



# Council Meeting Agenda

Wednesday 26 February 2025

6:00 pm

Maryborough Town Hall, Maryborough  
and livestreamed on the internet.



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## 1 Commencement of Meeting

Councils must, in the performance of its role, give effect to the overarching governance principles in the Local Government Act 2020.

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.

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 four 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. 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.

## 4 Conflict 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:

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, 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.

**Councillor form to disclose conflicts of interest**

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

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

Meeting type:

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

Nature of the conflict of interest (describe):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

### **RECOMMENDATION**

*That Council confirm the following Minutes dated 17 December 2024 as a true and accurate record of the meeting:*

1. 20241217 Draft Council Meeting Minutes [5.1.1]



## **CONFIRMED COUNCIL MEETING MINUTES**

Meeting Date

6:00pm

Meeting held in person

Maryborough Town Hall, Maryborough, and livestreamed on the internet.

## **MEMBERSHIP**

Councillors:

Grace La Vella (Mayor)

Ben Green (Deputy Mayor)

Anna De Villers

Jake Meyer

Geoff Bartlett

Gerard Murphy

Liesbeth Long

Will be confirmed at the Council Meeting on 26 February 2025.

**DRAFT COUNCIL MEETING MINUTES – 17 December 2024**

**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)  
Ben Green (Deputy Mayor)  
Anna De Villers  
Jake Meyer  
Geoff Bartlett  
Gerard Murphy  
Liesbeth Long

**Officers**

Interim Chief Executive Officer Sally Jones  
General Manager Community Wellbeing Emma Little  
General Manager Assets Infrastructure and Planning Amber Ricks  
General Manager Corporate Performance Mick Smith  
Manager Governance Property and Risk Cecilia Connellan

**2. APOLOGIES**

Nil.

**3. LEAVE OF ABSENCE**

Nil

**4. DISCLOSURES OF CONFLICTS OF INTEREST**

**DRAFT COUNCIL MEETING MINUTES – 17 December 2024**

Nil

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

<p><b>MOTION</b></p> <p>That Council confirm the following Minutes as true and accurate record of the meeting:</p> <p><b>5.1 Minutes from Statutory Council Meeting dated 26 November 2024</b></p> <p><b>Changed Required:</b></p> <ul style="list-style-type: none"><li>• Meeting was held in person, not hybrid</li><li>• CR Meyer’s surname needs to be corrected from Myer to Meyer</li></ul> <p><b>Moved: Cr Murphy</b> <b>Seconded: Cr Green</b></p> <p style="text-align: right;"><b>Carried</b></p>
---

Cr who spoke to item: **Cr Murphy**

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

<p><b>MOTION</b></p> <p>That Council receives and notes the confirmed minutes of the:</p> <ol style="list-style-type: none"><li>1. Adelaide Lead Hall Annual General Meeting Minutes 2024;</li><li>2. Daisy Hill Community Centre Annual General Meeting Minutes 2024;</li><li>3. Dunolly Historic Precinct Annual General Meeting Minutes 2024;</li><li>4. Talbot Community Homes Annual General Meeting Minutes 2024 and;</li><li>5. Talbot Town Hall Committee Annual General Meeting Minutes 2024</li></ol> <p><b>Moved: Cr Murphy</b> <b>Seconded: Cr Green</b></p> <p style="text-align: right;"><b>Carried</b></p>
---

Cr who spoke to item: Nil

**7. PETITIONS**

**7.1 PETITION TO DEVELOP A LGBTIQA+ ACTION PLAN**



**DRAFT COUNCIL MEETING MINUTES – 17 December 2024**

**Motion**

That Council;

- 1) Note the submitted petition and agree for it to be considered at the next Council Meeting;
- 2) Refer the petition to the CEO for consideration as prescribed by the Governance Rules and;
- 3) Note that the Council Officers are currently in the process of undertaking work under the Rainbow Readiness Roadmap

**Moved; Cr Bartlett**

**Seconded; Cr de Villiers**

**Carried**

**Cr who spoke to item:** Cr Bartlett

**8. OFFICER REPORTS**

**8.1 COUNCIL PLAN ACTION PLAN QUARTER ONE**

The report provides Council with an update on the status of the actions identified in the Council Plan Annual Action Plan 2024-2025, for the quarter ending 30 September 2024.

**MOTION**

That Council note the Council Plan Action Plan Quarterly Action Items quarter one.

**Moved:** Cr Long

**Seconded:** Cr Murphy

**Carried**

**Cr who spoke to item:** Cr Long

**8.2 QUARTERLY FINANCE REPORT – SEPTEMBER 2024**

The purpose of this report is to brief council on the financial performance for the year to date and how it is tracking against the adopted budget, noting any material differences.

**DRAFT COUNCIL MEETING MINUTES – 17 December 2024**

<p><b>MOTION</b></p> <p>That Council receives and notes the attached Finance Report for the period to 30 September 2024.</p> <p><b>Moved: Cr de Villiers</b>  <b>Seconded: Cr Bartlett</b></p> <p style="text-align: right;"><b>Carried</b></p>
---

**Cr who spoke to item:** Cr de Villiers

**8.3 2025 CENTRAL GOLDFIELDS AUSTRALIA DAY AWARDS – NOMINATION SELECTION PROCESS**

The purpose of this report is for the Councillors to adopt the results of their scoring for the Central Goldfields Australia Day Awards.

The report outlines the selection process for determining award winners thereby providing Councillors with detailed information about the nominations, criteria, and evaluation methods used to determine the award recipients.

<p><b>MOTION</b></p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1. adopt the final results of the nominations for the Australia Day Awards (as per contained in the confidential attachment provided) and;</li> <li>2. Note that the Award recipients will be announced as part of Council's Australia Day event on Sunday 26<sup>th</sup> January 2025.</li> </ol> <p><b>Moved: Cr Murphy</b>  <b>Seconded: Cr Meyer</b></p> <p style="text-align: right;"><b>Carried</b></p>
---

**Cr who spoke to item:** Cr Murphy

**8.4 COMMUNITY AND COMPLIANCE ENFORCEMENT POLICY**

The purpose of this report is to brief Councillors on the updated Community and Compliance Enforcement Policy, following a technical review.

**DRAFT COUNCIL MEETING MINUTES – 17 December 2024**

This policy provides a rationale and framework for an equitable, transparent and consistent approach to compliance and enforcement activities undertaken by the Central Goldfields Shire Council so our community can be assured that standards are met and natural justice followed.

**MOTION**

That council adopt the updated Community and Compliance Enforcement Policy

**Moved:** Cr de Villiers

**Seconded:** Cr Bartlett

**Carried**

**Cr who spoke to item:** Cr De Villiers, Cr Bartlett

**8.5 FOOD ACT COMPLIANCE AND ENFORCEMENT POLICY**

The purpose of this report is to recommend Council adopt the updated Food Act Compliance Enforcement Policy, following a technical review by the Environmental Health Officer (EHO).

This policy provides the strategic framework for food safety compliance and enforcement processes to food businesses registered within the municipality.

**MOTION**

That Council adopt the updated Food Act Compliance and Enforcement Policy

**Moved:** Cr Bartlett

**Seconded:** Cr Long

**Carried**

**Cr who spoke to item:** Cr Bartlett, Cr Long

**8.3 SETTING COUNCIL MEETING DATES FOR 2025**

The purpose of this report is to provide Council with the proposed dates and times for meetings of Council for the 2025 calendar year.

**MOTION**

That Council adopt the following proposed Council Meeting dates for 2025:

- Wednesday 26 February

**DRAFT COUNCIL MEETING MINUTES – 17 December 2024**

- Wednesday 26 March
- Wednesday 23 April
- Wednesday 28 May
- Wednesday 25 June
- Wednesday 23 July
- Wednesday 27 August
- Wednesday 24 September
- Wednesday 22 October
- Wednesday 19 November – Statutory Meeting - Election of Mayor and Deputy Mayor
- Wednesday 26 November
- Wednesday 17 December

**Moved:** Cr Long

**Seconded:** Cr Green

**Carried**

**Cr who spoke to item:** Cr Long

**9. COUNCILLOR REPORTS AND GENERAL BUSINESS**

Nil

**10. NOTICES OF MOTION**

Nil

**10. URGENT BUSINESS**

Nil

**11. CONFIDENTIAL BUSINESS**

Nil

**DRAFT COUNCIL MEETING MINUTES – 17 December 2024**

**12. MEETING CLOSURE**

The meeting closed at 6:20pm.

DRAFT

## 6 Minutes of Delegated and Advisory Committees

Nil

## 7 Petitions

### 7.1 Petition Response LGBTIQA+ Action Plan

**Author:** Governance Officer  
Coordinator Community Development

**Responsible Officer:** General Manager Community Wellbeing  
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.*

### SUMMARY/PURPOSE

The purpose of this report is to provide an update in response to a petition presented to Council for consideration at the 17 December 2024 Council Meeting, requesting Central Goldfields Shire Council develop a LGBTIQA+ Action Plan.

### RECOMMENDATION

That Council:

- 1) accept the submitted petition as prescribed by the Governance Rules
- 2) thank the petitioner submitter and those who signed the petition
- 3) acknowledge the ongoing work that Officers are conducting to implement and deliver the Rainbow Readiness Roadmap.

### LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council’s Council Plan 2021-2025:

The Community’s vision:

Our Community's Wellbeing

1. Socially connected, creative, inclusive, healthy, and safe 'all ages' friendly communities.
1. Everyone is valued and belongs and has every chance to grow, prosper and thrive.
1. Communities honour, protect, and celebrate culture, diversity, history, and heritage.
1. The culture of First Nations people is visible, and reconciliation is something that all people participate in.

Our Spaces and Places

3. Engaging places and spaces for people to live, work, play and connect.

**Leading Change**

4. Activated, engaged, and informed citizens who have a say, volunteer, get involved in community matters.
4. Good planning, governance, and service delivery.
4. Transparent decision making.

Initiative: N/A

## BACKGROUND INFORMATION

On 27 August 2024, a petition containing twelve signatures was submitted requesting “We, the residents, and ratepayers of Central Goldfields, hereby petition Central Goldfields Shire Council to develop an LGBTIQ+ Action Plan”

The submitted petition was assessed to ensure the requirements in the Governance Rules was met and it was concluded that the petition fulfils the Governance Rules Requirements

On 17 December 2024, the Petition was presented to Council for consideration and the following resolution was made;

That Council:

- 1) note the submitted petition and agree for it to be considered at the next Council Meeting;
- 2) refer the petition to the CEO for consideration as prescribed by the Governance Rules and;
- 3) Note that Council Officers are currently in the process of undertaking work under the Rainbow Readiness Roadmap.

## REPORT

### Rainbow Readiness Roadmap

The Rainbow Readiness Roadmap is a set of resources for Victorian rural and regional communities to build LGBTIQ+ inclusion.

The roadmap supports the Victorian Government’s *Pride in our future: Victoria’s LGBTIQ+ strategy 2022-32* by enabling the creation of safe, strong, and sustainable communities.

Roadmap resources help rural and regional communities and organisations to identify, plan, monitor and evaluate progress towards local LGBTIQ+ inclusion.

These resources are designed to be used in a range of local and community settings, including local government.

A core component of the Rainbow Ready roadmap is an audit of the organisation, to understand more comprehensively the scope of LGBTIQ+ inclusion work within Council which would capture:

- the level of LGBTIQ+ awareness, understanding and support within Council
- the work (internally and externally) Council currently undertakes in the LGBTIQ+ inclusion space
- identified gaps and areas for improvements (including ways to promote diversity and inclusion)

The information captured through the audit/assessment process would then inform the development of an LGBTIQ+ inclusion action plan to address gaps/areas for improvement and inform Council’s LGBTIQ+ inclusion work moving forward.

