuring open and effective competition, and development of competitive Local Business and industry;</li> <li>• Fostering innovation and emerging sectors;</li> <li>• Considering life cycle costs; and</li> <li>• Considering adaptability and resilience to climate change impacts</li> </ul>	<p>Council's economic sustainability approach aims to:</p> <ul style="list-style-type: none"> <li>• Achieve Value for Money on a whole of life (including disposal) basis, rather than just initial cost;</li> <li>• Consider broader life cycle impacts of products procured;</li> <li>• Consider climate adaptability and resilience of products procured;</li> <li>• Ensure probity and accountability in the procurement process;</li> <li>• Increase purchasing from businesses within the Shire and LMPN;</li> <li>• Build relationships with Local Business and provide opportunities to increase their capacity and capability to become suppliers to Council; and</li> <li>• Increase local employment.</li> </ul>

Area	Principles	Objectives
<p><b>Environmental</b></p>	<p>Where applicable Council will purchase goods, services and works that reduce air, water and soil pollution, greenhouse gas emissions, waste production, natural resource depletion and biodiversity depletion whenever they present an acceptable Value for Money outcome, and in some cases where they might not.</p> <p>Council's procurement will be underpinned by the following environmental sustainability principles:</p> <ul style="list-style-type: none"> <li>• Considering a product's or asset's lifecycle;</li> <li>• Promoting circular economy participation;</li> <li>• Managing demand to reduce procurement requirements;</li> <li>• Encouraging innovation through specifications; and</li> <li>• Engaging suppliers who are also committed to reducing their environmental impact.</li> </ul>	<p>Council's environmental sustainability and approach aims to:</p> <ul style="list-style-type: none"> <li>• Improve energy efficiency;</li> <li>• Reduce greenhouse gas emissions from Council operations, capital works and supply chain (working towards target of net zero emissions from Council operations by 2030) t;</li> <li>• Minimise waste generation and waste to landfill;</li> <li>• Improve water efficiency;</li> <li>• Reduce air, water and soil pollution;</li> <li>• Reduce biodiversity impacts; and</li> <li>• Increase the use of recycled materials to:               <ul style="list-style-type: none"> <li>○ Reduce demand for raw materials and non-renewable resources;</li> <li>○ Support the ongoing viability of the recycling and resource recovery sector; and</li> <li>○ Close the loop on kerbside recycling.</li> </ul> </li> </ul>

Area	Principles	Objectives
<p><b>Social</b></p>	<p>Council is committed to building stronger communities and meeting social objectives which benefit the municipality and commits to integration of measures in its procurement processes and documentation which promote improved social outcomes.</p> <p>Council's procurement will be underpinned by the following social sustainability principles:</p> <ul style="list-style-type: none"> <li>• A thorough understanding of the socio-economic issues affecting the community;</li> <li>• Creation of training and employment opportunities for unemployed or disadvantaged residents and ratepayers in Council's municipality, and marginalised job seekers in Council's municipality, to address local socio-economic issues;</li> <li>• Promotion of equity, inclusion, diversity and equal opportunity; and</li> <li>• Respect for human rights, the rule of law and international norms of behaviour.</li> </ul>	<p>Council's social sustainability approach aims to:</p> <ul style="list-style-type: none"> <li>• Ensure vendors do not exploit workers and provide fair wages, including inclusive business practices;</li> <li>• Maintain a social procurement program to increase both direct and indirect social procurement spend across the LMPN (Direct – engaging a social benefit provider to deliver goods or services; Indirect – including social benefit(s) as an outcome of a procurement contract);</li> <li>• Ensure sourced products are accessible by all segments of the community;</li> <li>• Increase employment opportunities for: <ul style="list-style-type: none"> <li>○ Dja Dja Wurrung people and all Aboriginal and Torres Strait Islander People;</li> <li>○ People living with a disability; and</li> <li>○ People experiencing long term unemployment or other socioeconomic barriers.</li> </ul> </li> <li>• Improve gender equity; and</li> <li>• Prevent, detect, report and remove modern slavery from Council's supply chain.</li> </ul>

## **4. Build and Maintain Supply Relationships**

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### **4.1 Managing Suppliers**

Council recognises the importance of managing existing suppliers including through performance measurements which ensure supplier responsibilities of the contract are delivered.

### **4.2 Supply Market Development**

A wide range of suppliers are encouraged to compete for Council work. The focus for new work need not always be with the larger more familiar businesses. Other types of organisations offering business diversity include:

- Green suppliers;
- Local, small to medium sized enterprises (SMEs) and Social enterprises;
- Ethnic and minority businesses;
- Indigenous businesses;
- Businesses employing people with disability; and
- Volunteer and community organisations.

## **Review**

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This Policy must be reviewed a minimum of once every 2 years.

## **Human Rights Statement**

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It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act (2006). Central Goldfields Shire Council is committed to consultation and cooperation between management and employees.

## **Relevant Legislation and Council Policies**

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Local Government Act 2020

## APPENDICES

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### Appendix 1 Council – Procurement Methodology Thresholds

Council will invite tenders, proposals, quotes and expressions of interest from the supply market for goods, services and works in accordance with the thresholds in Table 3, except where a panel is in place for the goods/services, in which case the requirement for quotes is in accordance with the thresholds in the Table 4.

Table 1: Procurement Approval Delegations

Up to \$10,000	Coordinator
Up to \$25,000	Manager
Up to \$150,000	General Manager
Up to \$500,000	Chief Executive Officer
Greater than \$500,000	Council

Table 2: Contract Award Delegations

Limit of Delegations	Power to Award
<\$500,000 or as otherwise determined by Council	Chief Executive Officer
>\$500,000	Council

Table 3: General Procurement Thresholds

Financial Thresholds	Minimum Requirements			
	Including GST	Processed by	Market Engagement	Engagement Type
<\$2,000	Business Unit	1 Verbal Quote	Purchase order or Purchase card to financial delegation	
\$2,001 to \$5,000	Business Unit	1 Written Quote	Purchase order	Quotes must be saved in document management system
\$5,001 - \$19,999	Business Unit	2 Written Quotes	Purchase order	Quotes must be saved in document management system
\$20,001- \$30,000	Business Unit	3 Written quotes	Purchase order	Quotes must be registered in procurement system and saved in document management system
\$30,001 - \$199,999	Procurement Unit	Request for Quote via eTendering portal	Purchase order for goods Contract for services or works	Request must be registered in procurement system. Evaluation Report signed by General Manager
\$200,000 and above	Procurement Unit	Request for Tender via eTendering portal	Contract	Request must be registered in procurement system.

				Evaluation Report signed by General Manager
<p>Note:</p> <p>All Pricing is inclusive of GST</p> <p>Exemptions to the requirements detailed in this table (as per Appendix 4) must be forwarded to the Procurement Unit who will obtain Manager, General Manager and CEO approval before any purchase is made or contract entered into.</p> <p>Threshold values to be presented for review annually</p>				

*Table 4: Panel Contract Thresholds*

The thresholds for additional panels will be determined as part of the procurement process until this Procurement Policy is next reviewed.

Goods/services supplied under the Panel Contract	Business Unit will seek at least one verbal quote	Business Unit will seek at least one written quote in consultation with Procurement Unit	Request for quote to panel members via eTender portal	Public Request for Quote via eTender portal	Public Tender via eTender portal
Cleaning Products	\$0 - \$999	\$1,000-\$9,999	\$10,000 - \$99,999	\$100,000-\$199,999	\$200,000 and above
Plant and Equipment	\$0 - \$999	\$1,000-\$14,999	\$15,000 - \$99,999	\$100,000-\$199,999	\$200,000 and above
Crushed Rock and Aggregate	\$0 - \$999	\$1,000-\$99,999	\$100,000 or more		
Landscape Materials	\$0 - \$999	\$1,000-\$9,999	\$10,000 - \$99,999	\$100,000-\$199,999	\$200,000 and above
Office Products	\$0 - \$999	\$1,000-\$9,999	\$10,000 - \$99,999	\$100,000-\$199,999	\$200,000 and above
Civil Engineering Consultancy Services	\$0 - \$4,999	\$5,000 - \$19,999	\$20,000 - \$99,999	\$100,000-\$199,999	\$200,000 and above



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Supply and Fitting of Tyres	\$0 - \$999	\$1,000 - \$4,999	\$5,000 - \$99,999	\$100,000-\$199,999	\$200,000 and above
Plumbing Services	\$0 - \$999	\$1,000-\$4,999	\$5,000 - \$99,999	\$100,000-\$199,999	\$200,000 and above
Electrical Services	\$0 - \$999	\$1,000 - \$4,999	\$5,000 - \$99,999	\$100,000-\$199,999	\$200,000 and above
Supply, Delivery and Lay Asphalt	\$0 - \$4,999	\$5,000 - \$29,999	\$30,000 or more		
Weed, Pest Control and Environmental Services	n/a	\$0 - \$29,999, two quotes must be sought	\$30,000 - \$99,999	\$100,000-\$199,999	\$200,000 and above
Kerb and Channel Works	\$0 - \$4,999	\$5,000 - \$19,999	\$20,000 - \$99,999	\$100,000-\$199,999	\$200,000 and above
Trees Services and Removal	\$0 - \$1,999	\$2,000 - \$9,999	\$10,000 - \$99,999	\$100,000-\$199,999	\$200,000 and above
Specialist Project Services	\$0 - \$4,999	\$5,000 - \$29,999	\$30,000 - \$99,999	\$100,000-\$199,999	\$200,000 and above
Trade Services	\$0 - \$4,999	\$5,000 - \$29,999	\$30,000 - \$99,999	\$100,000-\$199,999	\$200,000 and above

Note:

All Pricing is inclusive of GST

Documentation requirements remain the same as Table 1: General Procurement Thresholds.

Exemptions to these requirement must be in accordance with Appendix 4, and be forwarded to the Procurement Unit who will obtain Manager, General Manager and CEO approval before purchase is made.

Threshold values to be presented for review annually.

Further details of the applicable procedures and processes is available in the Council's Procurement Procedures.

## Appendix 2 Council – Performance KPIs

### *Performance Indicators*

*Central Goldfields Shire Council will improve its procurement performance by seeking to capture and analyse data on key performance indicators including:*

- *Extent of contracts delivered on time and on budget;*
- *Addendums issued;*
- *New Collaborative Procurement contracts;*
- *New preferred supplier (panel) contracts;*
- *The number of Local Businesses engaged and proportion of local spend;*
- *Value of savings and benefits achieved;*
- *Compliance with the Procurement Policy;*
- *Annual spend on sustainable (economic, environmental and social) goods and services;*
- *Annual Social engagement;*
- *Retrospective Purchase Orders;*
- *Conflict of Interest Declarations;*
- *CEO Exemption requests; and*
- *Contracts awarded between the RFT threshold and the CEO financial delegation*

*A report will be presented quarterly to the Executive Management Team, Audit & Risk Committee and the Council regarding procurement performance.*

**Appendix 3 Related Council Plans, Strategies and Policies**

- Council Plan 2021-2025
- Long Term Financial Plan 2021-2031
- Council's Annual Budget
- Councillor Code of Conduct
- Central Goldfields Climate Action Plan 2022-30
- Complaints Management Policy
- Fraud Prevention Policy
- Delegations
- Inclusive - Disability Action Plan
- Economic Development Strategy
- Gender Equality Strategy
- Gifts, Benefits & Hospitality for Council Staff Policy
- Gifts, Benefits & Hospitality for Councillors Policy
- Managing Conflicts of Interest for Council Staff Policy
- Managing Conflicts of Interest for Councillors & Council Committee Members Policy
- Occupational Health and Safety Manual
- Public Interest Disclosure Policy
- Staff Code of Conduct Policy
- Risk Management Policy

### Appendix 4 Exemptions from the Policy

The following circumstances may, with evidence and recording of decision making, allow an exemption from the general requirements for publicly advertised tender, quotations and expression of interest. These exemptions also apply to collaborative procurements and require the same approvals. Exemptions can only be granted by the CEO within the CEO’s financial delegation.

It is also noted that Council may apply to the Minister for an exemption to the requirement for public tender or compliance to the Procurement Policy, pursuant to *Local Government Act 2020* s 177.

Exemption	Explanation, limitations, responsibilities and approvals
<p>1. A contract or purchase made because of a genuine emergency</p>	<ul style="list-style-type: none"> <li>• Where the CEO has declared that an emergency exists, purchases may be made without the need to initially follow policy during the emergency. Situations covered by this include genuine concerns for public safety, security, building specific critical works, loss of essential services and, invoking an emergency response plan.</li> <li>• This exemption ceases where there is no further imminent threat or requirement to take immediate action to protect life or property.</li> <li>• This exemption must not be used for the procurement of extended goods, works or services.</li> </ul>
<p>2. A contract made with, or a purchase from a contract made by, another government entity, government-owned entity or other approved third party</p>	<ul style="list-style-type: none"> <li>• This general exemption allows engagements:                             <ul style="list-style-type: none"> <li>○ With another government entity or government owned entity. For example, Federal, State or Local Government or an entity owned by the Federal, State or Local Government; and/or</li> <li>○ In reliance on contracts and arrangements established by another government entity, local authority or local government group purchasing scheme, Municipal Association of Victoria (MAV) or National Procurement network members (e.g. Local Buy), Procurement Australia (PA). or LMPN</li> </ul> </li> </ul>
<p>3. Extension of contracts while Council is at market to replace that contract.</p>	<ul style="list-style-type: none"> <li>• Allows Council to extend an existing contract where the procurement process to replace the contract has commenced, and where the tender process or negotiations will take or are taking longer than expected.</li> <li>• This exemption may be used when the establishment of an interim short-term arrangement with an alternative supplier is considered not to be in the public interest, as it may be cost prohibitive and/or present a risk in the delivery of critical public services to the municipality.</li> </ul>

Exemption	Explanation, limitations, responsibilities and approvals
4. Novated Contracts	<ul style="list-style-type: none"> <li>Where the initial contract was entered into in compliance with <i>the Act</i> and due diligence has been undertaken in respect to the new party.</li> </ul>
5. Information technology resellers and software developers	<ul style="list-style-type: none"> <li>Allows Council to renew software licenses and maintenance and support, or upgrade existing systems, where there is only one supplier of the software who holds the intellectual property rights to the software.</li> <li>Decision making must be recorded and include the matters below: <ul style="list-style-type: none"> <li>the existing software must be fit for purpose:</li> <li>the availability of other software products and the costs and benefits of these compared with the current software; and</li> <li>whether value for money would be received under the proposed renewal or upgrade.</li> </ul> </li> <li>To reduce the need to consider the use of this exemption, tender specifications for all software licenses must include maintenance, support, upgrades and a reasonable contract term to ensure value for money.</li> </ul>
6. Regional Waste and Resource Recovery Groups	<ul style="list-style-type: none"> <li>Situations where a Regional Waste and Resource Recovery Group (or equivalent entity) constituted under the <i>Environment Protection Act 1970</i> had already conducted a public tender for and on behalf of its member councils.</li> </ul>
7. Statutory Compulsory Monopoly Insurance Schemes	<ul style="list-style-type: none"> <li>Motor vehicle compulsory third party</li> </ul>
8. Operating Leases	<ul style="list-style-type: none"> <li>Where a lessor leases an asset (generally a vehicle or plant and equipment) to the Council and assumes the residual value risk of the vehicle.</li> </ul>
9. Plant and Equipment Servicing	<ul style="list-style-type: none"> <li>Where it is required to maintain a valid warranty,</li> <li>Where works needs to be carried out by recognised suppliers using genuine parts. To achieve this Council utilises servicing by the manufacturers from whom the plant and equipment was originally purchased. Spare parts from specific manufacturers can be purchased to complete works on a plant and equipment in Council's workshop.</li> </ul>
10. Artworks, Statues and Monuments	<ul style="list-style-type: none"> <li>It is not practical to obtain quotes for artworks, statues and monuments as each piece of work is unique. Please note that if an artwork is commissioned to be created then this exemption does not apply and quotations or tenders must be sought.</li> </ul>
11. Shop Supplies	<ul style="list-style-type: none"> <li>Units of Council that operate a retail outlet that are required to purchase stock for resale to the public. This is due to the nature of the goods that are offered for resale, which may be of a unique nature.</li> </ul>

Exemption	Explanation, limitations, responsibilities and approvals
12. Performers	<ul style="list-style-type: none"> <li>Units of Council that engage performers as part of their performance program are exempt.</li> </ul>
13. Specialist sole supplier knowledge and skills	<ul style="list-style-type: none"> <li>if Council requires advice from a supplier who offers specialist knowledge which is not available from any other supplier. An exemption to complying with minimum number of quotes form must be completed for these purchases.</li> </ul>
14. Sole Supplier (Core Service)	<ul style="list-style-type: none"> <li>The Council deals with a number of core service sole suppliers. There is no market to test and obtain multiple quotations. Examples of core service sole suppliers are: Central Highlands Water, Coliban Water PowerCor, Professional membership payments (relating to positions held at Council), where the supplier is the sole source of intellectual property e.g. Facebook, Google, Advertising (newspapers)</li> </ul>
15. Contractor filling critical vacancy in workforce	<ul style="list-style-type: none"> <li>If a vacancy for a general manager position, manager position, coordinator position or position required by legislation has been advertised but has not been able to be filled, the vacancy may be filled by a contractor.</li> </ul>
16. Accommodation	<ul style="list-style-type: none"> <li>When providing short term emergency accommodation inline with Council's Emergency Management function, or</li> <li>For overnight/short term accommodation for Council staff when their approved work requires travel, or</li> <li>When Council is required to provide accommodation facilities to visiting representatives.</li> </ul>
17. Labour Hire	<ul style="list-style-type: none"> <li>The use of labour hire providers as defined in the Labour Hire Licensing Act 2018 (Vic) to fill short term or temporary additional labour requirements. This is separate to a contractor filling critical vacancy.</li> </ul>
18. Legal Services	<ul style="list-style-type: none"> <li>This does not extend to include debt recovery services</li> </ul>
19. Chief Executive Officer exemptions	<ul style="list-style-type: none"> <li>A member of Council staff may apply, in writing, for an exemption under this policy to the Chief Executive Officer.</li> <li>The Chief Executive Officer may consider an application and provide a written exemption under this policy, where it can be clearly demonstrated that a public procurement process will not be in the best interests of the organisation or community to do so, the Council staff member must be able to demonstrate in their application that clear and robust market testing as occurred.</li> <li>The Chief Executive Officer may also provide a written exemption under this policy where he or she is satisfied that:             <ul style="list-style-type: none"> <li>Exceptional circumstances exist; and</li> <li>It is in the public interest to depart from the procurement processes that would otherwise apply.</li> </ul> </li> <li>The Chief Executive Office must present to a Council meeting details of any contract or other agreement entered into as result of such exemption being provided.</li> </ul>

**Appendix 5 Evaluation Criteria**

<b>MANDATORY</b>	
Relevant Insurances	Pass/Fail
OH&S Requirements	Pass/Fail
Financial Viability	Pass/Fail (as required)
<b>FINANCIAL</b>	
Financial Benefit to Council <ul style="list-style-type: none"> <li>- Relative cost to Council</li> </ul>	Up to 45%
Financial Benefit to Community <ul style="list-style-type: none"> <li>- Business Ownership/Head Office</li> <li>- Business Branch/Office</li> <li>- Employment of Local Staff</li> <li>- Use of Local Sub-Contractors</li> <li>- Use of Local Materials</li> <li>- Local Accommodation for duration of works</li> <li>-</li> </ul>	Up to 20%
<b>OTHER</b>	
Capability <ul style="list-style-type: none"> <li>- Response to specification</li> <li>- Demonstrated experience.</li> <li>- Depth of technical skills and knowledge</li> <li>- Management and monitoring system</li> <li>- Quality Assurance System and accreditation</li> </ul>	Weighted criteria to be determined by Tender Evaluation Panel prior to quotation or tender being released.

<p>Capacity</p> <ul style="list-style-type: none"> <li>- Available access to required resources</li> <li>- Available access to required labour</li> <li>- Key Sub-contractors</li> <li>- Demonstrated system and processes for deploying resources</li> </ul>	<p>Weighted criteria to be determined by Tender Evaluation Panel prior to quotation or tender being released.</p>
<p>Environmental Sustainability</p> <ul style="list-style-type: none"> <li>- Environmental Management System, Policy etc</li> <li>- Level of Environmental Objectives, Actions and Specifications proposed under this contract</li> <li>- Demonstrated level of past Environmental Performance</li> </ul>	<p>Minimum 5%</p>
<p>Social Sustainability</p> <ul style="list-style-type: none"> <li>- Level of Social Employment Opportunities and Strategies</li> <li>- Social Enterprise Strategies, Purpose and Social Outcomes</li> </ul>	<p>Minimum 5%</p>
<p>Aboriginal and Torres Strait Islander People</p> <ul style="list-style-type: none"> <li>- Employment opportunities within Central Goldfields Shire</li> <li>- Business ownership and subcontractor engagement</li> <li>- Opportunities in the Loddon Mallee Region</li> </ul>	<p>Minimum 5%</p>



## 8.4 COUNCIL PLAN ACTION PLAN REPORT Q4

**Author:** Governance Officer

**Responsible Officer:** General Manager Corporate Performance

*The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.*

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### SUMMARY/PURPOSE

The purpose of this report is to provide Councillors with an update on the status of the projects identified in the 2022-23 Action Plan.

### RECOMMENDATION

That Council note as detailed in the report an update on the status of the projects identified in the 2022-23 Action Plan Q4.

### LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2021-2025 – Leading Change

The Community's 4. Good planning, governance, and service delivery vision

Under Section 90 of the *Local Government Act 2020* Council must prepare a Council Plan which includes: the strategic direction and objectives for achieving the strategic direction, strategies for achieving the objectives for at least the next four financial years, strategic indicators for monitoring the achievement of the objectives, a description of the Council's initiatives and priorities for services, infrastructure, and amenity.

### BACKGROUND INFORMATION

The 2022-23 Action Plan was developed to support the achievement of the strategic objectives identified in the Council Plan and to provide a reporting framework to measure progress against the Council Plan.

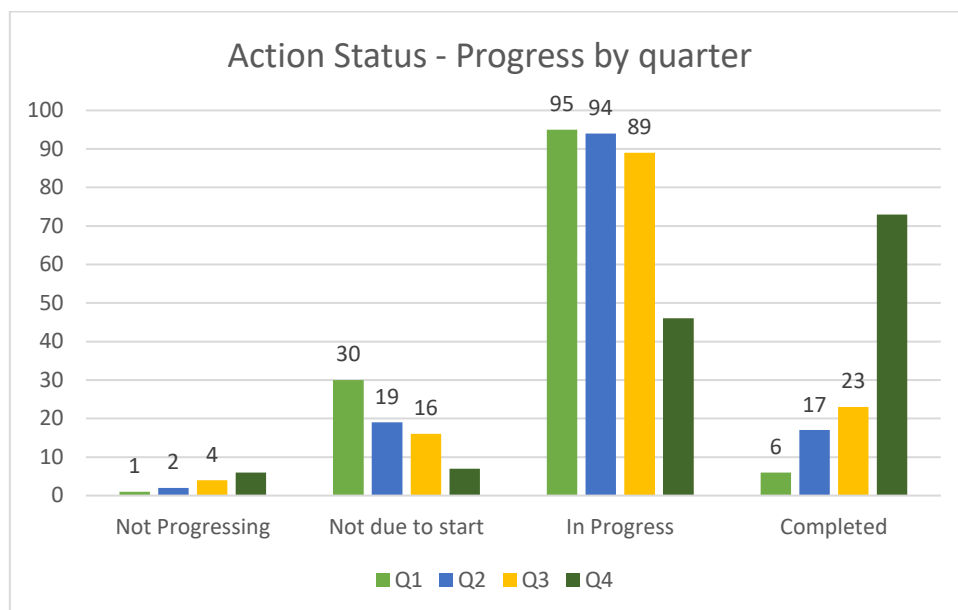
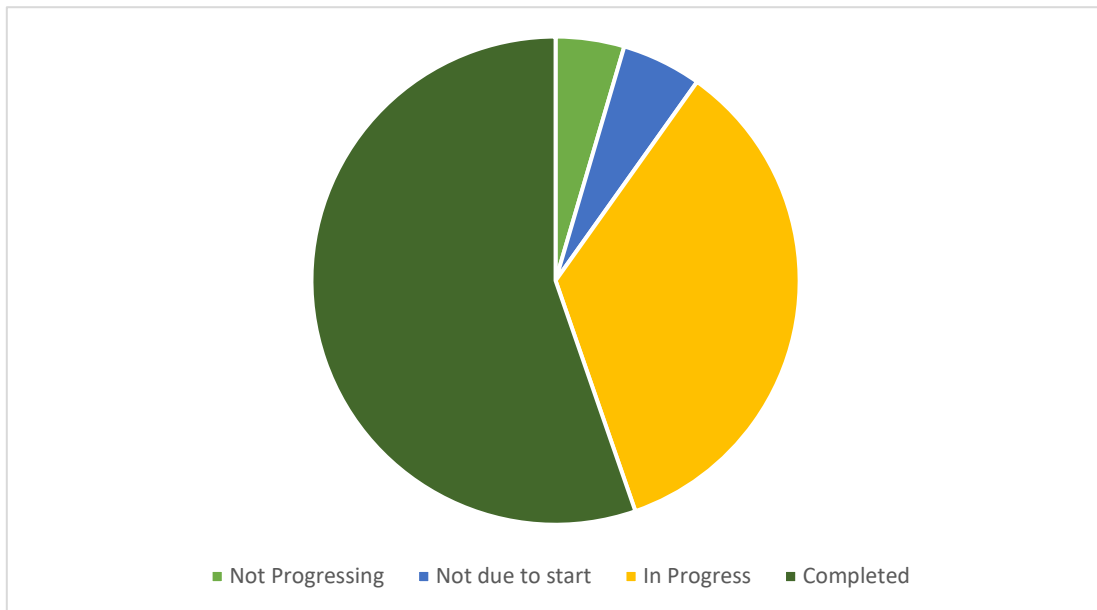
### REPORT

Progress continues against the initiatives and projects outlined in the 2022-23 Action Plan. There are 132 actions identified in the plan, with 17 relating to Council's focus on advocacy, 44 ongoing initiatives, and 71 new initiatives.

The chart below provides a summary of progress for the year to end of the forth quarter. It is important to note some items are across a number of years so carry through each year's action report.

Of note:

- Steady progress continues to the completion of items
- The number of completed items has increased significantly from 17% to 55%.
- An extra chart has been included to demonstrate progress in status across all quarters of the financial year.
- As circumstances change, items may change from “in progress” to “not progressing” and explanatory notes are provided in the attached report.
- Where a due date is not included, this is generally because it is an ongoing item without a fixed end point, or because it is subject to external funding.



## **CONSULTATION/COMMUNICATION**

Council has developed the Action Plan through consultation with the community during the development of the current Council Plan, through Listening Posts held quarterly across the Shire, and the development of the 2022-23 Budget.

## **FINANCIAL & RESOURCE IMPLICATIONS**

The current year's Budget was prepared in line with the initiatives identified in the Annual Plan subject to grants from State and Federal Government being received in some cases.

Pulse, the system used to report on the Annual Action Plan is provided for in existing budgets.

## **RISK MANAGEMENT**

This report addresses Council's strategic risk Governance - Failure to transparently govern and embrace good governance practices.

## **CONCLUSION**

The 2022-23 Action Plan outlines the projects and programs that were undertaken during the year to meet the objectives of the Council Plan. This report provides an update.








## **ATTACHMENTS**









- 8.4.1 2022-23 Action Plan Progress Report Quarter 4



8.4.1

**Quarterly Progress Report  
2022/2023, Q4**







## Our focus on advocacy

Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
1.1	Our Community and People	1.	Advocate for ongoing operational funding for the art gallery	Manager Tourism Events and Culture	Completed	100%	The draft Gallery Strategic Plan was placed on public display for community feedback and will support Council's advocacy efforts to attract external funding to contribute to the Gallery's programming and operations. In response to advice from Creative Victoria, at this stage the focus will be on attracting programming funding rather than ongoing operational funding due to current funding guidelines.		
1.1	Our Community and People	2.	Seek funding to plan the Bristol Hill Urban Bike Park	Manager Community Partnerships	Completed	100%			
1.1	Our Community and People	3.	Continue involvement in the Libraries Change Lives advocacy initiative	Manager Tourism Events and Culture	Completed	100%			
1.1	Our Community and People	4.	Advocate for ongoing investment and support for Go Goldfields	Chief Executive Officer	Completed	100%	Six months further funding confirmed by State Government for 2023/2024. Go Goldfields Leadership Table will work with State Government representatives to find a more sustainable funding model for 2024 and beyond.		
1.1	Our Community and People	5.	Apply for funding to support the delivery of the Gender Equity Action Plan	General Manager Community Wellbeing	Completed	100%	No further funding streams have been identified in 2022/23. MAV in their submission to the Gender Equality Act Amendments noted the large differences between rural, regional cities, interface and metro councils, and what is required for them to successfully meet the new proposed regulations, with small Councils feeling the impact of having no dedicated resource for implementation.		
1.2	Growing Economy	6.	Advocate for increased passenger rail services and ticketing to and from Maryborough on weekdays for residents and for weekend passenger services to Dunolly.	Manager Strategy and Economic Development	Completed	100%	Advocacy undertaken throughout the year wherever opportunities arose, as well as by direct initiative of Councillors & CEO.		
1.2	Growing Economy	7.	Advocate for Myki services at Maryborough Train Station	Manager Strategy and Economic Development	Completed	100%	Advocacy undertaken throughout the year wherever opportunities arose, as well as by direct initiative of Councillors & CEO. Potential results in next financial year with new statewide contract to replace Myki.		







Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
1.2	Growing Economy	8.	Advocate for funding for an Events Prospectus for Central Goldfields Shire (and events tiering model)	Manager Tourism Events and Culture	Completed	100%	No specific external funding opportunities are currently available to support the Events Prospectus. However preliminary work has commenced on Council's Events Strategy which will guide Council's support for events and will also help to inform further advocacy for an Events Prospectus.		
1.2	Growing Economy	9.	Support the establishment of events (such as the proposed music festival and the Dunolly Goldrush Festival) through letters of support, navigation of planning processes and advocacy at a regional tourism level	Manager Tourism Events and Culture	Completed	100%	Events officers have continued to support the establishment of events as well as the further development and sustainability of a wide range of established events through advice and support.		
1.2	Growing Economy	10.	Work with the new Victorian Skills Authority to develop programs for our Shire	Manager Strategy and Economic Development	Completed	100%	Completed via involvement of the Authority in the TILT program.		
1.2	Growing Economy	11.	In partnership with Telstra, develop innovative model for Regional Connectivity Program funding to enhance mobile coverage for Talbot	Manager Strategy and Economic Development	Completed	100%	Council advocacy completed; implementation sits with Telstra.		
1.3	Spaces & places	12.	Continue to raise awareness of the Priority Projects Plan and actively advocate for funding for major projects	Chief Executive Officer	Completed	100%	Confirmed funding has been received for a number of Priority Projects through State Election commitments. The Priority Projects Plan will be updated in the first quarter of 2023/24 to remove any funded projects and to add new projects identified.		
1.3	Spaces & places	13.	Support the World Heritage Bid for funding for heritage preservation and continue to advocate for Maryborough as the Goldfields and World Heritage Centre	Chief Executive Officer	Completed	100%	The World Heritage Bid has received further funding through the State Government 2023/24 Budget. Council officers have contributed to the development of the Central Victorian Goldfields Masterplan, a key milestone in preparation of a listing bid.		
1.3	Spaces & places	14.	Apply for funding to assist moving events into a low waste outcome	Manager Infrastructure	Completed	100%			
1.3	Spaces & places	15.	Investigate the Sustainability Victoria Organics Fund for opportunities to reduce	Manager Infrastructure	Completed	100%	The Council will apply for the Round 3 of the fund which has not been announced yet. Council has also applied for the Circular Economy Councils Fund for upgrading the Compost Facility (Stage		









Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
			contamination and increase the capacity of the Carisbrook facility				One - expansion of receival area, and Stage Two - addition of a second curing bay). Funding has not yet been announced.		
1.3	Spaces & places	16.	Work with the community and community groups to identify opportunities for collection points for the Container Deposit Scheme (CDS) and facilitate engagement with state government for sites within Central Goldfields Shire	Manager Infrastructure	In Progress	50%	VISY (CGSC's network operator) already met with Council and explained about the location choices for the collection points. It is unlikely that CGSC will have an automated vending machine at this point. Council will participate in Promotion Program when the Locations will be finalised.		
1.4	Leading change	17.	Advocate for, support and implement system change recommendations in the Go Goldfields 'Every Child, Every Chance' Change Plan	Manager Go Goldfields	Completed	100%	Produced Every Child, Every Chance Strategic Outcomes Map that brings together the key areas of focus, change and activity for the initiative.		










## Ongoing initiatives










Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
2.1	Our Community and People	89.	Undertake a feasibility study for alternative locations for the men's shed to allow it to expand and increase membership	Manager Community Partnerships	Completed	100%	Council has included this initiative in its advocacy program to State Government for development and re-use of buildings that would support community organisations such as The Men's Shed. Recommended to be removed from 23-24 action plan. Weill need to look at other suitable locations and Budget availability.		
2.1	Our Community and People	90.	Facilitate Healthy Heart of Victoria (HHV) activities locally	Manager Community Partnerships	Completed	100%	Second round Healthy Loddon Campaspe funding of \$100,000 was secured in June for 4 projects in Central Goldfields Shire. Work is now underway to plan each project's delivery across 2023/24.		
2.1	Our Community and People	91.	Continue to deliver and improve library services including: <ul style="list-style-type: none"> <li>■ An annual calendar of events for Maryborough Library including the Words in Winter program</li> <li>■ A home library service for people unable to visit the library due to living with a disability</li> </ul>	Manager Tourism Events and Culture	Completed	100%	Monthly visits for the home library service continue, including to nursing homes and individual homes. A busy program of events this quarter included participating in the annual National Simultaneous Storytime, a well attended author talk by popular writer Bill Swampy Marsh, Australian Reading Hour celebrated in April in Maryborough and Dunolly, and April and June school holiday programs which were very well attended at both Maryborough and Dunolly. Library staff received very positive feedback and acknowledgement from industry peers when they presented to the annual Public Libraries Victoria 2023 conference in Melbourne in May, sharing some of the innovative and successful programming approaches which they have developed in Central Goldfields.		
2.1	Our Community and People	92.	Coordinate the School Holiday program across the libraries, Art Gallery and Youth Services	Manager Community Engagement	Completed	100%	Another successful school holiday program was delivered in June by our library, art gallery and youth team.		
2.1	Our Community and People	93.	Develop an Implementation Plan for the Disability Action Plan	Manager Community Services	Not Progressing	10%	This action will need to be reviewed as a part of the aged care service review process currently underway.	31/03/2023	
2.1	Our Community and People	94.	Facilitate and support the LGBTIQ+ Youth Group	Manager Community Partnerships	Completed	100%	Youth officers are liaising with LGBTIQ+ Youth Group, Youth Council and other relevant groups to determine best ways to provide support, including addressing the identified need for a gathering/meeting space. Council has also		









Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
							received funding through the VicHealth Local Government Project to support this consultation work.		
2.1	Our Community and People	95.	Host the annual Community Arts Exhibition as part of the Central Goldfields Art Gallery exhibition program	Manager Tourism Events and Culture	Completed	100%		30/06/2023	
2.1	Our Community and People	96.	Continue to implement the Children and Young People First program funded through the VicHealth Local Government Partnership	Manager Community Partnerships	Completed	100%	The Program Action Plan (25 agreed actions across the 12 identified impact streams) has continued its implementation across the period, with oversight and monitoring of progress provided by Program Officer. Additional funding has also been secured for 3 new projects - 'This Girl Can' program implementation, healthy food/drink initiative and strengthening local playgroup participation.		
2.1	Our Community and People	97.	Continue to partner with Mt Alexander Shire Council to influence the Aged Care Reform Review	Manager Community Services	In Progress	90%	Consultant, Paxon Group, have completed the services review and provided a final report and recommendation on the aged care services for Central Goldfields Shire. The recommendation will be taken to council in August 2023 for a decision to be determined regarding the future of the aged care service delivery by council.		
2.1	Our Community and People	98.	Participate in the Go Goldfields Leadership Table with State Government and service providers	Chief Executive Officer	Completed	100%	The Go Goldfields Leadership Table has met throughout the year in accordance with its Terms of Reference, completing work on strategic direction, outcomes measurement and funding advocacy.		
2.1	Our Community and People	99.	Develop and implement Child Safe Standards	General Manager Community Wellbeing	In Progress	95%	Documentation being reviewed by Manager People & Culture prior to final endorsement.	30/09/2022	
2.1	Our Community and People	100.	Strengthen emergency management in Central Goldfields Shire through training opportunities and community education	Manager Community Partnerships	In Progress	60%	Council successfully applied through the Flood Recovery Fund to employ a part time Community Recovery Officer. The recruitment process was conducted in April, with the successful candidate starting in May. The role will support recovery through training and education opportunities for the community and council staff, which are currently being formulated into a plan prior to presentation to Councillors.	31/03/2023	

Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
2.1	Our Community and People	101.	Support parents and carers of young children through a range of programs including the healthy and supported pregnancies priority action group	Manager Go Goldfields	Completed	100%	Go Goldfields launched Goldfields Babes a weekly drop in session at The Nest dedicated to local expectant parents. We continue to work closely with Maryborough District Health Service, Maternal and Child Health and the Peri Nation Emotional health Unit at Bendigo Health.		
2.1	Our Community and People	102.	Support delivery of MASH solar and battery information sessions & promotion of community bulk buy opportunity	Manager Strategy and Economic Development	Not Progressing	0%	Program not being rolled out by external supplier. Action will no longer be delivered.	30/06/2023	
2.1	Our Community and People	103.	Continue to host an annual volunteer thank you event during National Volunteer Week	Manager Tourism Events and Culture	Completed	100%	The event was delivered in partnership with Maryborough Volunteer Resource Centre. It was very successful with over 90 volunteers in attendance and featured a forum of representatives from local community groups sharing their learnings about attraction and retention of volunteers.		
2.1	Our Community and People	104.	Support the Maryborough Volunteer Resource Centre to strengthen volunteering within the municipality	Manager Tourism Events and Culture	In Progress	80%	Council is conducting a survey of local residents to help clarify factors informing current volunteer challenges and opportunities. Council will work with MVRC to facilitate a workshop prior to partnering on the development of a new Volunteer Strategy in 2024.	30/06/2023	
2.1	Our Community and People	105.	Finalise the Reflect Reconciliation Action Plan	Manager Community Partnerships	In Progress	75%	The revised draft Reconciliation Action Plan is in the process with Reconciliation Australia for approval, before presentation to Council for formal adoption.	31/12/2022	
2.2	Growing Economy	106.	Complete the Framework Plan for Maryborough North, Flagstaff and Carisbrook	Manager Strategy and Economic Development	In Progress	60%	Community and stakeholder engagement delayed due to staff capacity constraints and the need to get it right rather than rush the process. To be progressed in Q1 2023-24.	30/06/2023	
2.2	Growing Economy	107.	Participate in the development of the Loddon Mallee Housing Revitalisation Strategy and implement identified actions	General Manager Community Wellbeing	Completed	100%	Macedon Ranges Shire Council have agreed to host the funded housing officer position to oversee the implementation of the Plan.	30/06/2023	
2.2	Growing Economy	108.	Participate in Central Victorian Greenhouse Alliance Community Sparks project to investigate feasibility of a community battery site in the Shire	Manager Strategy and Economic Development	Completed	100%	Completed Q3	30/06/2023	











Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
2.2	Growing Economy	109.	Continued participation in the regional Connecting Victoria Program and Bendigo Loddon Campaspe Region 100 Gig Project	Manager Strategy and Economic Development	Completed	100%	Completed Q3		
2.2	Growing Economy	110.	Support the growth of digital capability in the Shire through the Digital Connection for Seniors Program and digital devices for loan	Manager Community Services	Completed	100%	Continue to support the library services in the delivery of the digital literacy program and device loan service through service delivery and newsletters to clients of aged care services.		
2.2	Growing Economy	111.	Investigate other digital literacy programs that are government funded	Manager Community Services	Completed	100%	Library services have received funding for digital literacy programs, Community care to work collaboratively with the library to promote the program through services and newsletters.	31/03/2023	
2.2	Growing Economy	112.	Planning and renewal of toilets in Rene Fox Gardens Dunolly	Manager Project Management Office	In Progress	20%	The permit application process is underway with Heritage Victoria. Officers are working closely with Heritage Victoria to find solutions to adequately upgrade the project area with materials which are fit-for-purpose, and preserve heritage at the same time.	30/06/2023	
2.2	Growing Economy	113.	Replace Talbot Town Hall toilets	Manager Infrastructure	In Progress	90%	Slab works and Septic installation have already been completed. Frame Works and Fixing Works are going on. The project will be completed in August 2023.	31/12/2022	
2.3	Spaces & places	114.	Review and update the Road Management Plan	Manager Infrastructure	In Progress	75%	The Road Management Plan is being reviewed and will be presented for Council consideration in Q1 23/24	31/12/2022	
2.3	Spaces & places	115.	Undertake key road renewal projects (Porter Avenue, Primrose Street and Cotswold Road)	Manager Infrastructure	In Progress	60%	Cotswolds Road - 100% completion, Porter Avenue - 50% completion and Primrose Street - 50% completion. This project will be completed in August 2023.	30/06/2023	
2.3	Spaces & places	116.	Continue to upgrade Philips Gardens through the design and installation of an Irrigation Plan	Manager Operations	Completed	100%		31/12/2022	
2.3	Spaces & places	117.	Implement Shire wide footpath upgrade program with a focus on age friendliness and safety for people who use motorised mobility devices	Manager Infrastructure	Completed	100%	All the three new Footpaths have been Constructed.	30/06/2023	









Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
2.3	Spaces & places	118.	Construct the Maryborough Skate and Scooter Park	Manager Community Partnerships	Completed	100%		31/03/2023	
2.3	Spaces & places	119.	Complete the construction of Carisbrook Recreation Reserve upgrade project	Manager Community Partnerships	Completed	100%	Both buildings have been completed and released to the user groups' management. An event to celebrate the launch of the facilities is scheduled for Saturday, August 5th.	31/03/2023	
2.3	Spaces & places	120.	Implement major upgrades to the Maryborough Heritage Outdoor Pool Complex	Manager Community Partnerships	In Progress	30%	Tender for works to upgrade the octagonal pool and provide minor upgrades to the plant room and the main entrance building at the Maryborough Outdoor Pool complex was awarded in May. Funding application to source contribution funds to restore the 50m Olympic Pool has been submitted to Federal Government Growing Regions Program.	31/03/2023	
2.3	Spaces & places	121.	Complete Review of Heritage Overlay in Central Maryborough	Manager Strategy and Economic Development	In Progress	80%	Stage 1 work completed and Stage 2 work well underway. To be completed 2023-24.	31/03/2023	
2.4	Leading change	122.	Continue to involve the community in Council's decision making through high quality communications and engagement (including the Engaging Central Goldfields website)	Manager Community Engagement	Completed	100%	There were a number of engagement opportunities throughout the year across a broad range of service areas and projects. The Engaging Central Goldfields webpage provides information on current and past engagement activities.		
2.4	Leading change	123.	Redesign Council's website including enhancing the content and accessibility of the platform	Manager Community Engagement	In Progress	15%	Work on this project has now commenced but will be completed in the 2023/24 financial year.	31/12/2022	
2.4	Leading change	124.	Review Council's e-bulletins to ensure all people and groups are reached with current news and opportunities	Manager Community Engagement	Not Progressing	0%	This project will be delivered in the 2023/24 year	31/12/2022	
2.4	Leading change	125.	Develop a Community Township Plan for Daisy Hill	Manager Community Engagement	In Progress	60%	Community workshop was held in November 2022. A campaign to invite other residents to share their thoughts and ideas commenced in June 2023 through the launch of a survey and an invitation to attend a workshop in September 2023.		
2.4	Leading change	126.	Complete a review of Community Asset Committees and create a	Manager Governance	In Progress	25%	Work continues within the Property Management Project (funded and under way) to address		

Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
			consistent and equitable approach for the management of buildings	Property and Risk			Council's property portfolio in regard to leases, licenses and user agreements. The Project is expected to be delivered over the next eighteen months, with the development of instruments of delegation for Talbot Community Homes, Tullaroop Leisure Centre and Carisbrook Town Hall the highest priority. Expressions of Interest for Talbot Community Homes Members has been advertised, while Tullaroop Leisure Centre has closed expressions of interest with selection under way.		
2.4	Leading change	127.	Continue to support the community through Council's annual Community Grant Program and review and improve the process for allocating community grants	Manager Community Partnerships	Completed	100%	The revised Community Support Policy was adopted by Council in May. The 2023 Community Grants program was open for applications across July, with 42 applications being received. Assessment process is currently in progress, before successful applicants are announced in September.		
2.4	Leading change	128.	Review 10-year financial plan based on information from the service plans, in consultation with community (following competition of the 2021/2022 financial statements) and, evaluate Council's borrowing requirements and develop a Borrowings Strategy	Manager Finance	In Progress	40%	Completed service plans will contribute to a rolling LTFP Whilst a borrowings strategy has not been drafted, debt ratios are used to assess appropriateness of borrowings. The FY24 budget will also form part of the 10 year plan with flood recovery one of the major influences. Borrowings evaluation has been undertaken as part of the assessment for the growing regions fund but not put into a formal borrowings strategy. To be implemented in Q2/Q3 2023/24.	31/03/2023	
2.4	Leading change	129.	Improve the financial reporting to Council through improved cash flow forecasting	Manager Finance	Completed	100%	An cash flow forecasting tool has been implemented and is managed on a weekly basis. Cash flow reporting is provided to Council quarterly	31/12/2022	
2.4	Leading change	130.	Review, improve and deliver on Council's reporting framework including the Annual Action Plan, Annual Report and LGPRF	Manager Community Engagement	Completed	100%	Format for annual action plan was revised for 2022/23 making clearer connections between the Council Plan objectives and actions being delivered. The Annual Report was reviewed for compliance with the Local Government Act. Planning for the 2022/23 Annual Report has commenced.	30/09/2022	










Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
2.4	Leading change	131.	Review and update the Councillor Code of Conduct and Transparency Policy	Manager Governance Property and Risk	Not Due To Start	0%	Not due to start	30/06/2023	
2.4	Leading change	132.	Report on Community Township Plan progress to the community through the Engaging Central Goldfields website and Councillor updates in the Community Update newsletter	Manager Community Engagement	Completed	100%	Workshop was held with community members from each of the townships. A report was presented to Council at the June Council Meeting on progress to date and next steps.		









## New initiatives






Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
3.1	Our Community and People	18.	Celebrate the 30th anniversary of Energy Breakthrough	Manager Tourism Events and Culture	Completed	100%		31/12/2022	
3.1	Our Community and People	19.	Support the community to establish a Pride Festival	Manager Tourism Events and Culture	Completed	100%		30/06/2023	
3.1	Our Community and People	20.	Support the Inaugural Goldfields Community Festival	Manager Tourism Events and Culture	Completed	100%		31/12/2022	
3.1	Our Community and People	21.	Purchase equipment to provide an inclusive play space at Goldfields Family Centre	Manager Community Services	Completed	100%	Funding fully received and expended. Acquittal completed.	31/12/2022	
3.1	Our Community and People	22.	Support the implementation of the Empowering Parents, Empowering Communities program	Manager Go Goldfields	Completed	100%	Being a Parent courses for parents of children aged between 2 and 12 have run each term in 2022/23 from the Nest. Over 16 local parents have participated in the 8 week course.		
3.1	Our Community and People	23.	Working closely with local leaders to facilitate the Welcome to Central Goldfields project	Manager Community Engagement	Completed	100%	Evaluation report completed and presented to the June Council Meeting for noting.		
3.1	Our Community and People	24.	Launch and activate the Art Gallery through a Dean Bowen sculpture exhibition and including a pop up gallery and educational workshop spaces	Manager Tourism Events and Culture	Completed	100%		31/12/2022	
3.1	Our Community and People	25.	Deliver the VicHealth module for Supporting Everyday Creativity by improving opportunities for young people to lead creative programs	Manager Community Partnerships	Completed	100%			
3.1	Our Community and People	26.	Develop the Municipal Early Years Municipal Plan	Manager Community Services	Not Due To Start	0%	Action will not commence until mid 2024.	30/06/2023	
3.1	Our Community and People	27.	Develop and Early Years Infrastructure Masterplan in line with Building Blocks Infrastructure Grant	Manager Community Services	In Progress	95%	Public realm lab have completed the final report. Report is being prepared to be presented to council for adoption in August/September 2023.	30/06/2023	






Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
3.1	Our Community and People	28.	Establish and promote an outreach service for outlying communities within Central Goldfields Shire for Maternal and Child Health and Immunisation services	Manager Community Services	Completed	100%	The GOLD van has been fully utilized with outreach services and community events being attended by both Maternal child health and immunisation services.	31/03/2023	
3.1	Our Community and People	29.	Support the implementation of a whole of Shire Transition Plan (co-ordinated transition into Kinder and School)	Manager Go Goldfields	Completed	100%	Completed	31/03/2023	
3.1	Our Community and People	30.	Promote the drop in space for parents at the Maternal and Child Health space at Goldfields Family Centre	Manager Community Services	Completed	100%	Work will be ongoing to ensure the promotion of the Maternal and Child health space as a drop in space for families alongside the promotion of The nest.	30/09/2022	
3.1	Our Community and People	31.	Re-launch 'The Nest' incorporating parent drop-in sessions and programming at Go Goldfields HQ	Manager Go Goldfields	Completed	100%	Completed	30/09/2022	
3.1	Our Community and People	32.	Support family friendly facilities in the specification for the refurbishment of the main Council office (including the public areas)	Manager Project Management Office	In Progress	10%	First project control group meeting (PCG) was held in June with the PCG endorsing the final Project Management Plan and overall project approach. Procurement documentation for the engagement and design consultants are being finalised.		
3.1	Our Community and People	33.	Establish and provide support to a Youth Council	Manager Community Partnerships	Completed	100%	Youth Council continue to meet monthly to plan and deliver the actions in their priorities plan. Current actions include initiatives to support better transport connections in Central Goldfields and delivery of climate conversations to support delivery of the Climate Action Plan.	30/09/2022	
3.1	Our Community and People	34.	Prepare a Wastewater Management Plan to address existing and future domestic wastewater issues within unsewered townships	Manager Statutory Services	In Progress	90%	Community consultation has occurred on draft plan. Council consideration of feedback received will occur in Q1 23/24.	31/12/2022	
3.1	Our Community and People	35.	Implement the Municipal Public Health and Wellbeing Plan 2021-2025: ■ Establish the Health and Wellbeing Partnership and governance structure/framework	Manager Community Partnerships	In Progress	25%	Action to be carried over to 2023/24 Annual Plan to develop a framework for the many projects and initiatives occurring that relate to the implementation of the Health and Wellbeing Plan.	30/06/2023	



















Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
			■ Develop year 1 Annual Action Plan						
3.1	Our Community and People	36.	Implement the Central Goldfields Youth Live4Life suicide prevention and mental wellness program	Manager Community Partnerships	In Progress	75%	Live4Life project officer commenced in May and completed instructor training in June. Mental Health First Aid training program run for school staff in June. Training of Year 8 students at Highview to commence in August.	30/06/2023	
3.1	Our Community and People	37.	Provide leadership for the implementation of the Gender Equity Action Plan	General Manager Community Wellbeing	In Progress	50%	Women's Health Loddon Mallee have been working with the Gender Equality committee to provide appropriate training and review select policies from a gender impact assessment lens.	30/06/2023	
3.1	Our Community and People	38.	Support the Castlemaine - Maryborough Rail Trail feasibility study	General Manager Community Wellbeing	Completed	100%	The completed feasibility study will be presented to Councillors in August by project consultants and the Castlemaine Maryborough Rail Trail committee.	30/06/2023	
3.1	Our Community and People	39.	Commence the Local Laws Review	Manager Statutory Services	In Progress	20%	The review is under way. External consultation to commence in September 2023.	31/12/2022	
3.1	Our Community and People	40.	Implement the Enforcement Strategy	Manager Statutory Services	Completed	100%	Enforcement approach for parking compliance has been developed and will be implemented from Q1 23/24. Broader improvements and extension of this service will be considered in future budget cycles.	31/12/2022	
3.1	Our Community and People	41.	Complete and implement the Maryborough Flood Study	Manager Infrastructure	In Progress	90%	The draft Flood Study Report that has been led by NCCMA will be considered by Council in Q1 23/24.	30/09/2022	
3.1	Our Community and People	42.	Implement the Carisbrook Flood and Drainage Management Plan, specifically the fourth and final phase	Manager Infrastructure	Completed	100%	The construction works for Carisbrook Levee (4th Stage) have been completed in May 2023.	31/03/2023	
3.1	Our Community and People	43.	Undertake Shire-wide Flood Study in partnership with NCCMA	Manager Infrastructure	In Progress	10%	NCCMA has already completed the survey, but the tendering process has been delayed due to flood. The Project will be completed in June 2024.	30/06/2023	
3.1	Our Community and People	44.	Complete Social and Affordable Housing Needs Analysis	General Manager Community Wellbeing	In Progress	25%	Needs analysis to be undertaken in FY23/24	31/03/2023	







Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
3.1	Our Community and People	45.	Establish the Central Goldfields Climate Action Partnership	Manager Community Engagement	Completed	100%	The Central Goldfields Climate Action Partnership Approach was adopted by Council at the June Council Meeting.		
3.1	Our Community and People	46.	Review and simplify Council's volunteer recruitment processes	Manager Tourism Events and Culture	In Progress	80%	Council's revised volunteer recruitment process is currently being tested across the organisation prior to finalisation	30/06/2023	
3.1	Our Community and People	47.	Build phase 1-3 of the Indigenous Interpretive Garden at the Art Gallery	Manager Tourism Events and Culture	In Progress	40%	Detailed project planning is proceeding well in partnership with Djandak. Artists briefs for commissioned public art elements within the garden, have been drafted and will be further refined following a wataka cultural advisory meeting with Dja Dja Wurrung representatives in July.	31/12/2022	
3.1	Our Community and People	48.	Support and participate in the annual NAIDOC week and Reconciliation week events	Manager Community Engagement	Completed	100%	Council partnered with MEC and other community organisations in delivering another successful NAIDOC week celebration.		
3.1	Our Community and People	49.	Research best practice and principles that support partnerships with First Nations stakeholders and organisations	Manager Community Engagement	Not Due To Start	0%	Not due to start		
3.1	Our Community and People	50.	Work collaboratively with Bendigo District Aboriginal Corporation to support Aboriginal parents and carers	Manager Go Goldfields	Completed	100%	Go Goldfields has established a strong relationship with BDAC to support our First Nations parents. This work is ongoing.		
3.1	Our Community and People	51.	Complete Planning Scheme Amendment to implement key recommendations of the Population, Housing and Residential Settlement Strategy	Manager Strategy and Economic Development	Completed	100%	Amendment lodged with Minister for Planning for approval - awaiting outcome. Council role complete.	31/03/2023	
3.1	Our Community and People	52.	Installation of digital infrastructure and an interpretive experience at the Visitor Information Centre	Manager Tourism Events and Culture	In Progress	70%	The interactive unit for the "Worth its Weight in Gold" experience has been installed at the Visitor Centre. There have been some delays with delivery of specialised infrastructure required for the Welcome Stranger digital animation which will be a key interpretive experience. Delivery and installation of final components is anticipated in Q1 of 2023/2024 with the revitalised Centre expected to open in October	31/03/2022	




Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
3.1	Our Community and People	53.	Develop partnership with Committee for Maryborough and key shire employers to identify issues and opportunities for both existing and future labour force and seeking funding options	Manager Strategy and Economic Development	Completed	100%	TILT program progressing rapidly with strong participation by key employers, schools and tertiary providers.		
3.2	Growing Economy	54.	Review our planning processes, policy and delegations to improve efficiency	Manager Statutory Services	Completed	100%	Current delegations to be reviewed to ensure new staff are included on commencement of Coordinator Statutory Planning and Manager Statutory Services	30/09/2022	
3.2	Growing Economy	55.	Feature the story of gold and the journey to world heritage listing as part of the Maryborough Railway Station Activation Project	Manager Tourism Events and Culture	In Progress	70%	There have been some delays with finalising interpretive content for the information display panels and as part of the Welcome Stranger digital animation to be shown in the theatre at the newly revitalised Visitor Centre. These have been mostly resolved and are expected to be fully signed off by project partners in July.	31/03/2023	
3.2	Growing Economy	56.	Upgrade Princes Park Precinct to improve the Energy Breakthrough visitor experience	Manager Tourism Events and Culture	Completed	100%		31/12/2022	
3.2	Growing Economy	57.	Support RV friendly town status for Dunolly	Manager Tourism Events and Culture	Not Progressing	20%	Council is in support of Dunolly becoming a RV friendly town in principle. A condition of RV friendly status is that there is a free camping ground available. Deledio Recreation Reserve was proposed as a being potentially suitable for this purpose. Council received notification from DELWP in September 2022 that the Dunolly Recreation Reserves Committee of Management Incorporated, who are appointed under the Crown Land Reserve Act 1978 to manage the Deledio Recreation Reserve on DELWP's behalf, resolved not to move forward with the proposal to list the reserve as a free camping area. The committee considered the proposal closely but identified several major risks by listing the area as a free camping site that they are not able to mitigate. One of these risks included the safety of children in the vicinity of the camp area. Further consideration of progressing the status is not a current priority for Council		

Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
3.2	Growing Economy	58.	Develop an Implementation Plan for the Maryborough Retail Recovery Program	Manager Strategy and Economic Development	Completed	100%	Completed Q3		
3.2	Growing Economy	59.	Partner with CVGA to support small business investment in low emissions equipment through Sustainability Victoria's Small Business Energy Saver Program	Manager Strategy and Economic Development	Completed	100%	Completed Q3.		
3.2	Growing Economy	60.	Work with local Business Associations to facilitate e-learning training opportunities for small business	Manager Strategy and Economic Development	Completed	100%	Completed Q3.	30/06/2023	
3.2	Growing Economy	61.	Initiate partnerships between Central Goldfields Art Gallery and local businesses	Manager Strategy and Economic Development	Completed	100%	Initial work occurred as construction of the new art gallery was underway. As the new art gallery strategy has been developed key actions form this will be taken up to ensure connection with the space is maintained.	31/12/2022	
3.2	Growing Economy	62.	Work with partners on innovative activities to attract and retain early childhood teachers and educators in the Shire	Manager Go Goldfields	In Progress	70%	<p>As part of the Every Child, Every Chance initiative, Go Goldfields has worked to support educators and early years teachers in Central Goldfields through the Valued Early Years Education and Care priority area. Activities have included:</p> <p>Coordinating Early Years Professional Forums and opportunities for collaboration on professional development opportunities.</p> <p>Establishing a local Early Years Education Study Group to support the many educators studying higher early years education qualifications online. This group aims to attract new and existing people in the industry to provide a support with studies and practical experience. This will launch later in 2023.</p> <p>Building a network of the Early Childhood teachers (ECTs) working in the Central Goldfields to increase support network - particularly for new teachers - and share best practice locally.</p>	31/03/2023	


Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
3.2	Growing Economy	63.	Complete and activate the extended co-working space and artist workshop components of the Maryborough Railway Station Activation Project	Manager Strategy and Economic Development	In Progress	95%	Building project almost complete. Activation to be undertaken in 2023-24 once the new space is opened.	30/06/2023	
3.2	Growing Economy	64.	Develop a Play Spaces Strategy	Manager Community Partnerships	In Progress	30%	First Project Control Group meeting held in July. Research and desktop analysis phases complete and preparation for consultation phase underway.	30/06/2023	
3.2	Growing Economy	65.	Commence implementation of the Maryborough Major Reserves Masterplans including completion of all the capital works projects and undertake a review of the rental payments	Manager Community Partnerships	In Progress	25%	Project scoping is in progress for several MasterPlan projects, with a key initial step being the managed introduction of the Maryborough Giants Club and identification of required facilities. The review of Council leases and licenses, which will include reviewing rental payments, is at procurement stage.	30/06/2023	
3.2	Growing Economy	66.	Scope potential locations for bike self service stations in the Shire including bike parking in Maryborough	Manager Community Partnerships	Not Due To Start	0%	Not due to start		
3.3	Spaces & places	67.	Reduce obstructions on footpaths by developing a Safe Street Policy and program of works	Manager Statutory Services	Not Due To Start	0%	To be delivered in 23/24	30/06/2023	
3.3	Spaces & places	68.	Review the amount of quality seating along highly pedestrianised routes including parks, public transport stops, walkways and areas near main streets to ensure they provide protection from the sun and inclement weather and enable ageing residents to make best use of the Shire's facilities	Manager Infrastructure	Completed	100%		30/06/2023	
3.3	Spaces & places	69.	Review installation priorities from pedestrian crossings with a focus on busy neighbourhood centres and meeting places	Manager Infrastructure	Not Due To Start	0%	This project will be started in 2024/25 Financial Year.	30/06/2023	
3.3	Spaces & places	70.	Implement priority works and a revised procedures and maintenance regime at the Maryborough Aerodrome	Manager Infrastructure	In Progress	35%	RFQ for backup power supply underway. Business Plan has been endorsed and priority actions no being programs for delivery.	30/06/2023	

Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
3.3	Spaces & places	71.	Develop a business case for long term management of the Maryborough Aerodrome	Manager Strategy and Economic Development	Completed	100%	Business case completed; scheduled for consideration by Council at July 2023 meeting.	31/03/2023	
3.3	Spaces & places	72.	Update the Nolan Street Customer Service Centre and Offices to provide accessible and COVID Safe facilities	Manager Project Management Office	In Progress	10%	First project control group meeting (PCG) was held in June with the PCG endorsing the final Project Management Plan and overall project approach. Procurement documentation for the engagement and design consultants are being finalised. Minor upgrades to the customer service centre were completed in May.		
3.3	Spaces & places	73.	Install a drinking fountain in Bealiba	Manager Infrastructure	Completed	100%			
3.3	Spaces & places	74.	Upgrade the electrical system in the Maryborough Town Hall	Manager Project Management Office	In Progress	45%	The revised procurement strategy is live, and is expected to be finalised by September through the successful appointment of a contractor to carry out the electrical works and audio visual upgrades to the town hall. Officers are undertaking other reviews of the building to develop an appropriate strategy to address short, medium and long term opportunities to renew the asset.		
3.3	Spaces & places	75.	Implement building structural upgrade works to Worsley Cottage, Maryborough	Manager Infrastructure	In Progress	95%	Underpinning works have been completed already. Rendering works have been started. Timber Floor needs to be replaced which could increase the project cost a little. The construction will be completed in July 2023.	30/06/2023	
3.3	Spaces & places	76.	Identify and review the opportunity for glass bins located throughout the Shire	Manager Infrastructure	Not Due To Start	0%	This will be done as part of the Service Options discussions after the tendering process of Waste Collection. It will consider the introduction of the Container Deposit Scheme which has been announced as 1st of November 2022.	30/06/2023	
3.3	Spaces & places	77.	Identify opportunities for glass and other recycled products to be utilised in products such as concrete and asphalt by trialling and demonstrating products through grants	Manager Infrastructure	Completed	100%	Practical Completion has been achieved; final report will be commenced soon.	30/06/2023	
3.3	Spaces & places	78.	Connect to other Councils in the Loddon and Grampians region through future forums (and	Manager Infrastructure	In Progress	60%	Sustainable Victoria informs that there are no plans to have forums outside of the state-wide kerbside reform as led by DECA. CGSC has		

Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
			informally) and encourage field days at facilities to exchange practical information				taken part in the first stage of a regional procurement process with City of Ballarat (1st and 2nd stages are non-committal financially). This project is to identify opportunities for regional reprocessing of materials by telling the market the volumes and types of products available to determine any interest. Council is participating in the 2nd stage of the City of Ballarat Circular Economy Project.		
3.3	Spaces & places	79.	Waterway Management Plan for Carisbrook Governance Committee	Manager Community Engagement	Not Progressing	0%	Consideration to be given on progressing this work in developing the 2023/24 annual action plan.		
3.3	Spaces & places	80.	Promote design intent of Indigenous Interpretive Garden including the rock wells and fire practices	Manager Tourism Events and Culture	In Progress	30%	Further communications and updates on the design intent have been delivered this quarter. The promotions will intensify as the project commences construction ahead of expected delivery date of April 2024	31/03/2023	
3.3	Spaces & places	81.	Investigate options to track emissions data, including group procurement of emissions data management system in collaboration with other CVGA Councils	Manager Strategy and Economic Development	Completed	100%	Completed Q3 and now being utilised.	30/09/2022	
3.4	Leading change	82.	Implement the new payroll system for Council to ensure efficiency and compliance with legislative requirements	Manager People and Culture	Completed	100%		31/12/2022	
3.4	Leading change	83.	Investigate and implement a customer request management (CRM) tool in collaboration with Pyrenees Shire Council utilising the Rural Council Transformation Program funding to assist in the management and monitoring of customer interactions and complaint handling	General Manager Corporate Performance	In Progress	10%	Tender process did not result in the awarding of a contract for project resources. Discussions with the PCG has identified the need to look at other RCTP projects for opportunities to procure resources and expertise.	30/06/2023	
3.4	Leading change	84.	Implement the key actions identified in the Workforce Plan	Manager People and Culture	In Progress	90%	All policies identified in the Workforce Plan, have been developed and work continues on strengthening CGSC's OHS policy platform. Actions in CGSC's Gender Equity Plan are progressing including undertaking Gender Impact Assessments (a legislative requirement)	30/06/2023	

Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
							<p>and building the Committee's capability in this practice.</p> <p>CGSC participated in the People Matter Survey - Gender Equality in June 2023 and achieved a 47% response rate - greater than the State average of 32%.</p> <p>CGSC's Reconciliation Action Plan - RESPECT - is with Reconciliation Australia awaiting feedback prior to progressing.</p> <p>Work has begun on:</p> <ul style="list-style-type: none"> <li>* Developing CGSC's comprehensive Induction Program with an expected pilot to be delivered in the second quarter of the 23/24 period.</li> <li>* Implementing a new human resource information system - with business requirements and specifications identified in a workshop held internally.</li> <li>* The project control group for the Nolan St refurbishment has been established and is actively working towards the project scope including consultation with employees regarding their preferred design features and wants from the refurbishment project</li> </ul>		
3.4	Leading change	85.	Implement an Occupational Health and Safety review at the Depot	OHS Advisor	In Progress	85%	A project group formed to improve chemical storage and handling at the depot. MAV completed a site audit at the depot. Inspections undertaken every six months with OHS officer to ensure standards and improvements are maintained.	30/06/2023	
3.4	Leading change	86.	Develop and implement a Risk & Assurance system and culture change	Manager Governance Property and Risk	In Progress	10%	Risk Framework has commenced, with a detailed project plan outlining activities to conclude end Q3 23-24 financial year, with a stakeholder engagement plan under way and workshops scheduled. Regular reporting in a dashboard format has commenced to EMT, with Audit and Risk Committee to be provided with regular reports also.	30/06/2023	
3.4	Leading change	87.	Work with Dja Dja Wurrung Corporation (in line with the Reconciliation Action Plan) to	Manager Community Engagement	Not Progressing	0%	This training is now planned for the 2023/24 financial year.		



Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
			deliver Cultural Awareness Training across the organisation						
3.4	Leading change	88.	Implement an Intranet platform	General Manager Corporate Performance	In Progress	20%	Due to other critical demands and limited resources there has not been any further action. Project will be undertaken in 2023/24.	31/03/2023	

## 8.5 CENTRAL GOLDFIELDS ART GALLERY STRATEGIC PLAN 2023-2026

**Author:** Gallery Coordinator

**Responsible Officer:** General Manager Community Wellbeing

*The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.*

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### SUMMARY/PURPOSE

The Central Goldfields Art Gallery Draft Strategic Plan 2023 - 2026 was presented to Council at its meeting on 2 May 2023 and was subsequently placed on public exhibition for community feedback from 15 May to 11 June 2023.

The purpose of this report is to:

- Present the results of community feedback;
- Recommend Council's adoption of the Plan.

### RECOMMENDATION

That Council;

- 1) note the community feedback received in response to the Draft Central Goldfields Art Gallery Strategic Plan 2023 – 2026 and the resulting changes made to the plan.
- 2) That Council adopt the Central Goldfields Art Gallery Strategic Plan 2023 - 2026

### LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2021-2025 – Our Community's Wellbeing

The Community's vision 1. Socially connected, creative, inclusive, healthy, and safe 'all ages' friendly communities

### BACKGROUND INFORMATION

Initial research and consultation towards the Central Goldfields Art Gallery Strategic Plan 2023 – 2026 were commenced in 2022 during the Gallery redevelopment.

The Draft Plan was developed by the Gallery Coordinator with guidance by the Manager of Tourism, Events and Culture and support by external specialist Rodney James Art Consultant.

Consultation was undertaken with the arts community, Council Officers, Councillors and the broader Gallery and cultural industry.

The resulting Draft Plan 2023 – 2026 was developed within the context of the Gallery from its beginnings to the current day and presented a Vision and five key Strategic Directions which align with the Council’s Vision and social, cultural, tourism, and economic priorities for the Shire.

The Draft Strategic Plan was endorsed by Council at its meeting in March prior to being placed on public exhibition from 15 May to 11 June 2023.

During this period, the community was encouraged to provide feedback online or in person.

## **REPORT**

Overall, the Vision and Strategic Directions within the Gallery’s Draft Strategic Plan 2023 – 2026 received positive feedback.

The importance of maintaining and strengthening community connections with the Gallery was a consistent theme of the feedback received throughout the engagement period.

There was also a strong theme of providing opportunities for local artists to exhibit.

The approach and results of community engagement and feedback in response to the Gallery’s Strategic Plan 2023 – 2026 are detailed below.

## **CONSULTATION/COMMUNICATION**

The opportunity for the community to provide feedback on the Gallery’s Draft Strategic Plan 2023 – 2026 was communicated in numerous ways through:

- Council’s Engage website; this included a short video showing the Gallery Coordinator explaining the purpose of the Strategy and encouraging people to contribute their feedback
- Council’s Friday page in *The Maryborough Advertiser*
- Direct emails and phone calls to people who had been involved in consultations during the development of the Gallery’s Draft Strategic Plan 2023 – 2026
- Council and Gallery social media channels
- Letterbox drop to households in the streets immediately surrounding the Gallery
- Printed copies of the Gallery’s Draft Strategic Plan 2023 – 2026 available at the Gallery.

Two in-person feedback sessions were held at the Gallery on 24 May from 3pm to 4.30pm and on 25 May from 5.30pm to 7pm which were attended by a total of twelve people representing youth, community artists and established practicing artists, and a cross section of residents from Maryborough, Dunolly, and Majorca.

Eight online submissions were received.

Details of feedback received through the Engage website and through in-person sessions are provided in the attachments to this Report.

The table below outlines key themes and recommendations:

<b>Feedback</b>	<b>How it can be actioned</b>	<b>Recommended changes to the Gallery's Draft Strategic Plan 2023 – 2026</b>
<p>Ensure a balance of gender and diversity in the artists and artwork on display – ensure a good representation of women artists – include projection art, explore options for projections, virtual reality, audio visual tech to bring art into community and public spaces. Include a focus on exploring ideas.</p> <p>Provide opportunities for the sale of local artists' works.</p> <p>Support and promote community arts.</p>	<p>This feedback relates to 5.1.1 in the Gallery's Strategic Plan 2023 – 2026 which states:</p> <p>Develop and implement programming guidelines for the three exhibition spaces – the Engine Room (touring and self-curated exhibitions), Cambrian Room (including exhibition of works from the permanent collection and elsewhere) and the Ramp Space (including exhibitions by local artists and from other sources)</p>	<p>Suggest the inclusion of a new action in response to the feedback received in relation to opportunities for local artists:</p> <p>5.1.6 Encourage and provide advice for local artists seeking opportunities to show their work in other Council managed and non-Council locations across the Shire</p>
<p>Continue promoting and exhibiting the work of VCE students</p>	<p>This feedback relates 5.2 of the draft Strategy which states:</p> <p>Develop and deliver an engaging education and public program.</p>	<p>No change required for Strategy, but this feedback will be considered in the development of education and public program.</p> <p>Continue to actively seek feedback and incorporate community priorities into the education and public program.</p>
<p>Ensure gallery programming reflects broad community interests and engages with a wide range of ages</p>	<p>This feedback relates to 5.2 of the Gallery's Strategic Plan 2023 – 2026 which states:</p> <p>Develop and deliver an engaging education and public program.</p>	<p>No change required; however, this feedback will be considered in the development of education and public programs.</p> <p>Continue to actively seek feedback and incorporate community priorities into the education and public programs.</p>
<p>Market the gallery to 'non-arts people'</p>	<p>This feedback relates to 5.3 of the Gallery's Strategic Plan 2023 – 2026 which states:</p> <p>Market the Gallery to key stakeholders and a wide range of audiences</p>	<p>No change required; however, this feedback will be incorporated into the development of ongoing marketing plans.</p>

<p>Support the development of the gallery and its programs including through sponsorship and donations, philanthropy, gallery retail and in-kind support.</p>	<p>This feedback relates to 5.3 of the Gallery’s Strategic Plan 2023 – 2026 which states:</p> <p>Achieve increased resourcing to sustainably manage and deliver the Gallery vision.</p> <p>The specific feedback actions under this strategic direction also pick up these points.</p>	<p>No change required; however, all suggested areas will be considered in the development of strategic direction 5.3</p>
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The role of the Gallery in instilling a love of the arts in young people has been emphasised through the addition of wording to this effect at the start of the existing key strategy 5.2.5.

5.2.5 Instil a love of the arts in young people and present innovative and fun life-long learning programs that increase education and socialisation for people at all stages of life

**FINANCIAL & RESOURCE IMPLICATIONS**

- There are no financial implications. The overall implementation of the Gallery’s Strategic Plan 2023 – 2026 is within the existing resources for the Gallery.
- Implementation of directions requiring external sponsorship and grants are contingent on the success of grant applications and the availability of sponsorship.

**RISK MANAGEMENT**

This report addresses Council’s strategic risk Community Well-being - Failure to recognise and manage the impact of changing social and economic conditions on the community

- The Central Goldfields Art Gallery Strategic Plan 2023 - 2026 articulates a shared vision for the Gallery and provides strategic directions that are informed by community engagement and industry best practice.

The feedback that has been received supports the vision, key directions and actions within the Plan and provides further suggestions on how these can be implemented.

**CONCLUSION**

Community engagement seeking feedback on the Central Goldfields Art Gallery Strategic Plan 2023 – 2026 resulted in overall positive endorsement.

The community and respondents emphasised that the connection of the Gallery program to the local community including local artists is important.

Quality exhibitions and education and public programs that are of interest to the local community were seen as important, as was a diverse and contemporary approach which celebrates and supports the local while also presenting significant exhibitions that contribute to the wider profile of the Gallery and community.

The feedback is valuable in suggesting how the directions might be implemented and further detailed including within the proposed Programming Framework, marketing and other actions.

The following changes to the Gallery's Draft Strategic Plan 2023 – 2026 are suggested based on the emphasis received on local community engagement with the Gallery:

a) Addition of 5.1.6: Encourage and provide advice for local artists seeking opportunities to show their work in other Council managed and non-Council locations across the Shire.

b) Change 5.1.3 to include "local" in this strategic direction – so the revised strategic direction reads: "Provide a balance of First Nations, local, regional, and national artists in the program.

c) Change 5.2 to delete the words "to primarily engage the local community as well as visitors" so the revised strategic direction 5.2 reads: "*Develop and deliver an engaging education and public program.*"

This change is proposed to make the strategic direction read more succinctly.

The focus on engaging the local community remains in the key strategies articulated in 5.2.1 through to 5.2.5.

d) Add the words "Instil a love of the arts in young people" at the start of the key strategy 5.2.5 so that it reads:

*5.2.5 Instil a love of the arts in young people and present innovative and fun life-long learning programs that increase education and socialisation for people at all stages of life.*

The changes outlined above are incorporated into the Central Goldfields Art Gallery Strategic Plan 2023 – 2026 which is presented to Council for its adoption.

## **ATTACHMENTS**

8.5.1 Central Goldfields Art Gallery Strategic Plan 2023 – 2026

8.5.2 Community engagement in person feedback on Draft Gallery Strategic Plan 2023-2026

8.5.3 Community engagement online feedback on Draft Gallery Strategic Plan 2023-2026

## 8.5.1

### **CENTRAL GOLDFIELDS ART GALLERY STRATEGIC PLAN 2023-2026**

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#### Acknowledgement of Country

Central Goldfields Shire Council acknowledges and extends appreciation for the Dja Dja Wurrung People, the Traditional Owners of the land that we are on. We pay our respects to leaders and Elders past, present and emerging for they hold the memories, the traditions, the culture and the hopes of all Dja Dja Wurrung People. We express our gratitude in the sharing of this land, our sorrow for the personal, spiritual and cultural costs of that sharing and our hope that we may walk forward together in harmony and in the spirit of healing.

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## EXECUTIVE SUMMARY

### **Our Vision is to become an innovative and inclusive regional Gallery.**

For the past 25 years the Central Goldfields Art Gallery has been a vital and much celebrated hub for cultural life in Central Goldfields and the surrounding region. With the visionary redevelopment of the facility, as funded by the State Government and Council, the Gallery is entering an exciting and pivotal stage in its evolution.