Developing and implementing an LGBTIQ+ action plan is an expressed commitment Council has made to the community in the Central Goldfields Shire Council – Council Plan 2021-2025.

Council Officers are currently in the process of undertaking work in this area through a series of workshops, surveys, audits, checklists, and action items.

Completed actions have included:

- Rainbow Ready workshop and partial audit with the Leadership Team
- Inclusion of 9 LGBTIQ+ related questions in the staff Pulse survey

The proposed next steps in the Rainbow Ready roadmap process includes:

- Delivery of LGBTIQ+ awareness workshops to staff
- Directorate/team-based audits re Council's work in the LGBTIQ+ space

Progressing the 'Rainbow Readiness Roadmap' activities will facilitate cross-organisational understanding, awareness raising and action in the LGBTIQ+ inclusion space, and ensure the clarity, certitude and consistency of positive messaging, behaviours (role modelling by Council and Council staff) and actions (program and service delivery to community) to support Council's broader inclusion work.

### **CONSULTATION/COMMUNICATION**

The petition was received on 27 August 2024.

The petition was unable to be presented at the 16 September Council meeting as the Local Government Election Caretaker Period began the following day.

An email was sent to 'Rainbow Local Government' from the Manager of Community Wellbeing informing them of the delay in presenting the petition to Council and an response was received acknowledging that they had noted the item was to be presented at the 17 December 2024 Council Meeting.

The report presented at the December Council Meeting informed Council that the Rainbow Readiness Roadmap project was in development and that this current process fulfilled the petition request for Council to develop an LGBTIQ+ Action Plan.

### **FINANCIAL & RESOURCE IMPLICATIONS**

The Rainbow Readiness Roadmap project is being initiated and managed internally by Council officers.

### **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

Community engagement- Inadequate stakeholder management or engagement impacting brand reputation and community satisfaction in Council decision making by working through the Rainbow Readiness Roadmap to ensure that Council can develop a LGBTIQ+ Action Plan.

### **CONCLUSION**

The petition received from the Rainbow Local Government has been accepted by Council.

In response to the Petition request, work is currently in progress with the Rainbow Readiness Roadmap, and this will result in the development of a LGBTIQ+ Action Plan for the Central Goldfields Shire Community.

### **ATTACHMENTS**

1. Petition to Central Goldfields Shire Council – LGBTIQ+ Action Plan (names redacted) [7.1.1]
2. Rainbow Ready Roadmap User Guide [7.1.2]





Saturday, January 13, 2024

## **Petition to Central Goldfields Shire Council: LGBTIQA+ Action Plan**

We, the residents and ratepayers of Central Goldfields, hereby petition Central Goldfields Shire Council to develop an LGBTIQA+ Action Plan.

**Name**

[Redacted]

**Signature**

[Redacted]

**Address**

[Redacted]



Saturday, January 6, 2024

## **Petition to Central Goldfields Shire Council: LGBTIQ+ Action Plan**

We, the residents and ratepayers of Central Goldfields, hereby petition Central Goldfields Shire Council to develop an LGBTIQ+ Action Plan.

**Name**

[Redacted]

**Signature**

[Redacted]

**Address**

[Redacted]



Sunday, August 25, 2024

## **Petition to Central Goldfields Shire Council: LGBTIQA+ Action Plan**

We, the residents and ratepayers of Central Goldfields, hereby petition Central Goldfields Shire Council to develop an LGBTIQA+ Action Plan.

**Name**

[Redacted]

**Signature**

[Redacted]

**Address**

[Redacted]



Monday, January 15, 2024

## **Petition to Central Goldfields Shire Council: LGBTIQA+ Action Plan**

We, the residents and ratepayers of Central Goldfields, hereby petition Central Goldfields Shire Council to develop an LGBTIQA+ Action Plan.

**Name**

[REDACTED]

**Signature**

[REDACTED]

**Address**

[REDACTED]



Friday, January 5, 2024

## **Petition to Central Goldfields Shire Council: LGBTIQ+ Action Plan**

We, the residents and ratepayers of Central Goldfields, hereby petition Central Goldfields Shire Council to develop an LGBTIQ+ Action Plan.

**Name**

[REDACTED]

**Signature**

[REDACTED]

**Address**

[REDACTED]



Saturday, January 6, 2024

## **Petition to Central Goldfields Shire Council: LGBTIQ+ Action Plan**

We, the residents and ratepayers of Central Goldfields, hereby petition Central Goldfields Shire Council to develop an LGBTIQ+ Action Plan.

**Name**

[REDACTED]

**Signature**

[REDACTED]

**Address**

[REDACTED]



Friday, January 5, 2024

## **Petition to Central Goldfields Shire Council: LGBTIQA+ Action Plan**

We, the residents and ratepayers of Central Goldfields, hereby petition Central Goldfields Shire Council to develop an LGBTIQA+ Action Plan.

**Name**

[Redacted]

**Signature**

[Redacted]

**Address**

[Redacted]



Friday, January 5, 2024

## **Petition to Central Goldfields Shire Council: LGBTIQ+ Action Plan**

We, the residents and ratepayers of Central Goldfields, hereby petition Central Goldfields Shire Council to develop an LGBTIQ+ Action Plan.

**Name**

[Redacted]

**Signature**

[Redacted]

**Address**

[Redacted]





Thursday, August 22, 2024

## **Petition to Central Goldfields Shire Council: LGBTIQA+ Action Plan**

We, the residents and ratepayers of Central Goldfields, hereby petition Central Goldfields Shire Council to develop an LGBTIQA+ Action Plan.

**Name**

[REDACTED]

**Signature**

[REDACTED]

**Address**

[REDACTED]



Friday, January 5, 2024

## **Petition to Central Goldfields Shire Council: LGBTIQA+ Action Plan**

We, the residents and ratepayers of Central Goldfields, hereby petition Central Goldfields Shire Council to develop an LGBTIQA+ Action Plan.

**Name**

[REDACTED]

**Signature**

[REDACTED]

**Address**

[REDACTED]



Thursday, January 18, 2024

## **Petition to Central Goldfields Shire Council: LGBTIQ+ Action Plan**

We, the residents and ratepayers of Central Goldfields, hereby petition Central Goldfields Shire Council to develop an LGBTIQ+ Action Plan.

**Name**

[REDACTED]

**Signature**

[REDACTED]

1

**Address**

[REDACTED]



Thursday, January 18, 2024

## **Petition to Central Goldfields Shire Council: LGBTIQA+ Action Plan**

We, the residents and ratepayers of Central Goldfields, hereby petition Central Goldfields Shire Council to develop an LGBTIQA+ Action Plan.

**Name**

[Redacted]

**Signature**

[Redacted]

**Address**

[Redacted]

# Rainbow Ready roadmap



User guide



To receive this document in another format,  
**email the Equality Unit** <equality@dffh.vic.gov.au>.

Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.

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Except where otherwise indicated, the images in this document show models and illustrative settings only, and do not necessarily depict actual services, facilities or recipients of services.

In this document, 'Aboriginal' refers to both Aboriginal and Torres Strait Islander people.

The Victorian Government acknowledges the contributions of Dr Catherine Barrett and Daniel Witthaus in development of this resource.

ISBN 978-1-76096-806-9 (online/PDF/Word)

Available at **Rainbow Ready roadmap** <<https://www.vic.gov.au/rainbow-ready-roadmap>>.

(2306512)

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## Introduction

The *Rainbow Ready roadmap* is a set of resources for Victorian rural and regional communities to build lesbian, gay, bi-sexual, intersex, queer and asexual (LGBTIQ+) inclusion. The resources were developed with LGBTIQ+ communities, for all regional and rural communities to work together to address inequalities experienced by LGBTIQ+ people. The *Rainbow Ready roadmap* responds to calls from rural and regional Victorians for the need to build LGBTIQ+ inclusion by equipping communities with practical resources.

### Why do we need the Rainbow Ready roadmap?

While progress has been made towards LGBTIQ+ equality, many LGBTIQ+ Victorians continue to face discrimination, inequalities and stigma, which can lead to poorer health and wellbeing outcomes. In regional and rural communities, LGBTIQ+ people can experience heightened discrimination and isolation, and in many cases have limited access to services and networks to help feel supported.

The *Rainbow Ready roadmap* aims to support communities to address the unique challenges faced by LGBTIQ+ people living in rural and regional Victoria. The roadmap also offers examples to assist people in improving LGBTIQ+ inclusion in their own regions and towns.



LGBTIQ+ people living in rural and regional Victoria:

- experience higher rates of family violence
- are more likely to have a diagnosis of anxiety or depression
- experience higher rates of chronic disease
- are more likely to rate their health status as fair/poor.<sup>1</sup>

### How was the Rainbow Ready roadmap developed?

In 2016, the Victorian Government undertook the LGBTIQ+ Equality Roadshow across rural and regional Victoria. The roadshow visited 29 towns and hosted around 220 engagement activities with more than 2500 attendees. The roadshow's mission was to encourage communities to plan to build LGBTIQ+ inclusion.

An evaluation of the roadshow<sup>2</sup> showed that achieving longer term transformations would require that communities are given more support. Participants reflected that a resource would help communities learn from each other when developing LGBTIQ+ inclusive communities. From there, the Victorian Government engaged consultants to work with regional communities to design the *Rainbow Ready roadmap*. The roadmap was developed between 2019 and 2021, incorporating lessons from the Roadshow and feedback from communities in rural and regional Victoria.



Real-life case studies from the LGBTIQ+ Equality Roadshow are included on the Rainbow Ready roadmap website to provide examples of how to build your own local LGBTIQ+ inclusion.



1 Refer to: *The health and wellbeing of the lesbian, gay, bisexual, transgender, intersex and queer population in Victoria: Findings from the Victorian Population Health Survey 2017* <<https://vahi.vic.gov.au/report/population-health/health-and-wellbeing-lgbtiq-population-victoria>>

2 Besley, M, Chandler P 2018. *Program logic for LGBTIQ+ Equality Roadshow evaluation*, VicHealth, Melbourne.



## About the roadmap

### What is the Rainbow Ready roadmap used for?

The Rainbow Ready roadmap resources help regional and rural communities to identify, plan, monitor and evaluate progress towards local LGBTIQ+ inclusion. These resources are designed to be used in a range of local and community settings.

### Who can use the Rainbow Ready roadmap?

The Rainbow Ready roadmap is designed for Victoria's rural and regional communities that want to become more LGBTIQ+ inclusive. This includes:

- community groups
- health and community services
- local government
- business and other services
- learning environments.

Additionally, existing LGBTIQ+ groups, and those that are already making strides towards LGBTIQ+ inclusion in their township, are encouraged to use the roadmap. They can use it to help identify ways to ensure the sustainability of their group and find new opportunities to collaborate across settings.

All regional and rural communities across Victoria can review the roadmap and undertake activities to become more LGBTIQ+ inclusive by working towards being Rainbow Ready. Whole communities, which will include LGBTIQ+ community members, their families, friends and allies, are encouraged to take part in or support Rainbow Ready activities. There's a role for everybody to play in achieving true LGBTIQ+ inclusion in Victoria's regional and rural communities.

### Using Victoria's LGBTIQ+ strategy alongside the Rainbow Ready roadmap

The Rainbow Ready roadmap supports the Victorian Government's *Pride in our future: Victoria's LGBTIQ+ strategy 2022-32*. The strategy aims to drive equality and inclusion for Victoria's diverse LGBTIQ+ communities. The Rainbow Ready roadmap will bring to life one of the strategy's priority areas by supporting the creation of safe, strong and sustainable communities in rural and regional Victoria.