The redevelopment successfully unites the original building of the 1861 Maryborough Fire Station with a contemporary approach that celebrates architectural excellence and provides a series of inspiring spaces, opening new vistas, perspectives and opportunities for the display and presentation of art in the Central Goldfields.

### **Our strategic planning provides a solid foundation to realise our Vision.**

This *Gallery Strategic Plan 2023-2026* provides a roadmap for the next four years and aligns strongly with regional and local strategies. It includes a focus on cultural, social and economic priorities including the development of the local visitor economy. It outlines key directions for a growing audience, partnerships, expanded exhibition and associated programming, showcasing the permanent collection and further development of our education and public engagement to realise our Vision to:

- *Be an innovative and inclusive Public Art Gallery for the people of Central Goldfields Shire and surrounding region.*
- *Engage, inspire and challenge our audience through visual arts exhibitions and programs.*
- *Achieve standards of excellence in all that we do.*
- *Connect with both our community and a broad range of visitors.*
- *Contribute to an evolving understanding of Australian cultural identity.*

Through research, community engagement activities and analysis, five strategic directions have emerged as key areas of focus for this Strategic Plan:

Strategic direction one: Develop and deliver a high-quality annual exhibition program for our community.

Strategic direction two: Develop and deliver an engaging education and public program.

Strategic direction three: Market the Gallery to key stakeholders and a wide range of audiences

Strategic direction four: Maintain, develop and increase access to the permanent art collection.

Strategic direction five: Achieve increased resourcing to sustainably manage and deliver the Gallery vision.

An ambitious but realistic timeline for implementation of the strategic directions is included in this Plan to support the realisation of the Gallery Vision over the next four years.

**The benefits for our community and local businesses are many.**

The Gallery has built an exceptional set of connections with its local community. This Plan ensures an ongoing inclusive approach which showcases the creativity, cultural identity and resourcefulness of the local community, alongside artists of national and international significance.

The community will be supported to grow and to be an integral part of realising the potential of the Gallery as a regional attraction, which is proud of its economic, social and cultural vitality and its contribution to the national conversation about place and identity.

## 1. ABOUT THE PEOPLE AND THE PLACE

### 1.1. The heart of the Central Goldfields

Central Goldfields Shire is situated within the boundaries of Dja Dja Wurrung country. It is centrally located between the rapidly growing centres of Ballarat and Bendigo and sits at the heart of the Victorian Central Goldfields region, which is subject to an exciting bid to become a UNESCO World Heritage Site.

The Art Gallery is located in Maryborough, the Shire's major business centre and regional hub, and sits adjacent to fine buildings dating from the goldrush period. It is also directly opposite the Maryborough District Hospital and within walking distance from the iconic Maryborough Railway Station, which is undergoing significant reactivation with increased train services, a state-of-the-art interactive visitor experience centre and a creative arts hub. The Station and the Civic Square in which the Gallery is located, are the strategic "bookends" of Maryborough's central spine and frame a unique streetscape within the broader region.

Maryborough is well connected with the townships of Central Goldfields Shire including Dunolly to the north and Talbot to the south as well as surrounding regional towns including Castlemaine, St Arnaud and Avoca.

### 1.2. An aspiring community who value the arts

Central Goldfields Shire's population of 13,483 (2021) is mostly concentrated within Maryborough and while Central Goldfields is recognised as having significant social and economic disadvantages, it is also strong in community pride, creativity and resilience.

Art galleries and museums play a major role in Australia's social, cultural and economic well-being. The value of the arts and culture is outlined by (UNESCO) *"..from cherished historic monuments and museums to living heritage practices and contemporary art forms, culture enriches our lives in countless ways and helps build inclusive, innovative and resilient communities"* (Source, [Culture | UNESCO](#)). The links between arts and health are becoming increasingly well documented and are identified by VicHealth as contributing to (Source, [Arts and culture \(vichealth.vic.gov.au\)](#)):

- Strengthening community connection
- Providing platforms for less prominent voices
- Providing opportunities for bringing people together to develop creative solutions to health promotion challenges.

The Gallery plays a significant role in promoting and celebrating creativity and building social connectedness and wellbeing in the Central Goldfields. It attracts high levels of interest and participation in its exhibitions, programs and activities, and has close links with the community through the local schools' network, and a range of partnerships with community organisations representing diverse ages and interests.

The region is moving towards a flourishing future with a diversity of artistic practice in Maryborough and surrounding townships and a range of community led initiatives such as the annual Tiny Towns Arts Trail.

### **1.3. Our heritage foundations and growing tourism and visitation**

Situated within the original Maryborough Fire Station building dating back to 1861, the Gallery has undergone a transformative \$2.7 million redevelopment and expansion, funded by State Government and Council. Completed in 2022, the Gallery now meets contemporary public gallery standards for a rich presentation of art and programs. The redevelopment provides multiple opportunities to engage and interact with the community and from 2024 the Gallery will also feature an Indigenous Interpretive Garden developed in partnership with the local Traditional Owners, the Dja Dja Wurrung. The Garden will reference traditional fire practices and local significant sites, anchoring the space to its broader environment and cultural context.

There are indications that the Central Goldfields area is increasingly being recognised as a base for artists and creative practitioners, made attractive through its relative affordability and increasing links to neighbouring regional towns including Castlemaine, and as a convenient location midway between the cities of Ballarat and Bendigo. With its significant heritage assets and the development of activation and interpretation across the region, visitation will continue to grow over the next four years. Growth in the Gallery's activities and its reach will support the visitor economy and the regional arts and cultural ecosystem.

The Goldfields region attracts many visitors to see the historic buildings and townships that date back to the 1850s and the rapid development of a prosperous gold mining industry, as well as attracting visitors interested in nature, food and arts and cultural experiences. Maryborough is an integral part of the Goldfields Way Touring Route between Ballarat and Bendigo, which also takes in the historic townships of Creswick, Clunes, Talbot, Maryborough and Dunolly.

## 2. OUR STRATEGIC CONTEXT

The strategic directions of the Gallery are closely aligned with the Purpose of the Central Goldfields Shire Council Plan 2021–2025 which is:

To seek, capture and develop opportunities to make our Shire a place of choice to live, work, visit and enjoy.

Council has developed an integrated suite of strategies and plans across key domains which map the journey from where we are now to where we aspire to be in 2031. This Plan is a vital and creative contributor to this work including in the following key areas:

### **Tourism and Economic Development**

The Central Goldfields Shire Council Economic Development Strategy (2020-2025) recognises the important role of arts and culture:

- Supporting the emerging role of arts and culture in the Shire presents an opportunity to positively influence and shape the narrative and identity of the region, to improve liveability and social inclusion outcomes for current residents, as well as attract new residents and visitors to the Shire.

The Central Goldfields Tourism and Events Strategy (2020–2025) identifies key themes to develop product, activation and interpretation which resonate strongly with the strategic directions for the Gallery:

- Shift the Narrative around the Shire’s Identity and Perception (Key theme one)
- Enhance and Reinterpret the Gold Story (Key theme three)
- Support and Leverage the Emerging Arts & Culture Sector (Key theme four)
- Revitalise Assets, Infrastructure and Accommodation (Key theme five)
- Provide a Contemporary Approach to Marketing and Visitor Services (Key theme seven)

## **Community Wellbeing**

Strategic Priorities within the Central Goldfields Shire Council Plan 2021-2025 also acknowledge the central role of culture, creativity and people including:

- Nurture and celebrate creativity.
- Value, celebrate and actively engage First Nations culture and people.

## **Key National and State government policies and strategies**

The Australian Government released its five-year National Cultural Policy *Revive* (2023) to revive the arts in Australia. At the heart of this policy is the goal to ensure there is a place for every story, and a story for every place. The five integrated pillars are:

1. First Nations First
2. A Place for Every Story
3. Centrality of the Artist
4. Strong Cultural Infrastructure
5. Engaging the Audience

The Victorian State Government also recognises that creativity and access are vital for all. The Creative State Strategy 2025 envisions Victoria as a “*State where creative people, ideas and enterprises thrive, and where everyone has equitable access to and benefits from a rich creative culture.*”

### **3. ABOUT THE GALLERY**

#### **3.1. Multiple histories within a fascinating site**

The Gallery represents significant layers of local history and culture. Located on Dja Dja Wurrung Country, it is located within one of Maryborough's oldest buildings, the fire station, which was established in 1861. The station's fire bell was added in 1862 to muster the volunteer fire brigade to respond to the growing number of fires in the region during the goldrush, ringing out at 1pm every day for the gold diggers working within a four-mile range of the town. One hundred and sixty years later, the Gallery now provides a lens for the whole community to understand geological, environmental, First Nations, and contemporary histories of Maryborough and surrounds.

A timeline of the uses of the building and its development as a Gallery can be found in Appendix 7.2

#### **3.2. Our exhibition and programming focus**

The Gallery features a diverse program of regularly changing exhibitions including works from the permanent collection, touring exhibitions and curated exhibitions.

Our exhibitions program includes:

- Touring exhibitions from regional, state and national public art galleries
- A changing display of art works from the permanent collection
- Curated exhibitions based around themes and collection areas that relate to the Central Victorian region and beyond.
- Exhibitions from leading artists from the shire and the broader Central Victorian region

Following the revitalisation of the Gallery completed in 2022, exhibitions will be presented across the following key spaces:

- The Engine Room - this is the largest of the three exhibition spaces, and its name relates to the part of the Old Fire Station where the fire engine trucks were once parked.



- The Cambrian Room – an intimate space in which to appreciate a changing selection of works including works from the permanent collection.
- The Ramp Space - this central area will support a wide range of smaller exhibitions and displays.

Public art elements by Dja Dja Wurrung artists will also be an integral part of the Indigenous Interpretive Garden immediately adjacent to the Gallery.

### **3.3. Our permanent art collection**

The Gallery's permanent collection is young but growing. The collection now numbers nearly 200 artworks with a focus on works of art that relate to the Central Goldfields region. Notable artists from the region include Aunty Marilyn Nicholls, Dean Bowen and Noel Tunks. The collection also includes a focus on contemporary Australian art quilts which relate to the textile history of the region. This unique collection is added to every two years through the hosting of the national art quilt award, with the winning work acquired and accessioned into the permanent collection.

There are a number of works that sit outside the key collecting focus areas, including paintings by notable Australian artists including Arthur Boyd and Ray Crooke. These works of excellence by leading Australian artists help to give a broader context for telling the story of the history of Australian art and for the development of art locally.

In 2021 collection records were transferred to the industry standard Vernon collections database system. The Gallery was one of the first regional galleries in Australia to partner with the international collection's platform [Google Arts and Culture](#). As a result of digitising the collection in this way, the Gallery's collection is now part of an international platform that enables access to it from anywhere in the world.

In 2022 the collection was valued at \$612,000, more than doubling its value since 2006. The inclusion of a dedicated space for displaying works from the permanent collection demonstrates the growing importance of the collection, and the growing pride and interest in the development of a unique permanent art collection by the Council. Reviewing and updating the Gallery's Collection Policy, including a framework for collection acquisitions, will help refine this important aspect of gallery work.

The Australian Government's Cultural Gifts Program has enabled the collection to grow in value and significance. Since 2019, ten works of art have been acquired from leading Australian landscape artist and Central Victorian resident, Jeff Makin and internationally recognised, Maryborough born artist Dean Bowen, to a total value of \$88,100.

The Gallery has embarked on a direction to build the representation of First Nations artists in the collection. The 2021 commission of a woven basket by internationally recognised artist Aunty Marilyn Nicholls is a first step in this direction. Aunty Marilyn Nicholls created this artwork specifically for the Gallery based on the form of a nest. It is intended to support hope and healing within the community. Public art elements by Dja Dja Wurrung artists will also be an integral part of the Indigenous Interpretive Garden immediately adjacent to the Gallery.

### **3.4. Our resources**

Central Goldfields Shire Council provides significant support for the Gallery as a highly valued and integrated service. Expertise and resources are drawn from across multiple departments including marketing and communications, tourism and events, economic development, buildings and maintenance, human resources, information technology and finance. Council's current financial and in-kind support is worth over \$300,000 per annum.

The Gallery team consists of a total of 2.19 EFT staff whose roles focus on program coordination, curation, exhibition installation, marketing, facility management, public programs, education and support of the volunteer program. There is an opportunity to review Gallery resourcing levels in line with recommendations by the Public Galleries Association of Victoria industry benchmark standards which indicate 3.5 EFT + casual staff for a gallery of this size.

In addition to professional staff, the Gallery has approximately 18 active volunteers. The interest in the Gallery's volunteer program has continued to grow even over the period of the Gallery's closure for redevelopment, defying overall trends for volunteering during the COVID-19 pandemic and demonstrating growing community commitment to the Gallery. A volunteer training program has been introduced to build skills and at the same time support social connectedness and community pride.

The Gallery continues to grow its partnerships with education, business and community organisations keen to support the Gallery in multiple ways.

Since 2020 a wide range of external grants have been secured to support the Gallery. In addition to the major State and Council investment in the revitalisation works for the Gallery in 2022, external grants have enabled a range of developments including the digitisation of the permanent collection and increased access to the permanent collection through the purchase of new display cases and collection storage racks in addition to a new standalone Gallery website as part of the increased focus on marketing the Gallery.

The Gallery does not currently receive operational funding support through Creative Victoria's Regional Partnerships Program. This program provided funding from \$40,000 to \$120,000 per annum to Victorian regional public galleries based on 2020 data. The Gallery meets high programming standards and aspires to enter the stable of funded galleries helping to realise the vision of the Creative State Strategy.

There are a range of other potential opportunities to increase the Gallery's resources encompassing merchandising, fundraising, memberships and sponsorship. Opportunities to apply for grant funding to support projects that help achieve the Gallery Vision will continue to be applied for, building on the successful track record in obtaining grants over the last three years. Opportunities include funding to support the education service through national programs including the Regional Arts Fund, and State Government programs including the Victorian Government's Department of Education and Training Strategic Partnership Program and through Creative Victoria and Regional Development Victoria.

## **4. DIRECTION – WHERE WE WANT TO BE**

### **4.1. Our Vision**

Central Goldfields Art Gallery will:

- Be an innovative and inclusive public Art Gallery for the people of Central Goldfields Shire and surrounding region.
- Engage, inspire and challenge our audience through visual arts exhibitions and programs.
- Achieve standards of excellence in what we do.
- Connect with both our community and a broad range of visitors.
- Contribute to an evolving understanding of Australian cultural identity

### **4.2. Our Values**

- Professional standards in the care and presentation of visual arts
- Inclusiveness, creativity, accessibility and respect in how we go about our work.
- Sustainability in our approaches and innovation in achieving diverse forms of support to deliver the Gallery program.
- We are ethical and supportive in how we work with creatives. We respect the role of artists in the community and their ownership of specific stories and ideas.
- We follow correct protocols when working with First Nations and the work of First Nations' artists.

### **4.3. Our statement of purpose**

We aim to:

- Be a premier public art gallery for the region, upholding national public gallery standards to engage and inspire audiences through the presentation of a diverse exhibition program.
- Inform and share knowledge with audiences by developing and delivering a diverse range of educational and public programs that connect people and art.
- Collect, preserve and make accessible a permanent collection for the benefit of current and future generations.

- Ensure the Gallery is sustainable and well-managed.
- Contribute social and economic benefit to our community through exhibitions, collections and programs  
Be accountable and transparent in what we do and demonstrate the positive impact of our work.

#### **4.4. Our strategic directions**

This plan is based on five key strategic directions which support the realisation of our Vision:

1. Develop and deliver a high-quality annual exhibition program for our community.
2. Develop and deliver an engaging education and public program.
3. Market the Gallery to key stakeholders and a wide range of audiences
4. Maintain, develop and increase access to the permanent art collection.
5. Achieve increased resourcing to sustainably manage and deliver the Gallery vision.

## **5. HOW WE WILL GET THERE**

### **5.1. Strategic direction one: Develop and deliver a high-quality annual exhibition program for our community.**

#### *Key strategies*

- 5.1.1. Develop and implement programming guidelines for the three exhibition spaces – the Engine Room (touring and self-curated exhibitions), Cambrian Room (including exhibition of works from the permanent collection and elsewhere) and the Ramp Space (including exhibitions by local artists and from other sources)
- 5.1.2. Launch an annual exhibition program by November of each preceding year.
- 5.1.3. Provide a balance of First Nations, local, regional and national artists in the program.
- 5.1.4. Present a mix of self-curated and touring exhibitions.
- 5.1.5. Draw on the collections, resources and expertise of the broader public galleries network to support the program.
- 5.1.6. Encourage and provide advice for local artists seeking opportunities to show their work in other Council managed and non-Council locations across the Shire

### **5.2 Strategic direction two: Develop and deliver an engaging education and public program.**

#### *Key strategies*

- 5.2.1 Advocate for resources to support and expand the delivery of education and public programs.
- 5.2.2 Deliver an overview of the exhibition calendar to educators and the wider community in November every year to assist them in integrating the Gallery's activities into their planning for the following year.
- 5.2.3 Present a diverse range of exhibition, visual arts and collection based public programs for the non-school sector.
- 5.2.4 Develop collaborations and cross promotion with other Council services with shared objectives including Library and Youth Services
- 5.2.5 Instil a love of the arts in young people and present innovative and fun life-long learning programs that increase education and socialisation for people at all stages of life

### **5.3 Strategic direction three: Market the Gallery to key stakeholders and a wide range of audiences**

#### *Key strategies*

- 5.3.1 Implement an annual marketing plan.
- 5.3.2 Refine and communicate the Gallery's brand including a review of the name of the Gallery and a style guide.
- 5.3.3 Broaden and increase Gallery visitation to 7,500 visitors by 2023/2024 with a 5% increase each year until 2026.
- 5.3.4 Improve evaluation methods to further build the Gallery's profile and audiences.
- 5.3.5 Become a central player in the Central Goldfields visitor experience with strong links between the Gallery and the Maryborough Railway Station

### **5.4 Strategic direction four: Maintain, develop and increase access to the permanent art collection.**

#### *Key strategies*

- 5.4.1 Seek funding to support collections management.
- 5.4.2 Complete a Standard Facility Report to support opportunities for the Gallery to be considered as a potential venue by state and national touring exhibitions and to attract loans of artworks.
- 5.4.3 Review the Collections Policy
- 5.4.4 Introduce a 4-yearly valuation of the collection to comply with industry standards.
- 5.4.5 Ensure the collection is appropriately housed, stored and displayed.

### **5.5 Strategic direction five: Achieve increased resourcing to sustainably manage and deliver the Gallery vision.**

#### *Key strategies*

- 5.5.1 Advocate to State Government to gain recurrent operational funding through Creative Victoria to support the Gallery to achieve its vision and key directions.
- 5.5.2 Identify and apply for relevant State, Federal and philanthropic grants to support strategic directions.