The strategy can be used as a tool of negotiation and advocacy by community groups, businesses, services and organisations that want to partner with their local government, state government, or any other government service to drive change as part of a Rainbow Ready project. All government departments, services and bodies have a role to play in delivering on state-wide equality and inclusion under the LGBTIQ+ strategy. Activities undertaken under Rainbow Ready can support those bodies in delivering on the strategy's vision and objectives.

Find out more by reading the LGBTIQ+ strategy <<https://www.vic.gov.au/pride-our-future-victorias-lgbtq-strategy-2022-32>>.



### What are the resources?

A range of resources have been developed to support your use of the *Rainbow Ready roadmap*.

#### Guides



##### User guide

How to use the *Rainbow Ready roadmap*.



##### Setting guides

Guides for achieving LGBTQIA+ inclusion in five settings:

1. community groups
2. local government
3. health and community services
4. business and other services
5. learning environments.

#### Tools



##### Assessment and evaluation tool

A tool to measure where your setting is at with LGBTQIA+ inclusion, and areas for improvement. This tool can also be used at the end of a Rainbow Ready activity to help you measure your progress and identify achievements or areas for improvement.



##### Action plan

A template for planning your Rainbow Ready activities, including identifying actions, stakeholders, and desired outcomes.



##### Rainbow Ready status checklist

A checklist to help you know if you're Rainbow Ready, both along the journey and when you have done your *Rainbow Ready roadmap* activities based on the indicators under your setting guide.



## Core LGBTIQ+ principles

The *Rainbow Ready roadmap* is based on four core LGBTIQ+ principles, each of which have been developed by LGBTIQ+ Victorians in regional and rural areas. These principles are critical elements to ensure that LGBTIQ+ inclusion is meaningful and sustained throughout every phase of implementing the *Rainbow Ready roadmap*. The core principles should be considered frequently when using the roadmap.



### 1 Visibility

#### **LGBTIQ+ people and their culture are visible and celebrated**

The visibility of LGBTIQ+ people and initiatives can indicate a shift towards LGBTIQ+ safety and equality. This is an important sign of hope for many LGBTIQ+ people.



### 2 Inclusion

#### **LGBTIQ+ people are included in the journey**

Participation of LGBTIQ+ people in activities is critical to achieving and maintaining LGBTIQ+ inclusion. It is also critical for empowering of LGBTIQ+ people.



### 3 Understanding

#### **LGBTIQ+ inclusion is underpinned by education and understanding**

Education to provide all communities with knowledge of LGBTIQ+ experiences, histories and challenges is key to widespread inclusion and meaningful allyship.



### 4 Safety

#### **LGBTIQ+ peoples' safety is a priority**

Strategies are in place to identify and reduce risks to the safety of LGBTIQ+ people. Responses to LGBTIQ+phobic incidents support LGBTIQ+ people and include actions to prevent reoccurrence.



The core principles are tailored to each of the five settings in the **setting guides**, with a unique set of indicators for:

- community groups
- local government
- health and community services
- business and other services
- learning environments.

## How to use the Rainbow Ready roadmap

The *Rainbow Ready roadmap* is organised into six phases. At every phase, it's critical that the voices of local LGBTIQ+ community members are heard and represented. Consider how your plans, activities and evaluations can be led by or involve local LGBTIQ+ people or groups.

### Phase 1 Getting started

**How**

1. Learn about the Rainbow Ready roadmap and its core principles (found in the **user guide**).
2. Choose your **setting guide**:
  - a. community groups
  - b. local government
  - c. health and community services
  - d. businesses and other services
  - e. learning environments.

**Resources**

- User guide (this document)
- Setting guides

### Phase 2 Assess

**How**

1. Use the **measurement and evaluation tool** to assess the current state of your setting against the LGBTIQ+ indicators.
2. Indicators that aren't met, or are partially met, can be identified as areas for improvement.
3. Discuss your current state with stakeholders, including local LGBTIQ+ community leaders.

**Resources**

- Setting guides
- Measurement and evaluation tool

### Phase 3 Plan

**How**

1. Use the **action plan** template to plan your activities, required resources and outcomes.
2. Discuss your proposed activities with stakeholders, including local LGBTIQ+ community members as activity leaders, consultants, or supporters.
3. Consider how you can collaborate and partner with other settings to ensure community-wide inclusion in your activities.

**Resources**

- Action plan

### Phase 4 Activity

**How**

1. Deliver activities under your **action plan**.
2. Continue to engage LGBTIQ+ community members and stakeholders, including as project leaders.

**Resources**

- Action plan



### Phase 5 Evaluate

**How**

1. Use the **measurement and evaluation tool** to test your progress against the indicators relevant to your **setting guide**.
2. Discuss findings, including with LGBTIQ+ community members.
3. Repeat the evaluation to check progress until as many **setting guide** indicators that can be achieved are achieved.

**Resources**

- Assessment and evaluation tool
- Setting guides


### Phase 6 Checklist

**How**

1. Access the Rainbow Ready checklist and review your progress against it.
2. You can use the **Rainbow Ready checklist** tool to measure your own progress at any time during, or at the end of your work.
3. Share your *Rainbow Ready roadmap* work so that others can learn from your stories of success and lessons learned.

**Resources**

- Rainbow Ready checklist


 **Choosing your setting guide**

Choosing your **setting guide** is an important step in using the Rainbow Ready roadmap. You are encouraged to use the setting guide that best fits your group or setting. For example:

- an aged care provider would select the **setting guide for health and community services**
- a university would select the **setting guide for learning environments**
- a local rainbow families group would select the **setting guide for community groups**

Some users may find that their group or setting sits across more than one of the settings guides. For example, a youth group at a university could select either the setting guide for learning environments or the setting guide for community groups. In this instance, selecting the one guide that best fits your setting is perfectly fine.

If you have another idea for a future setting guide, particularly one that your industry or sector may benefit from, please let us know. We may be producing more in future iterations of this project.



## Intersectionality and Inclusion

### What is intersectionality?

Intersectionality is an approach to understanding the diverse experiences of people and their identities. It involves recognising that this can create different layers and types of discrimination for an individual or group. It is important to understand that LGBTIQ+ experiences are not all the same.

As well as being diverse in their sexuality, gender identity or sex characteristics, LGBTIQ+ people are diverse in other ways. This might include their Aboriginality, ethnicity, colour, nationality, refugee or asylum seeker background, migration or visa status, language, faith, ability, age, mental health, housing status or geographic location. For example, LGBTIQ+ Victorians from ethnic faith communities experience life as LGBTIQ+, as well as being a person of colour and person of faith.

### Intersectionality and the Rainbow Ready roadmap

The *Rainbow Ready roadmap* must be reviewed and used with an intersectional lens. This means recognising the diversity of LGBTIQ+ communities, their experiences and identities.

At every stage of using the *Rainbow Ready roadmap*, consider how your actions and activities will be implemented to engage, support and respond to the needs of a wide range of LGBTIQ+ people and communities. Additionally, ensure the people involved in planning, consulting on, delivering and evaluating your activities are themselves diverse in their LGBTIQ+ identities and experiences.



In applying an intersectional lens to your project, ask the question, Who is not at the table? Are we including LGBTIQ+ people with different identities, and lived experiences in planning and project delivery? How are we enabling the voices of those who we don't usually hear from?

## Ensuring community-wide LGBTIQ+ inclusion

In using the *Rainbow Ready roadmap*, it's important for your setting to consider opportunities to collaborate with individuals and groups from other settings in your wider community. Widespread LGBTIQ+ inclusion cannot be achieved in isolation, and townships must ensure all environments are safe and welcoming for LGBTIQ+ people. Consider how you can form a meaningful partnership with another setting in the planning phase of your activities.

For example, a local LGBTIQ+ sporting group could work with local government to ensure the group is promoted by the council, and that all council sporting facilities are welcoming of LGBTIQ+ people.

In addition to working with your broader township, consider how you might collaborate with metropolitan groups, organisations and service providers. Many metropolitan LGBTIQ+ groups and organisations deliver activities and services across rural and regional Victoria. Forging partnerships with these groups can be an effective way to gain wider support for your township, leverage their existing knowledge and frameworks for LGBTIQ+ inclusion, and encourage state-wide expansion of services available to metropolitan areas.



### Sharing your Rainbow Ready projects

When you feel you have done your Rainbow Ready roadmap projects based on the indicators under your setting guide you may want to find a way to publicly share your results – for example, via your group or organisation’s website.

Publicly sharing your group, service or organisation’s Rainbow Ready projects is a good way to assist others in your region or town to continue or build on the work already undertaken. Importantly, it’s an opportunity to celebrate your achievements.

We’d also ask not only that you let us know, in the Equality Unit, but also that you share your success stories and learnings of what worked and what didn’t in your project, so that others across rural and regional Victoria, and elsewhere, can learn from your experiences. It’s one of the main purposes of this project, as LGBTIQ+ people across the state told us they would like to see how inclusion work was done. We want you to share your stories so that others can apply the lessons in their own town, community or organisation.

 The Victorian Pride Centre’s resource directory <https://pridecentre.org.au/resource-directory/> can be a good place to start in identifying state-wide LGBTIQ+ resources, groups and services.

### Where to from being Rainbow Ready?

The *Rainbow Ready roadmap* has been designed specifically for rural and regional Victorian settings and can offer a pathway to undertaking Rainbow Tick accreditation. Undertaking activities suggested within the Rainbow Ready roadmap can help you gather evidence that you may use later if you choose to go down the path of the Rainbow Tick.

Those larger health and human services who achieve Rainbow Ready status are encouraged to consider Rainbow Tick accreditation, where appropriate. Rainbow Tick is a national accreditation program for health and human services organisations, and other large services, to show they are safe, inclusive and affirming of LGBTIQ+ people.

Go online to find out more about the Rainbow Tick: <https://rainbowhealthaustralia.org.au/rainbow-tick>.



## 8 Officer Reports

### 8.1 Corporate Performance

#### 8.1.1 Quarterly Finance Report - December 2024

**Author:** Acting Manager Finance

**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.*

#### SUMMARY/PURPOSE

The purpose of this report is to provide information on the Quarterly Finance Report for December 2024.

#### RECOMMENDATION

That Council;

1. receives and notes the Quarterly Finance Report December 2024 at Attachment 1 to this report.
2. Note the statement by the Chief Executive Officer that a revised budget will not be required for the 2024-25 financial year.

#### LEGISLATION AND POLICY CONTEXT

Statement by Interim Chief Executive Officer CEO Statement Section 95 of the Local Government Act 2020. Based on the analysis and review of the budget, actual year to date result and other known financial factors as at 31 December 2024, it is considered that a revised budget for the purposes of s95 of the Local Government Act 2020 is not required.

Central Goldfields Shire Council's Council Plan 2021-2025:

The Community's vision: **Leading Change**  
4. Effective and sustainable financial management.

Initiative: Review budget and financial reporting processes to improve monitoring of financial performance; Section 97 of the Local Government Act 2020 requires Council to prepare financial reports including tracking against adopted budget on a quarterly basis.

#### BACKGROUND INFORMATION

The finance report is provided for the period to 31 December 2024.

The report compares the year-to-date results against the adopted budget

#### REPORT

The Quarterly Financial Report includes:

- Income Statement;



- Balance Sheet;
- Cashflow Statement;
- Statement of Capital Works

### **Income Statement**

The Income Statement for the period ending 31 December shows a deficit of \$2.9m.

This is a \$3.2m variance on budget.

The December quarter financial result has been impacted by several factors.