- 5.5.3 Encourage financial support and donations to the Gallery through online giving platforms and through the Deductible Gift Recipient program.
- 5.5.4 Maximise opportunities for revenue and fundraising including Gallery membership, donations, sponsorship, merchandise and events.
- 5.5.5 Manage and develop stakeholder relations across the arts sector, neighbouring galleries, and key education, community representative organisations to support the Vision.
- 5.5.6 Establish a community engagement mechanism through the Central Goldfields Shire Council to inform and support the Gallery program and services.
- 5.5.7 Minimise the environmental footprint of Central Goldfields Art Gallery



6 ACTION PLAN

<p><b>Central Goldfields Art Gallery Strategic Plan 2023 – 2026</b></p>	<p><b>Strategic direction one: Develop and deliver a high-quality annual exhibition program for our community</b></p>	<p><b>Strategic direction two: Develop and deliver an engaging education and public program</b></p>	<p><b>Strategic direction three: Market the Gallery to key stakeholders and a wide range of audiences</b></p>	<p><b>Strategic direction four: Maintain, develop and increase access to the permanent art collection</b></p>	<p><b>Strategic direction five: Achieve increased resourcing to sustainably manage and deliver the Gallery vision</b></p>
<p><b>2023/2024</b></p>	<p>5.1.1 Develop and implement programming guidelines for the three gallery spaces</p> <p>5.1.2 Launch an annual exhibition program by November of each preceding year</p> <p>5.1.3 Provide a balance of First Nations, regional and national artists in the program</p> <p>5.1.4 Present a mix of self-curated and touring exhibitions</p> <p>5.1.5 Draw on the collections, resources and expertise of the broader public galleries</p>	<p>5.2.1 Advocate for resources to support and expand the delivery of education and public programs</p> <p>5.2.2 Deliver an overview of the exhibition calendar to educators and the wider community in November every year to assist them in integrating the Gallery’s activities into their planning for the following year</p> <p>5.2.3 Present a diverse range of exhibition, visual arts and collection based public</p>	<p>5.3.1 Implement an annual marketing plan</p> <p>5.3.2 Refine and communicate the Gallery’s brand including a review of the name of the Gallery and a style guide</p> <p>5.3.3 Broaden and increase Gallery visitation to 7,500 visitors by 2023/2024 with a 5% increase each year until 2026</p>	<p>5.4.1 Seek funding to support collections management</p> <p>5.4.2 Complete a Standard Facility Report to support opportunities for the Gallery to be considered as a potential venue by state and national touring exhibitions and to attract loans of artworks</p> <p>5.4.3 Review the Collections Policy</p>	<p>5.5.1 Advocate to State Government for ongoing operational funding for the Gallery to achieve sustainability and the realisation of the Gallery’s vision</p> <p>5.5.4 Maximise opportunities for revenue and fundraising including Gallery membership, donations, sponsorship, merchandise and events</p> <p>5.5.5 Manage and develop stakeholder relations across the arts sector, neighbouring galleries, and key education,</p>

	<p>network to support the program</p> <p>5.1.6 Encourage and provide advice for local artists seeking opportunities to show their work in other Council managed and non-Council locations across the Shire.</p>	<p>programs for the non-school sector</p> <p>5.2.5 Instil a love of the arts in young people and present innovative and fun life-long learning programs that increase education and socialisation for people at all stages of life.</p>			<p>community representative organisations to support the vision</p> <p>5.5.7 Minimise the environmental footprint of Central Goldfields Art Gallery</p>
<p><b>2024/2025</b></p>	<p>5.1.2 Launch an annual exhibition program by November of each preceding year</p> <p>5.1.3 Provide a balance of First Nations, regional and national artists</p> <p>5.1.4 Present a mix of self-curated and touring exhibitions</p> <p>5.1.5 Draw on the collections, resources</p>	<p>5.2.2 Deliver an overview of the exhibition calendar to educators and the wider community in November every year to assist them in integrating the Gallery's activities into their planning for the following year</p> <p>5.2.3 Present a diverse range of exhibition, visual arts and collection based public</p>	<p>5.3.3 Increase Gallery visitation by 5%</p>	<p>5.4.5 Ensure the collection is appropriately housed, stored and displayed</p>	<p>5.5.2 Identify and apply for relevant State, Federal and philanthropic grants to support strategic directions</p> <p>5.5.3 Encourage financial support and donations to the Gallery through online giving platforms and through the Deductible Gift Recipient program</p>

	<p>and expertise of the broader public galleries network to support the program</p> <p>5.1.6 Encourage and provide advice for local artists seeking opportunities to show their work in other Council managed and non-Council locations across the Shire.</p>	<p>programs for the non-school sector</p> <p>5.2.5 Instil a love of the arts in young people and present innovative and fun life-long learning programs to increase education and socialisation for people at all stages of life.</p>			<p>5.5.4 Grow revenue and fundraising including Gallery membership, donations, sponsorship, merchandise and events</p> <p>5.5.5 Manage and develop stakeholder relations across the arts sector, neighbouring galleries, and key education, community representative organisations to support the vision</p> <p>5.5.6 Continue to strengthen community engagement to inform and support the Gallery program and services</p>
<p><b>2025/2026</b></p>	<p>5.1.2 Launch an annual exhibition program by November of each preceding year</p> <p>5.1.3 Provide a balance of First Nations,</p>	<p>5.2.2 Deliver an overview of the exhibition calendar to educators and the wider community in November every year to assist them in integrating the Gallery's activities into</p>	<p>5.3.3 Increase Gallery visitation by 5%</p>	<p>5.4.4 Introduce a 4-yearly valuation of the collection to comply with industry standards</p>	<p>5.5.2 Identify and apply for relevant State, Federal and philanthropic grants to support strategic directions</p> <p>5.5.4 Grow revenue and fundraising</p>

	<p>regional and national artists</p> <p>5.1.4 Present a mix of self-curated and touring exhibitions</p> <p>5.1.5 Draw on the collections, resources and expertise of the broader public galleries network to support the program</p> <p>5.1.6 Encourage and provide advice for local artists seeking opportunities to show their work in other Council managed and non-Council locations across the Shire</p>	<p>their planning for the following year</p> <p>5.2.3 Present a diverse range of exhibition, visual arts and collection based public programs for the non-school sector</p> <p>5.2.5 Instil a love of the arts in young people and present innovative and fun life-long learning programs to increase education and socialisation for people at all stages of life</p>			<p>including Gallery membership, donations, sponsorship, merchandise and events</p> <p>5.5.5 Manage and develop stakeholder relations across the arts sector, neighbouring galleries, and key education, community representative organisations to support the vision</p>
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## 5 Appendix

### 5.1 Our Strategic Context – Council’s Plans and Strategies

The following chart indicates how the Central Goldfields Art Gallery Strategic Plan 2023–2026 aligns with multiple Council plans and strategies:

Central Goldfields Shire Council Plans and Strategies	CGSC Strategic Objective: Our community's wellbeing	CGSC Strategic Objective: Our Growing Economy	CGSC Strategic Objective: Our Spaces and Places	CGSC Strategic Objective: Leading Change
Central Goldfields Shire Council Plan 2021 – 2025	✓	✓	✓	✓
Central Goldfields Shire Council 2031 Vision	✓	✓	✓	✓
Tourism and Events Strategy 2020-2025	✓	✓	✓	✓
Economic Development Strategy 2020 – 2025	✓	✓	✓	✓
Priority Project Plans			✓	
Volunteer Strategy & Action Plan 2021 – 2024	✓			✓
Communications & Engagement Strategy 2021 – 2022	✓			✓
Positive Ageing Strategy 2021 - 2026	✓			
Every Child, Every Chance, Go Goldfields Initiative	✓			

## 5.2 History of the building and the development of the Gallery

The process of developing this Plan provided the opportunity to bring together multiple histories of the site, informed by knowledge held by the Midlands and District Historical Society. There is strong community and visitor interest in the history of the building and its many stories. Key milestones in the history of this building are documented below:

Date	Milestone
<b>1861</b>	The original fire station was established on its current site, within the historic precinct around McLandress Square, Maryborough.
<b>1982</b>	The Maryborough Country Fire Authority handed back the old fire station to what was then called Maryborough City Council. The Fire Station was used during this time to store Council records.
<b>1996</b>	Central Goldfields Art Gallery was officially opened by Central Goldfields Shire Council in the old fire station building where it has operated from ever since.
<b>1996 - 2020</b>	The Gallery establishes and grows in stature as a public art gallery over this period. The Gallery was accepted as a member of the Public Galleries Association of Victoria. The Golden Textures Contemporary Art Quilt Award was established in 2013 as a national award based on the rich textile history of the region. The Gallery's permanent collection slowly develops based around art works with a relationship to the Central Goldfields region.
<b>May 2020</b>	Central Goldfields Shire Council is granted \$500,000 from the Victorian State Government, through the Regional Infrastructure Program for Stage 1 of the Gallery redevelopment. Council supplements this funding with \$273,000.

<b>2021</b>	Central Goldfields Shire Council is granted \$1.2 million funding from the Victorian State Government for Stages 2 and 3 of the Gallery redevelopment through the Regional Tourism Investment Fund.
<b>June 2022</b>	Central Goldfields Shire Council is granted \$225,000 funding from the Victorian State Government for Stages 2 and 3 of the Indigenous Interpretive Garden from the 2022/2023 Victorian State Budget. Council supplements this funding with \$75,000.
<b>June 2022</b>	Central Goldfields Shire Council is granted \$355,215 funding for Collections Access from the Victorian State Government's Creative Victoria Regional Collections Access Program. Council supplements this funding with \$35,000.
<b>March 2023</b>	Re-opening of the Gallery following a major redevelopment designed by award winning Melbourne based architectural firm Nervegna Reed. The Gallery is expanded to include a new space to display works from the permanent collection, a new and welcoming reception area, an upgraded exhibition space capable of presenting major exhibitions from major public galleries, a smaller exhibition space and a space for art making and learning; with a special focus on young people. The facility is fully accessible and the exhibition spaces and collection store meet environmental standards required to store, present and enable exhibitions and loans of art from external agencies enabling a rich diversity of artistic programming.

### **5.3 Developing the Central Goldfields Art Gallery Draft Strategic Plan 2023 – 2026**

A series of consultations held between May 2022 and January 2023 formed part of the research and background into the development of Central Goldfields Art Gallery Strategic Plan 2023 – 2026. A workshop was held with Councillors and consultations were held with community representatives including a Dja Dja Wurrung Elder, and members of the arts communities including those from Talbot, Bealiba and Dunolly, local art educators and a representative from the disability sector.

A range of staff from across Council were involved in consultations, including members of the Community Wellbeing department (Art Gallery, Library, Youth Services) and Economic Development, along with Community Engagement and Finance staff.

John Sedunary, Chair of the Committee for Maryborough provided pro bono advice on the development of the Strategy; Jan Boynton, Chair, Bendigo Art Gallery Board provided strategic advice on format; Anne Robertson, Executive Officer of the Public Galleries Association of Victoria provided industry information and benchmarking statistics and resources.

Consistent themes came through in the consultations including: the importance of participation and access in the Gallery program from the local and broader community, cross programming opportunities with other departments of Central Goldfields Shire Council, the importance of evaluation in demonstrating the impact of work undertaken and the emphasis on marketing and communications to ensure high level awareness and visitation. Following is a summary of themes from the consultations undertaken.



<b>MISSION</b>	<b>ACCESS</b>	<b>WELL-BEING</b>	<b>PROGRAMMING</b>	<b>TOURISM</b>	<b>SUSTAINABILITY</b>	<b>MARKETING</b>
Central Goldfields Art Gallery is one of the services that promotes inspirational/ aspirational aspects of the community.	Accessibility and inclusion for all within the Central Goldfields Shire Council community is important - opportunity to broaden young adult participation in the Gallery programs through VicHealth funding.	Important to demonstrate the link between involvement with a public art gallery and wellbeing.	Dja Dja Wurrung artists – important to highlight in the Gallery	Linkages between the Maryborough Railway redevelopment and Gallery need to be strong	Essential to increase resourcing of the Gallery.	Essential to evaluate the impact of work in order to advocate for increased resourcing
Education is critical part of the Gallery service	Art Teachers network is a useful conduit for communication  Excursions for schools are important – Gallery outreach would be good too		Cross programming between the Library and Gallery is useful  Important to present the work of artists from outside the region as well		Essential to make resourcing sustainable - e.g. opportunity to extend volunteering opportunities	Present exhibition calendar in November of the preceding year to educators to support their forward planning
	Partnership with disability sector is important. What's happening already is good so build on this.		Important to keep knowledge of local demographics upfront in planning.			Importance of marketing in meeting the vision of the Gallery

**8.5.2****Gallery Strategic Plan 2023 - 2026****Community Engagement in person feedback sessions**

2 sessions held at the Gallery:  
 24 May 2023 - 3.00pm – 4.30pm  
 and 25 May 2023, 5.30pm – 7.00pm

**Strategic Direction One**

**Develop and deliver a high-quality annual exhibition program for our community.**

Summarised feedback

<p><b>STRENGTHS</b></p> <p>Maximise programming opportunities in connection with the forthcoming Indigenous Garden adjacent to the Gallery</p>	<p><b>WEAKNESSES</b></p>
<p><b>OPPORTUNITIES</b></p> <p>Leveraging opportunities from the World Heritage Listing opportunity and when major events are held.</p> <p>Factor in opportunity for regional artworks to sell work when on exhibition or through the gallery shop</p> <p>Ensure an exhibition program that incorporates a balance of genders, social issues, community art etc.</p>	<p><b>THREATS</b></p>

**Strategic Direction Two**

**Develop and deliver an engaging education and public program.**

Summarised feedback

<p><b>STRENGTHS</b></p>	<p><b>WEAKNESSES</b></p> <p>Develop and extend education program for the early years and seniors demographics</p>
<p><b>OPPORTUNITIES</b></p> <p>Align gallery public programs with major events/community programs where possible</p> <p>Provide annual calendar of major exhibitions and programs to other council programs to enable cross programming opportunities</p>	<p><b>THREATS</b></p>

### Strategic Direction Three

**Market the gallery to key stakeholders and a wide range of audiences**

**Summarised feedback:**

<p><b>STRENGTHS</b></p>	<p><b>WEAKNESSES</b></p>
<p><b>OPPORTUNITIES</b></p> <p>Continue to collaboratively market with the Visitor Centre and in conjunction with Council's communications team</p> <p>Continue to expand marketing to non-arts audiences</p>	<p><b>THREATS</b></p>

### Strategic Direction Four

**Maintain, develop and increase access to the permanent art collection.**

**Summarised feedback:**

Explore options for projections, virtual reality, audio visual tech to bring art into community and public spaces.

### Strategic Direction Five

**Achieve increased resourcing to sustainably manage and deliver the gallery vision.**

**Summarised feedback:**

- Develop a sustainable management plan for ongoing operations and site.
- Councillors as champions of the Gallery
- Develop Gallery retail operations
- Explore philanthropic opportunities
- Explore Gallery memberships
- Seek sponsorship to support the Gallery program through a CGSC wide sponsorship policy.

### 8.5.3

Engage Goldfields

**Thanks for taking the time to provide your feedback below**

May 15, 2023 - Jun 09, 2023

**Project:** Art Gallery Strategic Plan

**Tool Type:** Form

**Activity ID:** 64

**Exported:** Jun 13, 2023, 09:22 AM

**Exported By:** Angela.Tucker

Response No:  
1

Contribution ID: 594

Member ID:

Date Submitted: Jun 09, 2023, 05:00 PM

**Q1** What is your name?

Short Text

What is your email?

**Q2**

Email

**The draft vision for the Gallery sets the direction for what we aspire to become. Take a few minutes to read the Draft Vision. How does it make you feel?**

I feel excited

**Q3**

Multi Choice

**If you feel the Draft Vision has missed the mark, what do you want to see as part of the Draft Vision?**

I am concerned that the draft vision may not connect with our many of community members. Our world class gallery is a delight for me to venture into but do other community members feel this way or is it off-putting? Will the annual Year 12 VCE exhibition still be part of the annual exhibition program? I think this is a vital way to encourage community members who know the Year 12 artists to be exposed to the gallery who would not normally visit the gallery. For me it was a long time between visits to art galleries until my eldest child showed an interest in studying industrial design.

**Q4**

Long Text

**Our Draft Strategic Directions tell us how we will achieve our Draft Vision. Take a few minutes to read the Draft Strategic Directions below. Have we got them right? Please suggest any areas for improvement.**

For the engaging education & public program, is there any scope to take the art to the masses? Perhaps to engage with our local health service with a combination of art, community & health. I have something similar to The Pinnaroo Project in mind - <https://thepinnaroo-project.com.au>

**Q5**

Long Text

**Are there any other comments or feedback that you would like to provide?**

Nervegna Reed Architecture have done use proud with their design for the redeveloped art gallery. Looking forward to seeing the adjoining Indigenous Interpretive Garden take shape.

I have really enjoyed the two exhibitions so far in our world class gallery.

**Q6**

Long Text

Cyclists would appreciate bicycle hoops in Neill St - if not outside the gallery, I suggest outside the Clarendon Medical Centre or in Campbell St.

Response No:  
2

Contribution ID: 593  
Member ID:  
Date Submitted: Jun 08, 2023, 05:32 PM

**Q1** What is your name?

Short Text

What is your email?

**Q2**

Email

The draft vision for the Gallery sets the direction for what we aspire to become. Take a few minutes to read the Draft Vision. How does it make you feel?

**Q3**

I feel excited

Multi Choice

**Q4** If you feel the Draft Vision has missed the mark, what do you want to see as part of the Draft Vision?

Long Text

I'd like the vision to ensure the gallery serves as a platform for artists,including local, to showcase their work.

**Q5** Our Draft Strategic Directions tell us how we will achieve our Draft Vision. Take a few minutes to read the Draft Strategic Directions below. Have we got them right? Please suggest any areas for improvement.

Long Text

It's important to offer programs that cater to different audiences, children, new to art and experienced art lovers for people to foster and exchange ideas and perspectives in all areas of visual art. Please include our youth and outreach areas

**Q6** Are there any other comments or feedback that you would like to provide?

Long Text

The gallery is a wonderful space and asset for our community so must be vigorously promoted as pivotal to community enrichment by engaging audiences with art and ideas and diverse cultural practices.

Response No:  
3

Contribution ID: 578

Member ID:

Date Submitted: Jun 01, 2023, 07:43 PM

**Q1** What is your name?

Short Text

What is your email?

**Q2**

Email

The draft vision for the Gallery sets the direction for what we aspire to become. Take a few minutes to read the Draft Vision. How does it make you feel?

I feel really, really excited

**Q3**

Multi Choice

If you feel the Draft Vision has missed the mark, what do you want to see as part of the Draft Vision?

**Q4**

Long Text

Our Draft Strategic Directions tell us how we will achieve our Draft Vision. Take a few minutes to read the Draft Strategic Directions below. Have we got them right? Please suggest any areas for improvement.

Sounds great

**Q5**

Long Text

Are there any other comments or feedback that you would like to provide?

Excited to incorporate more art gallery programs into our homeschooling in the coming years.

**Q6**

Long Text

Response No:  
4

Contribution ID: 564

Member ID:

Date Submitted: May 20, 2023, 01:11 PM

**Q1** What is your name?

Short Text

What is your email?

**Q2**

Email

**The draft vision for the Gallery sets the direction for what we aspire to become. Take a few minutes to read the Draft Vision. How does it make you feel?**

I feel really, really excited

**Q3**

Multi Choice

**If you feel the Draft Vision has missed the mark, what do you want to see as part of the Draft Vision?****Q4**

Long Text

**Our Draft Strategic Directions tell us how we will achieve our Draft Vision. Take a few minutes to read the Draft Strategic Directions below. Have we got them right? Please suggest any areas for improvement.****Q5**

Long Text

Only comment is regarding direction 1 (or maybe 2?)- whether there is any scope for art projects or exhibitions that involve community participation? This may not fit within the format of an exhibition program (might fit more under education?) but suggestion could be "annual exhibition program for, and involving, our community".