- \$1.1m - Federal Assistance funding received.  
This was budgeted to be received in prior year.  
Whilst \$4.3m of cash was received in July, this is recognised in line with accounting standards across the financial year
- Capital grant income is \$0.6m as compared to a budget of \$3.8m (\$3.1m variance) explained by the timing of spend of the below grants.
  - \$3m grant received but not spend (Goldfield Reservoir \$681k, Deledio Recreation Reserve Pavilion \$597k, TAC \$516k, RCTP \$414k, Maryborough Tennis Centre \$142k, and Tiny Towns \$127k)
  - Unsuccessful grant application for Bridge renewal (Christian St) Tranch 7 \$500k, \$245k Tiny Towns
  - Withdrawn \$1m of Outdoor Pool (Growing Regions Fund)
- Operating grant income is \$14.5m as compared to a budget of \$14m (\$0.5m variance) explained by;
  - \$89k increased on collection charge on garbage and interest on rates
  - \$62k Timing of animal registration, food premises and planning permit
  - \$71k increased of Energy Breakthrough Oct 2024 event compared to budget
  - \$167k grant claimed on bushfire event Feb 2024 and storm event Feb 2023
- Employee costs to date are \$7.8m in line with budget.
- Other notable variances compared to budget include
  - Depreciation costs \$205k following revaluation and additional assets capitalised on 30 June 2024
  - Workcover cost \$85k increase (\$167k full year impact)
  - Software Licensing \$153k increased
  - Re-active on road maintenance \$150k increase
  - Re-active on building maintenance \$64k increase

### **Balance Sheet**

Council's balance sheet shows a cash position of -\$0.4m and working capital of 60.6%.

Unrestricted cash is currently -\$4.4m but is expected to increase over the year.

Council is still waiting for payment of LRCI grants (LRCI 3 - \$789k and LRCI 4 - \$750k) as well as the reimbursement of flood related claims through NDFA.

### **Capital Works**

Capital Works spend for the period of July 2024 – December 2024 is \$3.4m.

This now represents 25% of full year budget, and 50% of YTD budget.

It must be noted that these figures include payments made to suppliers (and accrued where appropriate).

If initial scoping of works is underway but no invoices are received as yet, this will not show as spend in the capital works statement.

Please refer to the Quarterly Capital works update for a true reflection of progress of projects.

### **Summary**

The finalised operating result for Central Goldfields Shire Council as at December 31, 2024 was a deficit of \$2.9m.

Whilst this shows a variance to budget of \$3.2m, this is explained by timing of the capital grant spend, pending on grant approval for betterment, unsuccessful grant application on bridges trench 7 and withdrawal of the growing region fund application of \$1m.

The balance sheet shows a working capital of 60.6% and unrestricted cash of -\$4.4m.

Working capital and council's cash position remain a focus for Council.

### **CONSULTATION/COMMUNICATION**

Internal only required for this report.

### **FINANCIAL & RESOURCE IMPLICATIONS**

The financial statements were prepared internally by Council officers.

### **RISK MANAGEMENT**

This report addresses Council's strategic risk:

Financial sustainability - Failure to maintain our long-term financial sustainability.

Any risks in relation to this report have been discussed in the report above.

### **CONCLUSION**

Council's Income Statement for the period of July – December 2024 is a deficit of \$2.9m (budget of \$0.3m surplus), this is explained by grant timing.

Without the timing difference capital grant spend and unsuccessful grant application, Council's result is in line with budget.

Council's holds cash of -\$0.4m.

Council's unrestricted cash balance is -\$4.4m.

### **ATTACHMENTS**

1. Finance Reports Dec 2024 ( Council Meeting ) [8.1.1.1]

Central Goldfields Shire Council  
Income Statement to Dec 2024

INCOME STATEMENT	2023/24 June YTD Actuals	2024/25 Total Budget	2024/25 YTD Budgets December	2024/25 YTD Actuals December	2024/25 YTD Variance December	Commentary (EMT Only)
<b>Income</b>	<b>33,532,974</b>	<b>38,245,412</b>	<b>17,756,586</b>	<b>15,100,259</b>	<b>(2,656,328)</b>	
Rates and service charges	17,522,551	18,083,773	8,991,840	9,081,183	89,343	Garbage charge and Interest on rates increase
Contributions - monetary	275,652	209,724	129,480	180,405	50,925	Anglicare 150k for FY24-25, Cricket wicket contribution not yet received 70k, FSL Contribution not yet received 49k
Grants - capital	5,161,548	7,512,231	3,756,108	619,750	(3,136,358)	Grant received/CF but not spend 3mil ( Goldfield reservoir 681k, Tennis centre 142k, RCTP 414k, Deledio 597k, TAC 516k, Tiny Town 127k, Carisbrook Drainage 355k), 800k flood betterment, 500k bridges tranch 7 ( not successful), 2mil for GRF outdoor pool 1m for deledio
Grants - Operating	7,486,048	9,741,109	3,697,057	3,846,252	149,195	120k Municipal Emergency Resourcing ( down to 60k)
Other income	942,433	726,386	171,934	277,428	105,494	EB Oct event 71k, Animal Infringement 8k
Statutory fees and fines	477,200	510,894	196,630	259,137	62,507	Animal registration,Food Premises and Planning permit phasing
User Charges	1,667,542	1,461,295	813,537	836,105	22,568	33k transfer station scrap metal revenue
<b>Expenses</b>	<b>(39,087,043)</b>	<b>(34,941,610)</b>	<b>(17,506,280)</b>	<b>(18,011,170)</b>	<b>(604,890)</b>	
Bad and doubtful debts	(12,355)	(1,000)	0	0	0	
Borrowing costs	(121,073)	(99,320)	(49,662)	(33,949)	15,713	
Depreciation	(8,009,553)	(8,263,602)	(4,131,786)	(4,336,798)	(205,012)	P&E useful life reviewed at the end of FY 23-24
Employee costs	(16,029,779)	(15,337,566)	(7,672,500)	(7,749,748)	(77,248)	Workcover 85k
Materials and services	(13,823,311)	(10,861,473)	(5,488,004)	(5,776,029)	(288,025)	Cleaning - \$74k Software Licensing - \$153k Reactive Building Maintenance - \$64k, Reactive road maintenance - \$150k Essential Safety Safety - \$12k
Net loss on disposal of property, infrastructure, plant and equipment	(739,624)	0	0	13,796	13,796	
Other Expenses	(351,348)	(378,649)	(164,328)	(128,442)	35,886	reduce internal audit completed
<b>Grand Total</b>	<b>(5,554,069)</b>	<b>3,303,802</b>	<b>250,306</b>	<b>(2,910,911)</b>	<b>(3,161,217)</b>	

\*Report Contains Filters

**Central Goldfields Shire Council  
Balance Sheet as at 31 Dec 2024**

<b>BALANCE SHEET</b>	<b>As at 30 June 2024</b>	<b>As at 31 Dec 2024</b>
<b>Assets</b>	<b>432,305,023</b>	<b>443,357,097</b>
<b>Current Assets</b>	<b>4,595,443</b>	<b>16,550,790</b>
Cash and cash equivalents	676,309	(380,555)
Inventories	14,628	76,895
Non-current assets classified as held for sale	0	0
Other financial assets	800,214	1,632,468
Trade and other receivables	3,104,292	15,221,982
<b>Non-current assets</b>	<b>427,709,580</b>	<b>426,806,307</b>
Property, infrastructure, plant and equipment	427,709,580	426,806,307
<b>Liabilities</b>	<b>(13,610,080)</b>	<b>(27,568,500)</b>
<b>Current Liabilities</b>	<b>(13,304,531)</b>	<b>(27,292,182)</b>
Interest-bearing loans and borrowings	(2,089,000)	(2,089,000)
Provisions	(3,487,988)	(3,694,050)
Trade & other payables	(7,040,383)	(19,290,948)
Trust funds & deposits	(687,160)	(2,218,185)
<b>Non Current Liabilities</b>	<b>(305,549)</b>	<b>(276,318)</b>
Other NC Liabilities	(305,549)	(276,318)
Prepaid Revenue	0	0
Provisions	0	0
<b>Equity</b>	<b>(418,694,943)</b>	<b>(415,788,597)</b>
<b>Accumulated Surplus</b>	<b>(128,661,085)</b>	<b>(125,740,174)</b>
Accumulated Surplus	(128,661,085)	(125,740,174)
<b>Reserves</b>	<b>(290,033,858)</b>	<b>(290,048,422)</b>
Other Reserves	(450,000)	(450,000)
Asset Revaluation Reserve	(289,328,007)	(289,332,572)
Open Space Reserve	(255,850)	(265,850)
<b>Net Assets</b>	<b>418,694,943</b>	<b>415,788,597</b>

\*Report Contains Filters

**Central Goldfields Shire Council  
Cash Flow Year Ended 30 June 2024 and YTD 31 December 2024**

CASH FLOW	As at 30 June 2024	As at 31 Dec 2024
	\$'000	\$'000
<b>Cash Flows from Operating Activities</b>		
Rates and charges	15,235	5,856
User fees, statutory fees and fines	2,297	1,095
Grants - operating	5,647	7,657
Grants - capital	5,161	620
Contributions - monetary	531	180
Interest received	540	277
Trust funds and deposits taken	34	1,531
Net GST refund/(payment)	2,202	30
Employee costs	(15,996)	(7,750)
Materials and services	(17,840)	(6,354)
Other payments	(351)	(162)
<b>Net cash provided by/(used in) operating activities</b>	<b>(2,540)</b>	<b>2,981</b>
<b>Cash flows from investing activities</b>		
Payments for property, infrastructure, plant and equipment	(13,502)	(3,772)
Proceeds from sale of property, infrastructure, plant and equipment	11,500	0
Payments for other financial assets	0	0
<b>Net cash provided by/(used in) investing activities</b>	<b>(2,002)</b>	<b>(3,772)</b>
<b>Cash flows from financing activities</b>		
Finance costs	93	10
Repayment of borrowings	0	0
Repayment of lease liabilities	(55)	(276)
<b>Net cash provided by/(used in) financing activities</b>	<b>38</b>	<b>(266)</b>
<b>Net increase (decrease) in cash</b>	<b>(4,504)</b>	<b>(1,057)</b>
<b>Cash at the beginning of the financial year</b>	<b>5,180</b>	<b>676</b>
<b>Cash at the end of the period</b>	<b>676</b>	<b>(381)</b>
<b>Term Deposits held</b>	<b>0</b>	<b>0</b>
<b>Total Cash</b>	<b>676</b>	<b>(381)</b>

\*Report Contains Filters

**Central Goldfields Shire Council  
Capital Works as at 31 Dec 2024**

CAPITAL WORKS	2024/25 Total Budget	2024/25 YTD Budgets December	2024/25 YTD Actuals December
<b>Infrastructure</b>	<b>9,211,258</b>	<b>4,382,758</b>	<b>815,981</b>
<b>Drainage</b>	<b>270,001</b>	<b>94,648</b>	<b>173,970</b>
63271.01. Kerb & Channel Renewal	50,000	11,442	98,971
64306.21. Drainage Renewal	100,000	30,762	3,693
64306.25. Tabledrain Renewals	70,000	27,444	18,230
64306.253. Drainage Renewal Main Drain Carisbrook and Maryborough	50,000	25,000	578
64306.347. Carisbrook Drainage Mitigation Levee (NFMIP)	0	0	52,499
<b>Other Infrastructure</b>	<b>6,260,259</b>	<b>3,130,116</b>	<b>372,017</b>
60999.01. New Yearly Capital Projects for Budget Purposes	6,166,000	3,082,986	0
63251.01. Street Furniture Renewal	15,000	7,500	1,136
63261.01. Signs Renewal	0	0	23,066
63360.01. Signs New	20,000	10,002	2,942
63410.03. (LRCI 4) Christian Street Road Upgrade	0	0	335,702
63510.06. Aerodrome Regional Airport Program Round 3	59,259	29,628	9,171
<b>Parks, Open Spaces and Streetscapes</b>	<b>5,000</b>	<b>2,502</b>	<b>0</b>
63352.01. Streetscape Renewal	5,000	2,502	0
<b>Pathways</b>	<b>220,000</b>	<b>104,196</b>	<b>145,946</b>
63291.01. Pathways Renewal	100,000	49,998	10,824
63390.01. Pathways New	120,000	54,198	106,033
63390.0103. Pathways New 2024/2025 Alice Street (Thompson to Bull)	0	0	29,089
<b>Roads</b>	<b>2,455,999</b>	<b>1,051,296</b>	<b>124,048</b>
60363.02. NDFA Flood Works October 2022 Project Management	0	0	(7,645)
61511.61. TAC Multiple Intersections Maryborough	0	0	883
63200.01. Design Capital Works	100,000	49,998	43,701
63205.01. Closed Sealed Road Renewal - R2R	1,206,000	603,000	0
63210.4. Major Patches RG	135,000	53,760	68,102
63212.01. Sealed Road Shoulders Renewal	100,000	44,112	15,918

\*Report Contains Filters

**Central Goldfields Shire Council  
Capital Works as at 31 Dec 2024**

CAPITAL WORKS	2024/25 Total Budget	2024/25 YTD Budgets December	2024/25 YTD Actuals December
63215.01. Unsealed Roads Renewal	340,000	116,634	0
63220.01. Seals Renewal Reseals	450,000	131,100	3,089
63220.011. Seals Renewal Asphalt	125,000	52,692	0
<b>Plant and Equipment</b>	<b>2,120,755</b>	<b>1,016,374</b>	<b>1,011,851</b>
<b>Fixtures, Fittings and Furniture</b>	<b>1,055,755</b>	<b>483,876</b>	<b>150,036</b>
64751.04. PC Network/Hardware	150,000	75,000	86,542
64751.33. Business Systems Uplift	328,000	163,998	44,648
64751.37. Field and Mobility Services Module	88,000	0	0
64751.44. Rural Council Transformation Program (RCT)	489,755	244,878	18,846
<b>Plant and Equipment</b>	<b>1,065,000</b>	<b>532,498</b>	<b>861,815</b>
63820.91. Operating Plant WIP	745,000	372,498	861,815
63820.93. Vehicles Cars WIP	200,000	100,000	0
63820.94. Vehicles Utes WIP	120,000	60,000	0
<b>Property</b>	<b>2,501,846</b>	<b>1,410,914</b>	<b>1,601,128</b>
<b>Buildings</b>	<b>959,000</b>	<b>479,496</b>	<b>778,421</b>
60217.24. Worsley Cottage - Internal and external wall repairs	0	0	(1,000)
60217.25. Building Renewal - Unallocated	250,000	124,998	44,828
60217.26. Maryborough Railway Station Activation Project	0	0	8,305
60217.41. Creative Station - Infrastructure Project	0	0	4,121
61511.083. Deledio Recreation Reserve Pavilion Upgrade	0	0	6,621
61511.2. (LRCl) Hall Improvements - Talbot	0	0	13,470
61511.26. (LRCl4) Maryborough Town Hall - Building Upgrade	300,000	150,000	306,194
61511.28. Carisbrook Town Hall (Design and Scoping)	30,000	15,000	0
61511.29. Dunolly Town Hall (Design and Scoping)	30,000	15,000	0
61511.31. Talbot Town Hall (Design and Scoping)	30,000	15,000	0
61511.41. Tiny Towns - Adelaide Lead Hall	0	0	2,183
61511.42. Tiny Towns - Tullaroop Leisure Centre Upgrades	0	0	17,364
61511.44. Tiny Towns - Dunolly Senior Citizens Hall Upgrade	0	0	18,628
61511.46. Tiny Towns - Bowenvlae Playground	0	0	5,700

\*Report Contains Filters

**Central Goldfields Shire Council  
Capital Works as at 31 Dec 2024**

CAPITAL WORKS	2024/25 Total Budget	2024/25 YTD Budgets December	2024/25 YTD Actuals December
61511.47. Tiny Towns - Majorca Historic Cemetery Beautification	0	0	4,121
61565.03. Talbot Museum Design (Repair Works)	0	0	4,121
61611.22. Art Gallery - Indigenous Interpretive Garden - Stage 2 & 3	69,000	34,500	1,551
62121.74. MSLC Roof Renewal (Design and Scoping)	0	0	46,522

\*Report Contains Filters



**Central Goldfields Shire Council  
Capital Works as at 31 Dec 2024**

<b>CAPITAL WORKS</b>	<b>2024/25 Total Budget</b>	<b>2024/25 YTD Budgets December</b>	<b>2024/25 YTD Actuals December</b>
62470.55. Deledio Reserve Netball Courts Redevelopment	0	0	(5,234)
64225.02. Rene Fox Gardens Toilet Refurbishment	150,000	75,000	191,863
64751.014. Building Upgrades Civic Centre	100,000	49,998	109,063
<b>Land Improvements</b>	<b>1,542,846</b>	<b>931,418</b>	<b>822,707</b>
60216.21. Bike Racks New	25,000	12,498	0
62121.73. Whirakee Rise Public Space Enhancement	90,000	45,000	86,204
62316.03. Maryborough Outdoor Pool - Octagon Pool, Pavilion & Plant Room Heritage Works	0	0	491,896
62316.04. (LRCI 3) Pool Upgrades Dunolly, Talbot and MSLC Pool Maintenance Works	0	0	(1,100)
62316.16. Pools Equipment	0	0	4,515
62400.16. Parks Renewal	10,000	4,998	0
62411.03. Gordon Gardens Master Plan Works	0	0	3,190
62421.21. Rubbish Bins Renewal General	10,000	5,004	0
62430.01. Renewal Playgrounds	15,000	7,500	0
62470.3. Maryborough Skate and Scooter Park	30,000	15,000	0
62470.31. Goldfields Reservoir Dam Stabilisation	782,846	391,422	9,262
62470.32. Maryborough Tennis Centre Multi Use Courts Development	320,000	320,000	0
62495.26. Princes Park Grandstand and Changerooms (Design and Scoping)	100,000	49,998	82,035
62495.27. Princes Park Cricket Wicket Rebuild Project	160,000	79,998	0
64110.81. Compost SV Grant CECFR3 C13028	0	0	146,704
<b>Grand Total</b>	<b>13,833,859</b>	<b>6,810,046</b>	<b>3,428,960</b>

\*Report Contains Filters

KPI TRACKER	2023/24 ACTUAL	2024/25 BUDGET (FULL YEAR)	2024/25 ACTUAL (YTD)	Commentary
Underlying Surplus/(Deficit) \$	(10,715,617)	(4,208,429)	(3,530,661)	On track as anticipating to recognise more capital grants as large projects completed
Underlying Surplus/(Deficit) %	-41.1%	-14.8%	-31.4%	Behind target due to timing of grants
Working Capital %	34.5%	209%	60.6%	Behind full year targetbut dependant of FAG
Unrestricted Cash	(2,962)	3,144	(4,398)	Behind full year target. Roads to recovery, final rates instalment and FAG are expected before year end
Expenditure Level (Rates efficiency)	4,457	3,984	2,054	On track
Revenue Level (Rates efficiency)	1,535	1,546	1,035	On track
Rates Concentration	83.90%	86.15%	85.40%	Timing of capital grants
Indebtedness	1.5%	1.3%	2.7%	Debt on hold. Indebtedness impacted by timing of rates and will decrease notably in February when full payment of rates is due

**Definitions**

<b>Underlying Surplus</b>	The result if we remove Capital Grant funding
	Adjusted underlying result/Adjusted underlying revenue
<b>Working Capital %</b>	Councils ability to meet their debts as they fall due
	Current Assets/ Current liabilities
<b>Unrestricted Cash</b>	Cash balance available for Council to use at their discretion
	Cash balance less prepaid grants
<b>Expenditure Level (Rates efficiency)</b>	Council expenditure per property
	Total expenses/number property assessments
<b>Revenue Level (Rates efficiency)</b>	Average rate amount per property assessment (excluding waste)
	Total rate revenue/number properties
<b>Rates Concentration</b>	Rates compared to adjusted underlying revenue
	Rate revenue/ adjusted underlying revenue
<b>Indebtedness</b>	The ability for Council to repay their borrowings
	Non current liabilities/own sourced revenue

\*Report Contains Filters

8.1.2 Annual Action Plan - Quarter 2 Report

**Author:** Governance Officer

**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.*

**SUMMARY/PURPOSE**

The purpose of this report is to provide Council with an update on the status of the actions identified in the Council Plan Annual Action Plan 2024-2025, for the quarter ending 31 December 2024.

**RECOMMENDATION**

That Council note the Council Plan Action Plan Quarterly Action Items quarter two.

**LEGISLATION AND POLICY CONTEXT**

Central Goldfields Shire Council's Council Plan 2021-2025:

The Community's vision:

**Leading Change**

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

Initiative:

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 Council Plan Annual Action Plan 2024-2025 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.

Council adopted the Annual Action Plan 2023-24 at the 16 September 2024 Council meeting.

**REPORT**

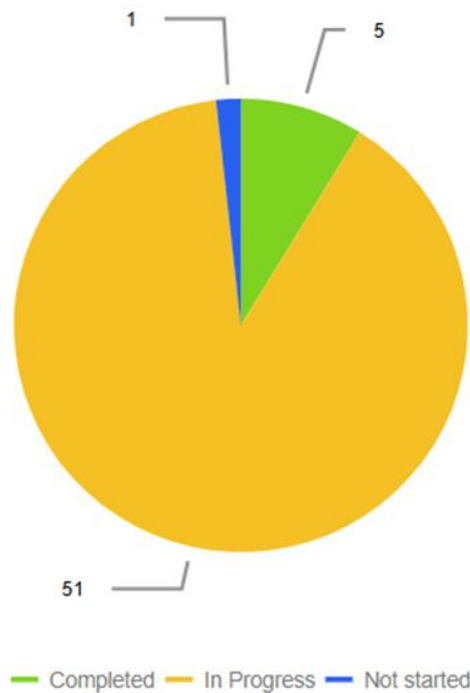
The chart below provides a summary of progress for the year to the end of the second quarter.

It is important to note some items are across several years so carry through each year's action report.

Completed items from 2023-2024 are not carried over in the reporting.

There are 57 items in the current Action Plan, 2 items were completed in Q1, and a further 3 items have been completed in Q2.

**Snapshot of progress**



**CONSULTATION/COMMUNICATION**

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.

**FINANCIAL& RESOURCE IMPLICATIONS**

Updates are implemented in the current Pulse Software System which incurs ongoing subscription costs.

**RISK MANAGEMENT**

This report addresses Council’s strategic risk:

Governance - Failure to transparently govern and embrace good governance practices by providing quarterly progress updates to the Annual Council Plan.

**CONCLUSION**

The 2024-25 Action Plan outlines the projects and programs that are planned to be undertaken during the year to meet the objectives of the Council Plan.

This report provides an update.