**Are there any other comments or feedback that you would like to provide?**

A few small thoughts (from a youth work perspective mostly):

**Q6**

Long Text

- Agree with seeking funding for more public / education programs; seems to be our sticking point currently (as ever).
- There can be a perception of galleries as partitioned spaces, or somewhat sterile / formal spaces, particularly for young people / emerging young artists, which can be a bit of a barrier to feeling that the space is accessible / inclusive of them. Interactive and immersive experiences can help break down those barriers, so I just wonder whether it's worthwhile creating a scope of what sorts of interactive activities the gallery might engage with, what might be possible / workable within the limits of the gallery's facilities, and whether that's something the gallery is used for at all? The strategy may not be the right document for this either, but there's a growing trend of interactive art experiences as destination events, and I think it may be worth considering as a tool in the gallery's broader set.
- Is there any scope for gallery exhibitions and strategy to also reflect the multicultural communities within the Shire? Data is patchy (a lot of people in these communities may not respond to surveys / other collection methods for a range of reasons) but there is a multicultural element to the Shire that isn't often reflected / represented in the council's work, and the gallery / arts are in some ways well-placed to raise awareness of this.

Strategy otherwise looks fantastic, great work team :)



Response No:  
5

Contribution ID: 563

Member ID:

Date Submitted: May 20, 2023, 12:41 PM

**Q1** What is your name?

Short Text

What is your email?

**Q2**

Email

The draft vision for the Gallery sets the direction for what we aspire to become. Take a few minutes to read the Draft Vision. How does it make you feel?

I feel excited

**Q3**

Multi Choice

If you feel the Draft Vision has missed the mark, what do you want to see as part of the Draft Vision?

**Q4**

Long Text

Our Draft Strategic Directions tell us how we will achieve our Draft Vision. Take a few minutes to read the Draft Strategic Directions below. Have we got them right? Please suggest any areas for improvement.

Yes

**Q5**

Long Text

Are there any other comments or feedback that you would like to provide?

Would love to see a childrens/teen art classes, weekly would be amazing

**Q6**

Long Text

Response No:  
6

Contribution ID: 562  
Member ID:  
Date Submitted: May 18, 2023, 06:39 PM

**Q1** What is your name?

Short Text

What is your email?

**Q2**

Email

The draft vision for the Gallery sets the direction for what we aspire to become. Take a few minutes to read the Draft Vision. How does it make you feel?

It's good enough and I can live with it

**Q3**

Multi Choice

If you feel the Draft Vision has missed the mark, what do you want to see as part of the Draft Vision?

When I hear the words 'strategic directions' and the arts run together I'm automatically thinking bureaucratic layers and limits.

**Q4**

Long Text

I'd like to see the gallery build a collection and mainly offer support for local practising artists

I'd also like to see connections made between various art forms

**Our Draft Strategic Directions tell us how we will achieve our Draft Vision. Take a few minutes to read the Draft Strategic Directions below. Have we got them right? Please suggest any areas for improvement.**

**Q5**

Long Text

I'd like to see the Gallery connect with local universities and schools

I'd like exhibitions to be daring and challenging as well as inclusive

I'd like the educative work to include the production of books (including images and essays) that showcase the collection

I'd like the gallery, library and other arts agencies to enable and support artist in residence programs - that result in art products that stay in the community

**Are there any other comments or feedback that you would like to provide?**

I'm looking forward to seeing the gallery really take off - thanks for all of your hard work - cheers Michael

**Q6**

Long Text

Response No:  
7

Contribution ID: 559  
Member ID:  
Date Submitted: May 15, 2023, 10:18 PM

**Q1** What is your name?

Short Text

What is your email?

**Q2**

Email

The draft vision for the Gallery sets the direction for what we aspire to become. Take a few minutes to read the Draft Vision. How does it make you feel?

It has missed the mark

**Q3**

Multi Choice

If you feel the Draft Vision has missed the mark, what do you want to see as part of the Draft Vision?

The community art exhibition NOT to be in hallway, on the way to the toilets.

Very disappointing.

**Q4**

Long Text

Our Draft Strategic Directions tell us how we will achieve our Draft Vision. Take a few minutes to read the Draft Strategic Directions below. Have we got them right? Please suggest any areas for improvement.

Can we see more of the galleries collection.

Y9u could even have a whole exhibition of just art owned by the gallery.

**Q5**

Long Text

Are there any other comments or feedback that you would like to provide?

Signs to the exhibitions.

Maybe a plant, big, placed at end of hallway on the way to the toilets. More plants. Make the place less sterile. Adds to

atmosphere. Some seats for contemplation of artwork, and older persons.

**Q6**

Long Text

Response No:  
8

Contribution ID: 558  
Member ID:  
Date Submitted: May 15, 2023, 10:06 PM

**Q1** What is your name?

Short Text

What is your email?

**Q2**

Email

**The draft vision for the Gallery sets the direction for what we aspire to become. Take a few minutes to read the Draft Vision. How does it make you feel?**

**Q3**

Multi Choice

There is something missing

**If you feel the Draft Vision has missed the mark, what do you want to see as part of the Draft Vision?**

**Q4**

Long Text

There has not been enough patronage of existing artists in the immediate region. These artists are both professional as well as amateur. Apart from the annual community exhibition there is not enough programs designed for adults. It is fine to nurture children's interest in art however there is general neglect of local adult talent. There should be space available more frequently for these people to exhibit and become known to the public. There are art groups existing in the area that would like to feel more involved in the art gallery in their own town

**Our Draft Strategic Directions tell us how we will achieve our Draft Vision. Take a few minutes to read the Draft Strategic Directions below. Have we got them right? Please suggest any areas for improvement.**

**Q5**

Long Text

6. Engagement and involvement of existing local artists both professional and amateur.

**Are there any other comments or feedback that you would like to provide?**

As above - what is missing for some time and needs to be included.

**Q6**

Long Text

## 8.6 DISPOSAL OR SALE OF COUNCIL ASSETS AND LAND POLICY UPDATE

**Author:** Manager Governance Property and Risk

**Responsible Officer:** General Manager Corporate Performance

*The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.*

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### SUMMARY/PURPOSE

The report presents to Council an update on the Disposal or Sale of Council Assets and Land Policy being updated to reflect changes to the Local Government Act 2020

### RECOMMENDATION

That Council;

1. endorse the Draft Sale of Council Assets and Land Policy 2023 as attached for public consultation;
2. that the feedback period close at 5pm 20 September 2023; and
3. That a final Sale of Council Assets and Land Policy 2023, taking into consideration public feedback, be considered for adoption at the Council Meeting Scheduled for 24 October 2023.

### LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2021-2025 – Our Community's Wellbeing

The Community's vision

4. Good planning, governance, and service delivery
4. Transparent decision making

### REPORT

Central Goldfields Shire Council (Council) own and/or manage assets, including Land and Buildings, Public Open Space and Plant and equipment within Central Goldfields Shire.

Within those asset holdings there are a number of identified Council freehold land parcels that have the potential to be divested in the future.

The current Disposal or Sale of Council Assets and Land Policy was written in accordance with the *Local Government Act 1989*. Due to the enactment of the *Local Government Act 2020*, the Policy requires update at least in part e.g., references to Section 223 of the *Local Government Act 1989* allowing for submissions, now superseded by the *Local Government Act 2020* requirement to undertake Community Engagement in line with the Council's Community Engagement Policy.

The Disposal or Sale of Council Assets and Land Policy was due for review in December 2019. The policy fully explains Council's position on the approach to the disposal or sale of Council Assets and Land to the Community but has been updated to include provisions in the new Act.

The updated policy also reflects the updated Council policy template.

### **CONSULTATION/COMMUNICATION**

The Policy will be put out for a period of public consultation and will be provided to the Audit & Risk Committee for review.

### **FINANCIAL & RESOURCE IMPLICATIONS**

The development of the Policy is met from existing budgets.

### **RISK MANAGEMENT**

This report addresses Council's strategic risks:

- Financial sustainability - Failure to maintain our long term financial sustainability
- Governance - Failure to transparently govern and embrace good governance practices
- Property and Assets - Failure to maintain, renew and expand our assets in a timely and robust way, that considers service and delivery needs

The review of the Disposal or Sale of Council Assets and Land Policy will mitigate the risk of inappropriate, inconsistent, and unfair sale or disposition of Council owned and managed assets by providing a clear outline of the Council's Policy in relation to its asset disposal or sale requirements.

The development and implementation of the Policy will also provide opportunities to assess revenue and potential capitalisation.

### **CONCLUSION**

The Draft Policy is provided for feedback.

It is important to note that without an updated and current Policy, it may be detrimental to Council when moving forward should Council identify and then wish to divest itself of any assets.

### **ATTACHMENTS**

- 8.6.1 Current Disposal or Sale of Council Assets and Land Policy
- 8.6.2 Draft Disposal or Sale of Council Assets and Land Policy

8.6.1



**CENTRAL  
GOLDFIELDS  
SHIRE  
COUNCIL**

# POLICY

POLICY TITLE	DISPOSAL OR SALE OF COUNCIL ASSETS AND LAND
POLICY NUMBER	1.19
DELEGATION	<input checked="" type="checkbox"/> COUNCIL <input type="checkbox"/> ORGANISATIONAL

22 NOLAN STREET  
MARYBOROUGH VIC 3465

**DOCUMENT CONTROL**

Policy Name	Disposal or Sale of Council Assets and Land
Policy Number	1.19
Responsible Business Unit	CEO
File Location	
Document Status	Adopted by Council January 2018
Version	1.02
Version Date	December 2017
Next Review Date	December 2019

**DOCUMENT HISTORY**

	Version	Date	Author
Initial Draft	1.01	15 November 2017	Travis Heeney
Final Draft	1.02	31 December 2017	Travis Heeney
Approved	1.02	30 January 2018	Council Resolution
Review Draft			
Review Final			
Approved			





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## 1. Purpose

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The purpose of this policy is to:

- define the process for identifying and proceeding with the disposal or sale of Council owned assets and land;
- endorse the approach that the proceeds from any sale of Council assets should be directly used in the acquisition of new assets or the enhancement of existing assets; and that asset sale proceeds may not be utilised for recurrent/operational purposes.
- establish guidelines for the application of proceeds for the various classes of major assets; and
- provide a basis for Council consideration of setting aside funding for a particular project.

## 2. Background

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It is recognised that a municipality's standards and developments change or evolve over time and some assets may become redundant or surplus to Council's needs. Council will overtime, carry out a strategic review of its asset and property holdings and may make a determination that some assets are excess to Council's needs.

This policy is designed to provide a framework for the disposal and/or sale of Council assets. It is also designed to:

- endorse the approach that the proceeds from any sale of Council assets should be directly used in the acquisition of new assets or the enhancement of existing assets; and that asset sale proceeds may not be utilised for recurrent/operational purposes.
- establish guidelines for the application of proceeds for the various classes of major assets including the process required to be followed in determining whether assets are surplus to Council's requirements.

## 3. Scope

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This policy applies to all fixed assets or property no longer required by Council for strategic or operational purposes and which have been identified for potential sale, transfer, exchange or disposal.

The policy includes reference to the following fixed assets:

- a. Land and buildings;
- b. Public open space;
- c. Plant and equipment.

## 4. Human Rights and Responsibilities Charter – Compatibility Statement

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The Victorian Charter of Human Rights and Responsibilities has been considered in the preparation of this policy but is not relevant to its content.



## 5. References

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- Council Plan
- Council's Annual Budget
- Asset Management Plans
- Local Government Act 1989 (LGA)
- Planning and Environment Act 1987
- Subdivision Act 1988
- Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land 2009 – Department of Planning and Community Development.

## 6. Definitions

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In this policy the following definitions apply:

- **Asset** is a resource controlled by Council, from which it expects to derive economic benefits or use for service delivery to the community over a period extending beyond one financial year. The asset carrying value is the asset value (cost or valuation) less any accumulated depreciation and accumulated impairment loss.
- **Council owned land** includes vacant land, including discontinued roads, and any building and development thereon.
- **Open space reserve** is a reserve set aside for any funds received from the sale of public open space which includes any land set aside in a plan or land in a plan zoned or reserved under a planning scheme:
  - for public recreation or public resort; or
  - as parklands; or
  - for similar purposes as defined in the Subdivision Act 1988.
- **Plant and Equipment** includes major items of plant and equipment in excess of \$50,000 written down value.
- **Right of Way (ROW)** means a road as defined in section 3 of the LGA.
- **Road** means a road as defined in section 3 of the LGA. The term "road" includes, but is not limited to, a ROW, a street, a laneway or a footpath.

## 7. Council Policy – Assets (not including Land and Plant)

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### 7.1 Sale Process

From time to time, Council will review its asset holdings and identify any surplus assets for consideration of sale.

In identifying any potential surplus Council owned assets, a report shall be presented to Council providing all relevant information regarding the asset identified for potential sale including environmental and planning issues and shall include a proposed process for undertaking both consultative and/or statutory processes under the Local Government Act 1989, including provisions for Council to hear submissions from the community related to the proposed sale.



The decision to proceed to offer specific parcels of land for sale (excluding Right of Ways and Road Discontinuances) rests exclusively with Council and will always require a Council Resolution.

### 7.2 Proceeds of Sale

The proceeds from any sale of surplus Council assets are subject to the following guidelines:

- a. trading the equipment to suppliers; or
- b. obtaining expressions of interest from interested buyers; or
- c. selective tender from an identified group of buyers; or
- d. public tender – openly seeking buyers using the tender process (including third party provider); or
- e. public auction -advertisement for auction through the local paper and, where appropriate, a paper circulating in the State, or procuring the services of an auctioneer.

The selection process is to give consideration to:

- a. the method likely to return the higher value net of disposal costs; and
- b. the current written down value (book value) of the asset; and
- c. compliance with relevant statutory obligations.

The sale of each item of plant and equipment is to be subject to a minimum reserve price to be approved by the Manager infrastructure Services.

### 7.3 Application of Sale Proceeds

Application of proceeds of sale: Council must apply the sale proceeds of a community asset to either the establishment of a new asset or major refurbishment of an existing asset.

Allocation of asset sale proceeds: Allocation of asset sale proceeds to an appropriate capital project can only occur via either an Annual Budget process or Mid-Year Budget process where the highest and best use of funds can be determined in reference to all potential capital projects.

Proceeds from the sale of assets must be received by Council prior to the expenditure allocation being determined.

## 8. Council Policy – Council Owned Land

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### 8.1 Sale Process

All sales, exchanges and transfers of land are required to comply with the provisions of the LG Act 1989. Sales are to be conducted through a public process (i.e. public auction, public tender or by registration of expressions of interest) unless circumstances exist that justify an alternative method of sale, (for example the sale or exchange of land by private treaty).

All sales and exchanges of land should occur at not less than the market value assessed by Council's valuer.

Land will not be sold for less than the market value, unless there are some significant and independently verified alternate community benefits derived by the sale of the land.

Any proposal to sell the land at a reduced sale price must be reported to Council for



consideration, providing commentary, including an independent assessment, of the alternate benefits derived by a sale at a reduced sale price.

Such benefits may include the achievement of planning and development goals, educational or medical benefits to the community, or some other significant strategic goal of Council.

Section 189 of the LG Act 1989 requires Council to do certain things prior to selling or exchanging land:

- a. to give at least four weeks public notice of an intention to sell or exchange land; and
- b. allow interested persons to make a submission under section 223 on the proposed sale or exchange.
- c. The intent of the legislation is to ensure that Council:
  - i. consults the community on any proposal to sell or exchange land; and
  - ii. provides the community with the opportunity to have their views heard; and
- d. obtains a current valuation (not more than 6 months) for the land that is proposed for sale or exchange.

Additionally, Council will institute the process to sell land no more than 6 months after the notice of intention to sell has been advertised.

### **8.1.1 Sale of Land and Planning / Permit Approvals**

Where a prospective purchaser requests that a potential sale is subject to the approval (by Council) of an associated Planning Permit, Council will make absolutely clear that it will not contemplate entering in to such an arrangement.

### **8.1.2 Sale of Land -Discontinued Roads**

The sale of land that forms part of a road that has been discontinued is subject to the provisions of the LG Act except for public consultation under section 223. The public consultation process for road discontinuance is provided for under clause 3, Schedule 10 by way of a notice published in the Government Gazette.

Prior to considering the discontinuance and sale or transfer of roads or ROWs or the removal of reserve status and the subsequent sale, transfer or exchange of land, officers will consider if land is required for any of the following purposes:

- there is an ongoing need for the land to provide either vehicular or pedestrian access.
- the land has strategic value to Council or the community.
- the land provides recreational linkages or linked paths.
- the land increases public open space.
- the land is required for public works or flood mitigation.
- the land is generally required for a municipal purpose.

The benefits in discontinuing and selling or transferring a road or ROW or removing the status of a reserve and selling, transferring or exchanging land that is no longer required are:

- it provides an additional source of income is received from the sale and transfer of land.
- there will be a reduction in Council's financial liability in terms of the ongoing maintenance costs of unused and surplus land.
- there is the potential for increased rate revenue.
- there is improved security for unused portions of land.
- Council can formalise any illegal occupation of public land.



The general principles that Council will apply in considering selling or transferring a road or ROW are:

- Council discourages the unauthorised occupation of roads, ROWs and reserves and will take steps to remove such illegal occupation.
- Council will encourage the sale or transfer of such land that is not being used for pedestrian or vehicular access or is no longer required for a strategic or public use.
- The value of the land to be sold will be determined by a current expert valuation.
- Council will only sell or transfer such land holdings to abutting property owners, unless the land is able to be sold or transferred to a third party for a significant community benefit.
- All abutting owners will be given an equal opportunity to purchase any land that abuts their property. Accordingly, officers will attempt to divide land equally. However, Council will acknowledge and give preferential allocation rights to abutting property owners who can demonstrate continuous exclusive occupation of the land for more than 15 years (i.e. occupation that would otherwise give rise to an adverse possession claim).
- Council will recover all costs incurred in the application of this policy.
- Council reserves the right to retain any portion of land if Council has title to such land if it is considered to be appropriate. This land may be retained to:
  - meet a strategic need or
  - protect Council's rights of ownership or
  - sell in the future in accordance with this policy.
- Council has the right to place an easement, covenant, or create an easement on, or over, the land parcel in order to protect existing rights or future requirements. If there is a requirement by service authorities to relocate any assets located within the land (e.g. drains, power lines, etc), then all costs will be borne by the purchaser.

In relation to the sale of roads, ROWs or minor reserves, if a property owner can demonstrate continuous exclusive occupation of the land for 15 years or longer and they have a right to claim the land by adverse possession, consideration may be given to discounting the purchase price by up to 25% of the current market value.

#### Direct Costs

All direct costs associated with the discontinuance and sale, transfer or exchange of roads, ROW's or minor reserves are to be borne by the purchaser, or shared by the purchasers. These costs include:

- legal fees (Council officers will use Council appointed legal contractors for any legal advice sought);
- surveyor's fees;
- land registry fee – Transfer of Land;
- Stamp duty;
- advertising costs;
- consolidation costs;
- planning permit application fees..

Council officers will endeavour to keep all costs borne by the purchaser(s) to a minimum and will seek to reduce costs if the portion of land is to be sold or transferred to a number of purchasers.

#### Relocation Costs



The relocation or replacement costs of any assets within roads, ROWs or minor reserves will be borne by the purchaser. These may include:

- relocation of fences
- service authority assets such as those belonging to water, gas or telecommunications organisations
- re-useable materials as determined by Council which may remain the property of Council
- replacement drainage or new storm water drainage.

### GST

In accordance with the provisions of the Goods and Services Tax Act 1999, the sale, transfer or exchange of Council property, including the sale, transfer or exchange of discontinued ROWs, roads, minor or major Reserves or other land parcels will attract GST. Council will ensure that GST is added to the sale price or that the sale price is inclusive of GST.