**ATTACHMENTS**

1. 6.5.1 Quarterly Progress Report Q 2 [8.1.2.1]



# Quarterly Progress Report 2024/2025, Q2



### Our Community's Wellbeing

Initiative Code	Action Code	Initiative	Action Name	Responsible Officer Position	Status	Q1 Progress	Q2 Progress	Comments	Due Date	Traffic Lights
1.1	1	Strengthen and build inclusion and community and intergenerational connections.	Undertake a feasibility study for alternative locations for the men's shed to allow it to expand and increase membership	Manager Community Partnerships	In Progress	50%	60%	A meeting was held with Council's Property and Leasing Officer on 24 January to further discuss and understand the current arrangements and potential sites to be considered and investigated further. Further discussions are scheduled with the IAP directorate to update and understand the current situation so that all factors can be considered in addressing this action.	31/12/2024	●
1.1	14	Strengthen and build inclusion and community and intergenerational connections.	Implement Healthy Loddon Campaspe funded projects 24-25.	Manager Community Partnerships	In Progress	50%	60%		30/06/2025	●
1.1	15	Strengthen and build inclusion and community and intergenerational connections.	Implement the strategies identified in Early Childhood Education Workforce Plan.	Manager Children and Families	In Progress	30%	40%	Council is awaiting the outcome of the Workforce Innovation grant to support strategies identified in the Early Childhood Education Workforce Plan. The Early Years Planning and Coordination Officer has scheduled all, Early Childhood Teacher Network meetings (once a term), Valued Early Years Education and Care meetings (once per month), the Central Goldfields Early Years Professionals Forums (March, May and August) for 2025. Plans are also underway for the first Early years Educator Study group, aimed at supporting new educators to the sector.	30/06/2025	●
1.2	2	Nurture and celebrate creativity	Implement Year two actions for Central Goldfields Art Galley Strategic Plan 2023 - 2026.	Manager Tourism Events and Culture	In Progress	25%	35%	Strategy actions have continued to progress well during the Quarter, with a diverse range of exhibitions featuring local artists - ranging from VCE students to those of international renown. The development of key stakeholder relations across the	30/09/2024	●



Initiative Code	Action Code	Initiative	Action Name	Responsible Officer Position	Status	Q1 Progress	Q2 Progress	Comments	Due Date	Traffic Lights
								arts sector, neighbouring galleries, and key education and community representative organisations also continue to support the vision of the Gallery.		
1.3	3	Support positive life journey development for all residents	Advocate for ongoing investment and support for Go Goldfields.	Chief Executive Officer	In Progress	90%	90%	Letters to MPs and Premier sent in December 2024	31/12/2024	●
1.3	4	Support positive life journey development for all residents	Develop Early Years Infrastructure Masterplan implementation plan with stakeholder to determine funding sources and sites requirements.	Manager Children and Families	In Progress	20%	35%	The Early Years Planning and Coordination Officer is working with the Department of Education to determine future kinder demand for Central Goldfields. Work continues on the development of the Masterplan Implementation Plan. Council is awaiting funding outcome on the application for yard improvements at Goldfields Children's Centre.	30/06/2025	●
1.3	5	Support positive life journey development for all residents	Undertake further investigative work to determine the most appropriate location for the Early Years Integrated Hub.	Manager Children and Families	In Progress	40%	40%	Council continues to explore funding and site options for an Early Years Hub in the Maryborough CBD.	30/06/2025	●
1.4	6	Encourage, support and facilitate healthy and safe communities	Implement the Flood Recovery Action Plan.	Manager Community Partnerships	In Progress	75%	80%	The Community Recovery Officer position is in place until 30 April, and work on flood recovery actions is ongoing. We are collaborating with Emergency Management Victoria and other stakeholders to ensure all reporting is undertaken in accordance with grant conditions.	30/06/2025	●
1.4	7	Encourage, support and facilitate healthy and safe communities	Complete the Maryborough Flood Study and gain approval for implement plan from Councillors.	Manager Project Services and Asset Management	In Progress	95%	95%	The Final Flood Study documentation is currently under review by both Council staff and NCCMA, this study will be presented to Council in Q3.	31/03/2025	●



Initiative Code	Action Code	Initiative	Action Name	Responsible Officer Position	Status	Q1 Progress	Q2 Progress	Comments	Due Date	Traffic Lights
1.4	8	Encourage, support and facilitate healthy and safe communities	Local Laws Adopted.	Manager Statutory Services	In Progress	80%	90%	Final draft completed and Council briefed. Legal drafting review and gazettal to be completed.	31/03/2025	●
1.4	11	Encourage, support and facilitate healthy and safe communities	Implement the "Escape the Vape" project to prevent or reduce the uptake of vaping by young people.	Manager Community Partnerships	In Progress	10%	30%	The Senior Health Promotion Officer at the City of Greater Bendigo has met with all participating Councils and groups working in collaboration for this partnership. PCG (Council Managers and Coordinators) and PWG (local stakeholders) meetings have been scheduled for the remainder of 2025 with the first PCG meeting held 24 January 2025 and the PWG meeting to be held on 11 February 2025.	30/06/2025	●
1.4	12	Encourage, support and facilitate healthy and safe communities	Implement the 'Keeping Cool in the Central Goldfields' project to minimise the impact of extreme heat events on our community.	Manager Statutory Services	In Progress	10%	20%	Officer appointed and project commenced.	30/06/2025	●
1.4	16	Encourage, support and facilitate healthy and safe communities	Develop Project Plan and engagement form developing Domestic Animal Management Plan - 25/26	Manager Statutory Services	In Progress	0%	15%	Commence project plan and engaged with State Government on format and new requirements	30/06/2025	●
1.4	17	Encourage, support and facilitate healthy and safe communities	Implementation of Carisbrook Compost facility.	Manager Statutory Services	In Progress	50%	70%	Site issues identified and remediation works complete. Review of engineering solution and design option nearing completion. Negotiating with Sustainability Victoria and appointed contractor following clearance from EPA	31/03/2025	●
1.4	18	Encourage, support and facilitate healthy and safe communities	Implement the Safer Together program to support community preparation and resilience in emergency events.	Manager Community Partnerships	In Progress	10%	20%	Emergency Preparedness Project Officer has commenced at Council from 28 January 2025 and will be working in collaboration with other key roles within the organisation to develop	30/06/2025	●





Initiative Code	Action Code	Initiative	Action Name	Responsible Officer Position	Status	Q1 Progress	Q2 Progress	Comments	Due Date	Traffic Lights
								and implement a project plan to address the requirements of the position and the funding agreement.		
1.5	9	Maximise volunteer efforts	Update the Volunteer Strategy in partnership with the Maryborough Volunteer Resource Centre.	Coordinator Events & Volunteer Development	In Progress	90%	90%	The MVRG strategic plan was completed around December 2024. The MVRG strategic plan is a critical document that will inform Council's strategic work and the development of the new Council Volunteer Strategy.	30/06/2025	●
1.6	10	Value, celebrate and actively engage First Nations culture and people	Adopt and Implement the Reflect Reconciliation Action Plan Multi year.	Manager Community Partnerships	In Progress	95%	95%	The Reflect Reconciliation Action Plan has been endorsed and approved for publication by Reconciliation Australia and is published on Council's website. A Project Working Group will be established in collaboration with the People and Culture team to understand all required actions and ensure they are being undertaken in accordance with specified timeframes in the plan.	30/06/2025	●



### Our Growing Economy

Initiative Code	Action Code	Initiative	Action Name	Responsible Officer Position	Status	Q1 Progress	Q2 Progress	Comments	Due Date	Traffic Lights
2.1	19	Retain, grow and attract our population	Complete the Land Use Framework Plan for Maryborough North, Flagstaff and Carisbrook.	General Manager Infrastructure Assets and Planning	In Progress	30%	30%	The draft Land Use Framework Plan has been developed and will be presented to Council in early 2025 for adoption for the purposes of community consultation.	30/06/2025	●
2.1	20	Retain, grow and attract our population	Adoption of Review of Heritage Overlay in Central Maryborough.	General Manager Infrastructure Assets and Planning	In Progress	80%	80%	Draft Planning Scheme Amendment is underway and will be presented to Council for adoption in Q3.	31/03/2025	●
2.1	21	Retain, grow and attract our population	Adopt Urban and Residential Land Opportunities Study.	General Manager Infrastructure Assets and Planning	In Progress	35%	35%	Draft Issues and Opportunities Paper completed. Will be presented to Council for adoption for the purposes of community consultation in Q3.	31/12/2024	●
2.2	22	Capitalise on tourism opportunities	Participate in the development of the Central Victorian Visitor Economy Partnership.	General Manager Community Wellbeing	In Progress	70%	70%	RMCG Facilitated sessions have been diarised for February 2025 to cover stakeholder intentions, governance, structural design, financial and operating models.	31/03/2025	●
2.2	23	Capitalise on tourism opportunities	Adopt and implement the Central Goldfields Events Strategy 2024 - 2028.	Manager Tourism Events and Culture	In Progress	30%	30%	Streamlining the event application process has been a focus for this quarter, with internal consultation undertaken to identify our key risks and mitigating actions.	30/06/2025	●
2.2	24	Capitalise on tourism opportunities	Implement stage 4 of the Maryborough Railway Station Activation Program.	Manager Tourism Events and Culture	In Progress	20%	25%	Infrastructure upgrades to the creative space including the provision of disability access, flexible staging and seating for performances, digital projection facilities, equipment and amenities for working with wet materials and digital creation and presentation are well underway, with plans ready to submit to Heritage Victoria. A sustainable programming and governance structure also set to be co-designed with our local creative community during 2025, following	30/06/2025	●



Initiative Code	Action Code	Initiative	Action Name	Responsible Officer Position	Status	Q1 Progress	Q2 Progress	Comments	Due Date	Traffic Lights
								the appointment of a project officer.		
2.2	25	Capitalise on tourism opportunities	Deliver official visitor guide (OVG) for Maryborough and Surrounds.	Manager Tourism Events and Culture	In Progress	10%	15%	Publication of the OVG is on track for completion and distribution by Q4, with the project team established and advertising opportunities promoted to operators.	30/06/2025	●
2.2	26	Capitalise on tourism opportunities	Endorse and implement action from Local Area Action Plan - a subplan of the Bendigo Region Tourism Destination Management Plan.	Manager Tourism Events and Culture	In Progress	20%	25%	Progressing Stage 4 of the Maryborough Station Activation and strengthening local tourism promotion through the development of an updated Official Visitors Guide remain key areas of focus as identified in the Local Area Action Plan.	30/06/2025	●
2.4	27	Develop a skilled and diverse workforce	Develop library programming and engagement for young people and for seniors .	Manager Tourism Events and Culture	In Progress	25%	50%	The Library (across 2 campuses) provided programming for 1,365 children and their caregivers including weekly sessions including Rhyme Time, Play Time & Story Time), Kindergarten and school sessions, and school holiday activities. Book Club and Cookbook Club was attended by 82 participants. There were 87 digital connection sessions. Housebound services engaged with 36 library borrowers. The Seniors Expo had an attendance of approx. 240 people, with an additional 74 attendees at special sessions. Author Professor Barry Golding held a session on his recent book with 45 people attending. 48 people have also attended Scrabble Club, which is all ages.	30/06/2025	●



### Our Spaces and Places

Initiative Code	Action Code	Initiative	Action Name	Responsible Officer Position	Status	Q1 Progress	Q2 Progress	Comments	Due Date	Traffic Lights
3.1	28	Provide engaging public spaces	Deliver the design and planning works for the Bristol Hill Urban Bike Park Project	Manager Project Services and Asset Management	In Progress	35%	40%	The project is currently in the procurement stage and is planned for completion by the end of Q4.	30/06/2025	●
3.1	29	Provide engaging public spaces	Develop a Play Spaces Strategy and Splash Park Feasibility Study.	Manager Project Services and Asset Management	In Progress	60%	65%	Strategy draft is in its final stage and will be presented to Council for approval by the end of Q3.	30/06/2025	●
3.1	30	Provide engaging public spaces	Review the Outdoor Dining and Footpath Trading policy and develop engagement plan and program of works.	Manager Statutory Services	In Progress	30%	30%	Briefing required for new Council to confirm approach with local businesses	31/03/2025	●
3.1	38	Provide engaging public spaces	Complete Bowenvale Playground Works.	Manager Project Services and Asset Management	In Progress	20%	30%	Tender submissions came in significantly over budget, so the project will now be broken into stages. It will be delivered through supplier panels and supervised by Council officers.	30/06/2025	●
3.1	44	Provide engaging public spaces	Seek funding for Gordon Gardens Open Space Enhancement works.	Manager Operations	In Progress	60%	65%	Budget to be considered in capital works program.	30/06/2025	●
3.1	45	Provide engaging public spaces	Complete Princes Park Cricket Wicket Rebuild Project.	Manager Project Services and Asset Management	In Progress	0%	10%	The project is in the procurement stage, with completion expected by the end of Q4.	30/06/2025	●
3.1	47	Provide engaging public spaces	Meet year one milestones for the Deledio Sports Pavilion.	Manager Project Services and Asset Management	Not started	0%	0%	The funding agreement with the State Government has been executed. The Council has also received another grant from the Federal Government. Officers have developed project governance, and the project plan is expected to be completed by the end of Q3.	30/06/2025	●
3.1	48	Provide engaging public spaces	Meet the year one milestones for the Maryborough Tennis	Manager Project	In Progress	15%	25%	This project is currently in the design stage, with design	30/06/2025	●



Initiative Code	Action Code	Initiative	Action Name	Responsible Officer Position	Status	Q1 Progress	Q2 Progress	Comments	Due Date	Traffic Lights
			Centre Multi Use Courts Development.	Services and Asset Management				completion expected by the end of Q3.		
3.2	31	Provide infrastructure to meet community need	Prepare a business plan to scope the reintroduction of the Central Goldfields Youth Hub.	Manager Community Partnerships	In Progress	10%	30%	Project officer has commenced and is working in collaboration with Youth Officer and Community Partnerships team.	31/12/2024	●
3.2	33	Provide infrastructure to meet community need	Develop project plan, in consultation with Maryborough Aerodrome Consultation Committee and based on Maryborough Aerodrome Business Plan	Manager Project Services and Asset Management	In Progress	50%	50%	The Lease Plan has been approved by DEECA, and the projects for The Regional Airports Program - Round 4 have been submitted. The outcome of the grant has not yet been received.	31/12/2024	●
3.2	35	Provide infrastructure to meet community need	Develop and deliver Indigenous Interpretive Garden adjacent to Central Goldfields Art Gallery in partnership with Dja Dja Wurrung artists and community.	Manager Project Services and Asset Management	Completed	95%	100%	Completed. Official opening held in September 2024.	30/09/2024	●
3.2	36	Provide infrastructure to meet community need	Complete design for Goldfields Reservoir / Dam Stabilisation.	Manager Project Services and Asset Management	In Progress	30%	40%	This project is on track, with the design expected to be completed by the end of Q4.	31/03/2025	●
3.2	37	Provide infrastructure to meet community need	Complete Whirrakee Rise Open Space Enhancement	Manager Project Services and Asset Management	Completed	90%	100%	This project is completed.	31/03/2025	●
3.2	46	Provide infrastructure to meet community need	Complete year one actions for the Capital TAC Road Safety Program.	Manager Project Services and Asset Management	In Progress	15%	25%	This project is funded by a TAC grant. The council is expected to receive the detailed design from the consultant in Q3, with delivery planned to begin in Q4.	30/06/2025	●
3.2	49	Provide infrastructure to meet community need	Work collaboratively with Carisbrook Community to implement the Carisbrook levee review implementation plan.	Manager Project Services and Asset Management	In Progress	10%	50%	The level feature survey is underway and is expected to be completed by mid-February. All other items for the 3-month period have been completed. The remaining items for the next	30/06/2025	●



Initiative Code	Action Code	Initiative	Action Name	Responsible Officer Position	Status	Q1 Progress	Q2 Progress	Comments	Due Date	Traffic Lights
								6 months will be incorporated into the flood study, scheduled to begin in Q3.		
3.2	50	Provide infrastructure to meet community need	Meet year one milestone for the Carisbrook Flood Study .	Manager Project Services and Asset Management	In Progress	5%	15%	Carisbrook Flood Study is currently in the procurement stage, project delivery expected to commence in late Q3.	30/06/2025	●
3.3	34	Value and care for our heritage and culture assets	Upgrade the electrical system in the Maryborough Town Hall.	Manager Project Services and Asset Management	Completed	90%	100%	This project is completed.	31/12/2024	●
3.3	40	Value and care for our heritage and culture assets	Complete Dunolly Town Hall Scoping and Design.	Manager Project Services and Asset Management	In Progress	35%	35%	The project needs to be deferred due to the consultant's liquidation and insufficient budget.	30/06/2025	●
3.3	41	Value and care for our heritage and culture assets	Complete Talbot Town Hall Scoping and Design.	Manager Project Services and Asset Management	In Progress	30%	30%	The project needs to be deferred due to the consultant's liquidation and insufficient budget.	30/06/2025	●
3.3	42	Value and care for our heritage and culture assets	Complete Carisbrook Town Hall Scoping and Design.	Manager Project Services and Asset Management	In Progress	30%	30%	The project needs to be deferred due to the consultant's liquidation and insufficient budget.	30/06/2025	●
3.3	43	Value and care for our heritage and culture assets	Complete Princess Park Historic Grandstand Scoping and Design.	Manager Project Services and Asset Management	In Progress	30%	40%	The initial concept designs were reviewed by the Project Working Group in late Q2. The detailed design is expected to be completed by the end of Q4.	30/06/2025	●
3.4	32	Manage and reduce and reuse waste	Undertake a review of kerbside waste collection program.	Manager Statutory Services	In Progress	35%	50%	Appointed Waste Officer and commence waste audit to inform review	31/12/2024	●



**Leading Change**

Initiative Code	Action Code	Initiative	Action Name	Responsible Officer Position	Status	Q1 Progress	Q2 Progress	Comments	Due Date	Traffic Lights
4.2	51	Provide financial sustainability and good governance	Implement the policy review program, to ensure policies that need to be reviewed are updated.	Manager Governance Property and Risk	In Progress	70%	70%	The reviewed governance policies and frameworks have been drafted and are currently being reviewed for approval. Depending on the document this may include community consultation. The approval process is expected to take between 2 to 6 months.	30/06/2025	●
4.2	52	Provide financial sustainability and good governance	Support the Early years providers to extend provision of kindergarten sessions to priority cohorts in alignment with state government reforms.	Manager Children and Families	In Progress	50%	50%	Council continues to work with the Department of Education and kindergarten service providers to ensure preparations for expansion of kindergarten programs for priority cohorts for 2026 and all children in 2027. Resources required for this transition are being developed through the implementation of the Early Years Infrastructure Masterplan and the Early Childhood Education Workforce Plan (see related actions).	31/03/2025	●
4.2	53	Provide financial sustainability and good governance	Design a compliant Councillor induction and professional development program.	Manager Governance Property and Risk	In Progress	55%	60%	The councillor induction program has been completed. The feedback received rated the program as exceeding and meeting expectation(s). The professional development program is now being designed with consideration of knowledge or skills gaps identified by the councillors having completed the induction program.	30/06/2025	●
4.2	54	Provide financial sustainability and good governance	In partnership with Pyrenees Shire Council, start the implementation of the software replacement program including the new Customer Request system.	Manager Technology and Customer Service	In Progress	25%	25%	Consultant engaged for preparation of the business case.	30/06/2025	●
4.2	55	Provide financial sustainability and good governance	Implement Payroll software and outsource service delivery.	Manager Technology and Customer Service	In Progress	70%	80%	Data migration and systems integration well-progressed. Testing has commenced. Parallel pay runs	30/06/2025	●



Initiative Code	Action Code	Initiative	Action Name	Responsible Officer Position	Status	Q1 Progress	Q2 Progress	Comments	Due Date	Traffic Lights
								planned for late-February. 'Go-live' revised to early March 2025.		
4.2	56	Provide financial sustainability and good governance	Produce cyber security strategy incorporating a delivery program.	Manager Technology and Customer Service	In Progress	90%	90%	A detailed Protective Data Security Plan (PDSP) was produced in August 2024. A draft Digital Strategy (including ICT and Cyber) was produced in July 2024 and includes a raft of actions/projects concerning cyber security. Although the Digital Strategy is not yet signed off, our cyber security uplift work continues as resources permit. Status remains unchanged.	30/06/2025	●
4.2	57	Provide financial sustainability and good governance	Design a deliberative engagement process and; deliver this process with multiple stakeholders including Councillors and diverse community representatives. Ensure that all participant feedback shapes the strategic directions for the Integrated Council Plan (inc. the long-term financial plan and the Municipal Health and Wellbeing Plan).	Manager Community Engagement	In Progress	30%	50%	Project Management Plan has been developed, with a public facing engagement plan completed. The launch of the Council Plan engagement will be 20 February 2025. One Councillor workshop has been completed on 5 February 2025 with further workshops in early March 2025. The Community Panel is currently being designed, with the intention of being held in early May 2025. Various engagement activities will be available for the whole community at project launch.	31/08/2025	●



8.1.3 Audit and Risk Committee Charter

**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.*

**SUMMARY/PURPOSE**

The report presents the updated Audit and Risk Committee Charter to Council, for consideration for adoption.

**RECOMMENDATION**

That Council adopt the amended Audit and Risk Committee Charter as attached.

**LEGISLATION AND POLICY CONTEXT**

Central Goldfields Shire Council’s Council Plan 2021-2025:

The Community’s vision: **Leading Change**  
 4. Good planning, governance, and service delivery.  
 4. Transparent decision making.  
 4. Effective and sustainable financial management.

Initiative: The Audit and Risk Committee Charter fulfils Council’s obligation under section 54 of the Local Government Act 2020.

**BACKGROUND INFORMATION**

Section 54 of the Local Government Act 2020 requires Council to prepare and approve an Audit and Risk Committee Charter.

An annual review of the Audit and Risk Committee Charter is an item documented in the Audit and Risk Committee annual workplan.

Council adopted the latest version of the Charter at the December 2023 Council Meeting.

The Audit and Risk Committee Charter notes in item 9.3 that ‘the Committee shall review and assess the adequacy of the Charter annually and submit requests to Council through the Chief Executive Officer for revisions and improvements for Council Adoption.’

This annual review is the opportunity for the Audit and Risk Committee to identify any such amendments or enhancements deemed required to the Charter for the next 12 months to submit to Council for consideration.

Due to the timing of the Local Government Election and subsequent caretaker period, the Charter was able to be reviewed and updated at the September 2024 Audit and Risk Committee or presented to Council for adoption.

## **REPORT**

### **Proposed changes**

The changes in the Draft reflect:

- The prior deliberations of the Committee.
- Alterations to ensure the Charter is clearly consistent with the limitations of the Committee under the Act, particularly related to the limitations on decision-making.
- Responses to current practice or requirements for clarity which have arisen over the prior twelve months.
- Update focussed on best practice recommendation and aligning the charter with new legislative requirements and policies
- Adding the requirement regarding membership status may make it difficult to attract new members

### **CONSULTATION/COMMUNICATION**

No public consultation is required for the Audit and Risk Committee Charter.

The adopted Charter will be published on Council's website

### **FINANCIAL& RESOURCE IMPLICATIONS**

The annual review of the Charter is covered under existing budgets.

### **RISK MANAGEMENT**

This report addresses Council's strategic risk:

Governance - Failure to transparently govern and embrace good governance practices

Legislative compliance - Failure to manage our compliance with relevant legislative requirements by ensuring the Audit and Risk Committee Charter is meeting the requirements of sections 54(1) and (2) of the Act.