### Terms of Payment

The full purchase price will be paid to Council at the time of settlement, except timing of payments may be at the discretion of the Manager Finance in exceptional circumstances. If purchasers of roads, ROW's and minor reserves meet the requirements of Council's Financial Hardship Policy, terms may be extended to allow equal payments over a three year period. In relation to term payments, an additional service charge will be applied to cover any administration costs. The transfer of land will not be passed onto the purchaser until the purchase price plus any costs or additional amounts are paid in full.

Terms payments associated with the sale of major reserves or other significant land parcels will be considered on a case by case basis determined by accepted commercial practices.

### **8.1.3 Sale of Land – Public Open Space**

In addition to the requirements under the LG Act, Council is required to comply with section 20 of the Subdivision Act 1988 when selling public open space.

The Subdivisions Act requires Council to apply the proceeds from the sale of any public open space to:

- a. buy land for use for public recreation or public resort, as parklands or for similar purposes; or
- b. improve land already set aside, zoned or reserved (by the council, the Crown, a planning scheme or otherwise) for use for public recreation or public resort, as parklands or for similar purposes; or
- c. with the approval of the Minister administering the LG Act, improve land (whether set aside on a plan or not) used for public recreation or public resort, as parklands or for similar purposes.

## **9. Council Policy – Plant and Equipment**

The objective for Council is to obtain the best value for money outcome within a transparent and accountable process. The sale or disposal of major plant and equipment is subject to the following guidelines:

- trading in the equipment to suppliers; or
- obtaining expressions of interest from interested buyers (excluding Council



- employees); or
- public tender – openly seeking buyers using the tender process; or
- public auction -advertisement for auction through the local paper and, where appropriate, a paper circulating in the State, or procuring the services of an auctioneer.

The selection process is to give consideration to:

- the method likely to return the higher value net of disposal costs; and
- the current written down value (book value) of the asset; and
- compliance with relevant statutory obligations.

The sale of each item of Plant and Equipment is to be subject to a minimum reserve price to be approved by the General Manager Infrastructure Services and Manager Finance.

## 10. Proceeds of any Sale

---

The proceeds from any sale of surplus Council assets or land shall be allocated on the following basis:

- **Sale of Council owned Plant and Equipment**

All sale proceeds are to be applied to the purchase of new plant and equipment.

- **Sale of Council Owned Land**

The purpose of all sale proceeds will be determined by Council through a formal Council Resolution. The proceeds allocated will be net of all expenditure including advertising, agent's fees, legal costs and other sale costs

- **Public Open Space**

All proceeds from open space reserve sales are required to be used in accordance with the Subdivision and Planning Environment Act and must be allocated to the Council's Open Space Reserve.

## 11. Related Documents

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This Policy will be implemented in conjunction with the following legislation:

- Under clause 3 of schedule 10 of the Local Government Act 1989, Council has the authority to discontinue a road or ROW, or part thereof, and sell it to a third party or retain it for municipal purposes.
- Under section 24A of the Subdivision Act 1988, Council has the authority to initiate procedures to remove and vest in itself all, or part, of a drainage reserve or sell it to a third party.
- Under section 189 of the Local Government Act 1989, Council has the authority to sell land to a third party. This may include discontinued roads and/or reserves and other Council properties.
- Under section 20 of the Subdivision Act 1988, Council may sell land set aside as public open space but must abide by the legislation in relation to the use of funds derived from the sale.



# 8.6.2 DISPOSAL OR SALE OF COUNCIL ASSETS AND LAND POLICY

Directorate: Corporate Performance

Responsible Manager: Manager Finance

Review Due: Month Year

Adoption: Choose an item.

Date Adopted: .....

## Acknowledgement

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Central Goldfields Shire Council acknowledges and extends appreciation for the Dja Dja Wurrung People, the Traditional Owners of the land that we are on.

We pay our respects to leaders and Elders past, present and emerging for they hold the memories, the traditions, the culture and the hopes of all Dja Dja Wurrung People.

We express our gratitude in the sharing of this land, our sorrow for the personal, spiritual and cultural costs of that sharing and our hope that we may walk forward together in harmony and in the spirit of healing.

## 1. Purpose

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The purpose of this policy is to:

- define the process for identifying and proceeding with the disposal or sale of Council owned assets and land;
- endorse the approach that the proceeds from any sale of Council assets should be reinvested in assets by being used to fund and support the annual Capital Budget for Council.
- establish guidelines for the application of proceeds for the various classes of major assets; and
- provide a basis for Council consideration of setting aside funding for a particular project.

## 2. Background

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It is recognised that a municipality's standards and developments change or evolve over time and some assets may become redundant or surplus to Council's needs. Council will, over time, carry out a strategic review of its asset and property holdings and may make a determination that some assets are excess to Council's needs. This policy is designed to provide a framework for the disposal and/or sale of Council assets. It is also designed to:

- endorse the approach that the proceeds from any sale of Council assets should be directly used in the acquisition of new assets or the enhancement of existing assets; and that asset sale proceeds may not be utilised for recurrent/operational purposes.
- establish guidelines for the application of proceeds for the various classes of major assets including the process required to be followed in determining whether assets are surplus to Council's requirements.

### 3. Scope

---

This policy applies to all fixed assets or property no longer required by Council for strategic or operational purposes and which have been identified for potential sale, transfer, exchange or disposal. The policy includes reference to the following fixed assets:

- a) Land and buildings;
- b) Public open space;
- c) Plant and equipment.

### 4. Definitions

---

**Asset** means a resource controlled by Council, from which it expects to derive economic benefits or use for service delivery to the community over a period extending beyond one financial year. The asset carrying value is the asset value (cost or valuation) less any accumulated depreciation and accumulated impairment loss.

**Best Practice Guidelines** means Local Government Best Practice Guideline for Sale/Exchange of Land June 2009, as amended, prepared jointly by Local Government Victoria and the Government Land Monitor and the Department of Planning and Community Development. The Guidelines provide guidance to Council on the sale, exchange or transfer of Council Land and should be followed.

**Council** means the Central Goldfields Shire Council.

**Council owned Land** means Council owned land including vacant land, discontinued roads and any building and development thereon.

**LGA** means the Local Government Act 2020 as amended from time to time.

**Open space reserve (monetary/cash reserve)** means a reserve set aside for any funds received from the sale of public open space which includes any land set aside in a plan or land in a plan zoned or reserved under a planning scheme:

- for public recreation or public resort; or
- as parklands; or
- for similar purposes as defined in the Subdivision Act 1988.

**Plant and Equipment** means major items of plant and equipment in excess of \$50,000 written down value.

**Road** means a road as defined in section 3 of the LGA. The term "road" includes, but is not limited to, a **Right of Way (ROW)**, a street, a laneway or a footpath.

**Valuer** means a person with suitable qualifications and experience as specified in the Valuation of Land Act 1960.

## 5. Council Assets (not including Land and Plant)

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### 5.1. Sale Process

From time to time, Council will review its asset holdings and identify any surplus assets for consideration of sale.

In identifying any potential surplus Council owned assets, a report shall be presented to Council providing all relevant information regarding the asset identified for potential sale including environmental and planning issues and shall include a proposed process for undertaking both consultative and/or statutory processes under the Local Government Act 2020, including provisions for Council to undertake appropriate community consultation related to the proposed sale.

The decision to proceed to offer specific assets for sale (excluding Right of Ways and Road Discontinuances) rests exclusively with Council and will always require a Council Resolution.

### 5.2. Proceeds of Sale

The proceeds from any sale of surplus Council assets are subject to the following guidelines:

- a) trading the equipment to suppliers; or
- b) obtaining expressions of interest from interested buyers; or
- c) selective tender from an identified group of buyers; or
- d) public tender – openly seeking buyers using the tender process (including third party provider); or
- e) public auction – advertisement for auction through the local paper and, where appropriate, a paper circulating in the State, or procuring the services of an auctioneer.

The selection process is to give consideration to:

- a) the method likely to return the higher value net of disposal costs; and
- b) the current written down value (book value) of the asset; and
- c) compliance with relevant statutory obligations.

The sale of each item of plant and equipment is to be subject to a minimum reserve price to be approved by the Manager Finance.

### 5.3. Application of Sale Proceeds

**Application of proceeds of sale:** Council must apply the sale proceeds of a community asset to either the establishment of a new asset or major refurbishment of an existing asset via the annual Capital Budget as part of the Council Budget.

**Allocation of asset sale proceeds:** Allocation of asset sale proceeds to an appropriate capital project can only occur via either an Annual Budget process or Mid-Year Budget process where the highest and best use of funds can be determined in reference to all potential capital projects.

Proceeds from the sale of assets must be received by Council prior to the expenditure allocation being determined.

## 6. Council Owned Land

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### 6.1 Sale Process

All sales, exchanges and transfers of land are required to comply with the provisions of the Local Government Act 2020 and the Council's Community Engagement Policy. Sales are to be conducted through a public process (i.e. public auction, public tender or by registration of expressions of interest (EOI)) unless circumstances exist that justify an alternative method of sale, (for example the sale or exchange of land by private treaty).

All sales and exchanges of land should occur at not less than the market value as assessed by a suitably qualified and experienced Valuer.

Land will not be sold for less than the market value, unless there are some significant and independently verified alternate community benefits derived by the sale of the land.

Any proposal to sell the land at a reduced sale price must be reported to Council for consideration, providing commentary, including an independent assessment, of the alternate benefits derived by a sale at a reduced sale price.

Such benefits may include the achievement of planning and development goals, educational or medical benefits to the community, or some other significant strategic goal of Council.

Section 114 (2) of the Act requires Council to do certain things prior to selling or exchanging land, which are:

- a. to give at least four weeks public notice of an intention to sell or exchange land
- b. undertake a community engagement process in accordance with Council's community engagement policy, and
- c. obtain from a person who holds the qualifications or experience specified under section 13DA(2) of the Valuation of Land Act 1960, a valuation of the land which is made not more than 6 months prior to the sale or exchange.

Additionally, Council will institute the process to sell land no more than 6 months after the notice of intention to sell has been advertised.

#### 6.1.1 Sale of Land and Planning / Permit Approvals

Where a prospective purchaser requests that a potential sale is subject to the approval (by Council) of an associated Planning Permit, Council will make absolutely clear that it will not contemplate entering in to such an arrangement.

#### 6.1.2 Sale of Land - Discontinued Roads

The sale of land that forms part of a road that has been discontinued is subject to the provisions of the LGA except for the requirement for public consultation under Council's Community Engagement Policy.

Prior to considering the discontinuance and sale or transfer of roads or ROWs or the removal of reserve status and the subsequent sale, transfer or exchange of land, officers will consider if land is required for any of the following purposes:

- there is an ongoing need for the land to provide either vehicular or pedestrian access.

- the land has strategic value to Council or the community.
- the land provides recreational linkages or linked paths.
- the land increases public open space.
- the land is required for public works or flood mitigation.
- the land is generally required for a municipal purpose.

The benefits in discontinuing and selling or transferring a road or ROW or removing the status of a reserve and selling, transferring or exchanging land that is no longer required are:

- an additional source of income is received from the sale and transfer of land.
- there will be a reduction in Council's financial liability in terms of the ongoing maintenance costs of unused and surplus land.
- there is the potential for increased rate revenue.
- there is improved security for unused portions of land.
- Council can formalise any illegal occupation of public land.

The general principles that Council will apply in considering selling or transferring a road or ROW are:

- Council discourages the unauthorised occupation of roads, ROWs and reserves and will take steps to remove such illegal occupation.
- Council will encourage the sale or transfer of such land that is not being used for pedestrian or vehicular access or is no longer required for a strategic or public use.
- The value of the land to be sold will be determined by a current expert valuation.
- Council will only sell or transfer such land holdings to abutting property owners unless the land is able to be sold or transferred to a third party for a significant community benefit.
- All abutting owners will be given an equal opportunity to purchase any land that abuts their property. Accordingly, officers will attempt to divide land equally. However, Council will acknowledge and give preferential allocation rights to abutting property owners who can demonstrate continuous exclusive occupation of the land for more than 15 years (i.e. occupation that would otherwise give rise to an adverse possession claim).
- Council will recover all costs incurred in the application of this policy.
- Council reserves the right to retain any portion of land if Council has title to such land if it is considered to be appropriate. This land may be retained to:
  - meet a strategic need or
  - protect Council's rights of ownership or
  - sell in the future in accordance with this policy.
- Council has the right to place an easement, covenant, or create an easement on, or over, the land parcel in order to protect existing rights or future requirements. If there is a requirement by service authorities to relocate any assets located within the land (e.g., drains, power lines, etc), then all costs will be borne by the purchaser.

In relation to the sale of roads, ROWs or minor reserves, if a property owner can demonstrate continuous exclusive occupation of the land for 15 years or longer and they

have a right to claim the land by adverse possession, consideration may be given to discounting the purchase price by up to 25% of the current market value.

### **Direct Costs**

All direct costs associated with the discontinuance and sale, transfer or exchange of roads, ROW's or minor reserves are to be borne by the purchaser or shared by the purchasers. These costs include:

- legal fees (Council officers will use Council appointed legal contractors for any legal advice sought)
- surveyor's fees
- land registry fee – Transfer of Land
- Stamp duty
- advertising costs
- consolidation costs
- planning permit application fees.

Council officers will endeavour to keep all costs borne by the purchaser(s) to a minimum and will seek to reduce costs if the portion of land is to be sold or transferred to a number of purchasers.

### **Relocation Costs**

The relocation or replacement costs of any assets within roads, ROWs or minor reserves will be borne by the purchaser. These may include:

- relocation of fences
- service authority assets such as those belonging to water, gas or telecommunications organisations
- re-useable materials as determined by Council which may remain the property of Council
- replacement drainage or new storm water drainage.

### **GST**

In accordance with the provisions of the Goods and Services Tax Act 1999, the sale, transfer or exchange of Council property, including the sale, transfer or exchange of discontinued ROWs, roads, minor or major Reserves or other land parcels will attract GST.

Council will advise where GST is added to the sale price or the sale price will be advised as inclusive of GST.

### **Terms of Payment**

The full purchase price will be paid to Council at the time of settlement, except timing of payments may be at the discretion of the Manager Finance in exceptional circumstances. If purchasers of roads, ROW's and minor reserves meet the requirements of Council's Financial Hardship Policy, terms may be extended to allow equal payments over a three-year period. In relation to term payments, an additional service charge will be applied to cover any administration costs. The transfer of land will not be passed to the purchaser until the purchase price plus any costs or additional amounts are paid in full.

Terms payments associated with the sale of major reserves or other significant land parcels will be considered on a case-by-case basis determined by accepted commercial practices.

### 6.1.3 Sale of Land – Public Open Space

In addition to the requirements under the LGA, Council is required to comply with section 20 of the Subdivision Act 1988 when selling public open space.

The Subdivision Act requires Council to apply the proceeds from the sale of any public open space to:

- a) buy land for use for public recreation or public resort, as parklands or for similar purposes; or
- b) improve land already set aside, zoned or reserved (by the council, the Crown, a planning scheme or otherwise) for use for public recreation or public resort, as parklands or for similar purposes; or
- c) with the approval of the Minister administering the LGA, improve land (whether set aside on a plan or not) used for public recreation or public resort, as parklands or for similar purposes.

## 7. Plant and Equipment

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The objective for Council is to obtain the best value for money outcome within a transparent and accountable process. The sale or disposal of major plant and equipment is subject to Council's Procurement Policy, where a third party is required to execute the sale, including the following guidelines:

- trading in the equipment to suppliers; or
- obtaining expressions of interest from interested buyers (excluding Council employees); or
- public tender – openly seeking buyers using the tender process; or
- public auction – advertisement for auction through the local paper and, where appropriate, a paper circulating in the State, or procuring the services of an auctioneer.

The selection process is to give consideration to:

- the method likely to return the higher value net of disposal costs; and
- the current written down value (book value) of the asset; and
- compliance with relevant statutory obligations.

The sale of each item of Plant and Equipment is to be subject to a minimum reserve price to be approved by the Manager Finance.

## 8. Proceeds of any Sale

---

The proceeds from any sale of surplus Council assets or land shall be allocated on the following basis:

- **Sale of Council owned Plant and Equipment**  
All sale proceeds are to be applied to the purchase of new plant and equipment.
- **Sale of Council Owned Land**

The purpose of all sale proceeds will be determined by Council through a formal Council Resolution. The proceeds allocated will be net of all expenditure including advertising, agent's fees, legal costs and other sale costs.

- **Public Open Space (Monetary/Cash reserve)**

All proceeds from open space reserve sales are required to be used in accordance with the Subdivision and Planning Environment Act and must be allocated to the Council's Open Space Reserve.

## 9. Related Documents

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This Policy will be implemented in conjunction with the following legislation:

- Under section 24A of the Subdivision Act 1988, Council has the authority to initiate procedures to remove and vest in itself all, or part, of a drainage reserve or sell it to a third party.
- Under section 114 of the Local Government Act 2020, Council has the authority to sell land to a third party. This may include discontinued roads and/or reserves and other Council properties.
- Under section 20 of the Subdivision Act 1988, Council may sell land set aside as public open space but must abide by the legislation in relation to the use of funds derived from the sale.

## 10. Review

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This Policy must be reviewed a minimum of once every 4 years.

## 11. Human Rights Statement

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It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act (2006). Central Goldfields Shire Council is committed to consultation and cooperation between management and employees.

## 12. Relevant Legislation and Council Policies

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### 12.1 Related policies and procedures

- Sale and Acquisition of Land Procedures as amended from time to time
- Local Government Best Practice Guidelines for the Sale, Exchange & Transfer of Land
- Asset Management Strategy 2015-25
- Asset Management Plan
- Property Portfolio Plan
- Roads and Reserve Discontinuance and Sale Policy
- Community Engagement Policy
- Procurement Policy

### 12.2 Related Legislation and Regulations

- Local Government Act 2020
- Planning and Environment Act 1987
- Subdivision Act 1988
- Transfer of Land Act 1958



## 9. Notices of Motion

The Governance Rules provides that Councillors May Propose Notices Of Motion, Chapter 2, Division 4:

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

### 22. Notice Of Motion

22.1 A notice of motion must be in writing signed by a Councillor, and be lodged with or sent to the Chief Executive Officer at least one week before the Council meeting to allow sufficient time for him or her to include the notice of motion in agenda papers for a Council meeting and to give each Councillor at least 48 hours notice of such notice of motion.

22.2 The Chief Executive Officer may reject any notice of motion which:

22.2.1 is vague or unclear in intention  
22.2.2 it is beyond Council's power to pass;

or

22.2.3 if passed would result in Council otherwise acting invalidly but must:

22.2.4 give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and

22.2.5 notify in writing the Councillor who lodged it of the rejection and reasons for the rejection.

22.3 The full text of any notice of motion accepted by the Chief Executive Officer must be included in the agenda.

22.4 The Chief Executive Officer must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.

22.5 Except by leave of Council, each notice of motion before any meeting must be considered in the order in which they were entered in the notice of motion register.

22.6 If a Councillor who has given a notice of motion is absent from the meeting or fails to move the motion when called upon by the Chair, any other Councillor may move the motion.

22.7 If a notice of motion is not moved at the Council meeting at which it is listed, it lapses

**Nil Notices of Motion have been received for this meeting.**

## **10.Urgent Business**

The Governance Rules provide for urgent business as follows:<sup>1</sup>

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

1. 1 relates to or arises out of a matter which has arisen since distribution of the agenda; and
2. 2 cannot safely or conveniently be deferred until the next Council meeting.

## **11. Confidential Business**

### **11.1 Aged Care Reform Review**

#### **Recommended Motion:**

That Council close the meeting to members of the public pursuant to Section 66 (2) of the Local Government Act 2020, to consider the Aged Care Reform Report relating to;

- (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;
- (b) Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

## **12. Meeting Closure**