### **CONCLUSION**

The attached Audit and Risk Committee Charter – 2025 Review is compliant with the Local Government Act 2020 and has been reviewed by the Audit and Risk Committee in January 2025. The Committee recommends the Charter as reviewed be considered for adoption by the Council.

### **ATTACHMENTS**

1. Audit and Risk Committee Charter 2025 Review DRAFT [8.1.3.1]

# AUDIT AND RISK COMMITTEE CHARTER



Directorate:	Corporate Performance
Responsible Manager:	Manager Governance, Property and Risk
Review Due:	February 2026
Adoption:	Council
Date Adopted:	X Month 202X

## 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. Background

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Section 53 of the Local Government Act 2020 ("the Act") requires all councils to establish an audit and risk committee. Central Goldfields Shire Council ("Council") has constituted an Audit and Risk Committee ("the Committee") to meet this requirement. Section 54 of the Act requires that councils must prepare and approve an Audit and Risk Committee Charter.

This Charter has been developed to comply with the Act and facilitate the operation of the Committee and sets out its functions and responsibilities, authority, composition, remuneration, meetings, responsibilities, publicly available information and review.

The Committee's role is to monitor, review and advise Council on the standard of its financial control, risk management and corporate governance.

## 2. Scope

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This charter applies to all Audit and Risk Committee members, Councillors who are members of the Committee, the Internal and External auditors and relevant Council officers as defined in Roles and Responsibilities section (appendix 3).

## 3. Authority

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The Committee is an advisory committee and does not have any delegated powers, executive powers, management functions, or delegated financial responsibility.

## AUDIT AND RISK COMMITTEE CHARTER

The Act states that the Audit and Risk Committee is not a delegated committee as per the provisions under section 53(2) of the Act.

The Central Goldfields Shire Council authorises the Committee within its functions and responsibilities to:

- Endorse documents and reports that must be approved by Council, including annual financial reports, and annual performance statements
- Monitor policies and procedures compliance with the overarching governance principles in the Act, and regulations and any ministerial directions;
- Oversee internal and external audit plans, including audit plans with an outlook of greater than one year;
- Provide advice and make recommendations to Council on matters within its areas of responsibility, including new and revised policies relevant to the work of Audit and Risk;
- Subject to agreement with the CEO, retain counsel of relevant independent experts where it considers that is necessary in order to execute its responsibilities;
- Seek any relevant information it requires from Council, Council Officers (who are expected to co-operate with the Committee's requests) and external parties;
- Meet with Council Officers, internal and external auditors and other parties as required to discharge its responsibilities.
- The Committee will, through the CEO, have access to appropriate management support to enable it to discharge its responsibilities effectively.

#### 4. Functions and responsibilities

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The Committee's functions and responsibilities are to:

- Monitor the compliance of Council policies and procedures with:
  - The overarching governance principles;
  - The Act and the regulations and any Ministerial directions.
- Monitor Council financial and performance reporting;
- Monitor and provide advice on risk management and fraud prevention systems and controls;
- Have an annual work program (detailed in section 7 below);
- Undertake an annual assessment of its performance against the Charter, and provide a copy of the assessment to the CEO (for tabling at the next Council meeting);
- Provide a Biannual Report of its activities to Council;
- Enhance the credibility and the objectivity of the financial reporting of Council;
- Support the identification and management of enterprise-wide material risks of Council;
- Advise Council on systems and processes designed to ensure compliance with the Act and other relevant laws and regulations and consistency of best practice guidelines;

## AUDIT AND RISK COMMITTEE CHARTER

- Advise Council on the establishment, effectiveness and maintenance of controls and systems to safeguard financial and physical resources, and mitigation of risks that may adversely affect achievement of Council objectives;
- Advise Council on the establishment, effectiveness and maintenance of controls and systems to safeguard its governance obligations and promote a culture of accountability and transparency;
- Advise Council on the systems and processes which protect against fraud, corruption and irregularities.
- The Committee has no executive role. It is independent of management and reports to the Council providing advice to facilitate Council decision making.

## 5. Membership and Tenure

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The Committee will consist of five (5) voting members appointed by Council, three (3) of whom must be independent members with one (1) appointed as the Chair. Two Councillors will be appointed by Council. Council employees or contractors are not permitted to be members of the Committee.

### Independent Members

- Independent members will be sought by way of external public advertisement seeking expressions of interest;
- Independent members will be appointed for three (3)-year terms;
- Independent members may be reappointed for two (2) additional three (3)-year terms subject to satisfactory performance, that is, a maximum of nine years;
- Independent members must collectively have expertise in financial management and reporting and risk management and also experience in public sector management;
- Further the Committee should, collectively possess sufficient knowledge and strategic skills as outlined in the skills matrix
- Independent members' terms of appointment will be set so that as far as possible only one member retires at a time in order to minimise the loss of knowledge of Council's business that may occur on change of membership;
- Remuneration will be paid to independent members as approved by Council from time to time;

### Councillor Members

- Councillor members will be appointed to the Committee by Council resolution annually;
- Should an appointed Councillor member not be able to attend a Committee meeting, Council can appoint an alternate member to act in such circumstances, either on a meeting-by-meeting basis or for the entire year;

### Chairperson

The Chairperson of the Committee must be an independent member (section 53(4) of the Act);

- When a vacancy arises in the position of Chair, Council undertake recruitment to

## AUDIT AND RISK COMMITTEE CHARTER

appoint the Chairperson of the Committee, in accordance with 4.2, and determine the term;

- Current independent members will be eligible to be considered in the recruitment for a Chairperson;
- If the Chairperson is unable to attend a meeting, the members in attendance at the meeting will appoint a Chairperson for that meeting from among the attending members;

### 5.1 Quorum for Meetings

- A quorum shall comprise at least one Councillor member and two independent members;

### 5.2 Recruitment and Selection

- Council will develop and maintain a skills matrix to identify the skills and/or experience required by the Committee;
- On the retirement or resignation of an Independent Member, the skills matrix will be considered to identify the skills and/or experience to be sought in a new Independent Member;
- An advertisement seeking a new Independent Member will be published in an appropriate public market identifying any specific skills and experience sought by the Committee;
- Applications for the vacancy will be reviewed and shortlisted by the CEO or delegate, in consultation with the Chair or, if the Chair is not available, an Independent Member of the Committee;
- A panel will be convened to interview and recommend to the Committee for endorsement a candidate's appointment.

The panel will comprise of the following:

- The Chair, or an Independent member if the Chair is unavailable;
- One (1) or more Councillor member of the Committee; and
- The CEO or delegate(s).
- The panel may recommend a single candidate or a short list for the Committee's consideration.
- The Committee will provide its recommendation of a candidate's appointment to the next practicable Council Meeting.

### 5.3 Induction

All Independent Members are to be provided with an induction to Council and the Committee. The induction material must include, but is not limited to:

- Relevant financial reports;
- Audit reports;
- Minutes of the last four Committee meetings;
- The internal auditors reports from the previous 12 months;
- Reports on any relevant investigations;

## AUDIT AND RISK COMMITTEE CHARTER

- Council's risk registers;
- Relevant Council policies and procedures; and
- The Committee Charter.

If the Independent Member/s require a one-on-one induction, Council officers, as directed by the CEO, will undertake the induction for the new Independent Member/s.

All Councillors are provided with the Committee Charter, Minutes of the last four Committee Meetings and details of the qualifications and experience of the Independent Members of the Committee as part of the Councillor induction program.

#### 5.4 Role of the Chair

The role of the Chair is to:

- In consultation with the CEO, or delegate, set the matters to be included on the agenda for each meeting of the Committee;
- Chair all meetings of the Committee and oversee how the meetings are conducted;
- Determine the actions to be taken in relation to items discussed at the meeting;
- Participate in the evaluation for the appointment of the internal auditor;
- Lead the annual assessment of the performance of the Committee and provide a copy of the annual assessment to the CEO for tabling at the next Council Meeting.

#### 5.5 Decision making out of session

The Chair of the Committee has authority to refer any matter for a discussion and decision making out of session, e.g. via email.

Any decisions made out of session will need to be ratified at the next Committee Meeting.

#### 5.6 Remuneration

Section 53(6) of the Act allows for the payment of a fee to Independent Members of the Committee.

Council will pay a sitting fee to the Chair and Independent Members of the Committee. This fee will be reviewed as part of Council's annual budget process and will be subject to annual CPI indexation.

In addition, each Independent Member will be entitled to claim up to \$500.00 per annum in travel expense based on the per kilometre rate set by the Commissioner of Taxation.

#### 5.7 Insurance and Indemnity

Council must indemnify and keep indemnified each member of the Committee, exercising any function or power on behalf of a Council against all actions or claims (whether arising during or after the term of office or employment of that Councillor or member) in respect of any act or thing done or omitted to be done in good faith in the exercise or purported exercise of any function or power conferred on the Committee or member of the Committee under this or any other Act.

Council's insurance policies shall cover members of the Committee while engaged in the business of the Committee.

## 6. Meetings

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## AUDIT AND RISK COMMITTEE CHARTER

- The Committee will meet at least four (4) times a year, with the authority to convene additional meetings, as circumstances require at the discretion of the Chief Executive Officer or at the written request of the Committee, the external auditor, or the internal auditor;
- Council's Governance Rules will apply to the conduct of meetings unless alternate procedures are stipulated in this Charter;
- All Committee members are expected to attend each meeting, in person or virtually;
- The Committee may invite members of management, auditors or others to attend meetings and provide pertinent information, as necessary;
- The Committee may hold private meetings with the auditors if required;
- Meeting agendas and related papers will be prepared and provided to members, five (5) days in advance of meetings (wherever possible);
- Minutes of meetings will be kept and action items recorded and monitored;
- The CEO, General Manager Corporate Performance, General Manager Infrastructure Assets and Planning, General Manager Community Wellbeing and Manager Governance Property and Risk will attend the meetings in an "ex officio" capacity. On the direction of the CEO, other Council officers may attend the Committee in an "ex officio" capacity, or at the request of the Committee;
- The Mayor may attend meetings in an "ex officio" capacity. All other Councillors are invited to attend the meetings as an observer, not as an active participant in the meetings.
- As the Audit and Risk Committee is an advisory committee of Council meetings are not open to the public.

## 7. Committee Member Obligations

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Committee members are expected to be aware of their obligations under Section 53 of the Act. These obligations relate to misuse of position as a member of the Committee (Section 123), confidential information (Section 125) and conflict of interest (Sections 126 to 131). Details about these obligations are included in Appendix 1 to this Charter.

Upon appointment, Independent Members are required to sign a confidentiality agreement (Appendix 2).

Committee Members must act in accordance with the confidentiality provisions in sections 3 and 125 of the Local Government Act 2020. Additionally, Committee members shall not directly or indirectly release or make available to any person any information relating to the work or discussions of the Committee, except in accordance with any direction of the Council.

Failure to comply with the provisions of the Act with regard to conflicts of interest and other offenses carrying a statutory penalty may result in the Member's appointment being terminated.

The Committee members are also required to complete Personal Interest Returns within thirty (30) days of becoming a Member of the Committee and Biannual Personal Interest Return every six (6) months.



## AUDIT AND RISK COMMITTEE CHARTER

In addition to any declarations made in a Return of Interest, members of the Committee must declare any past or current relationships that may or may be perceived to impair their independence. This is required even if these relationships would not be considered a conflict of interest under the relevant sections of the Act. Such relationships include (but are not limited to) employment, consulting, advisory, supplier or contractual roles or relationships.

## **8. Responsibilities of the Committee**

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The Committee will carry out the following responsibilities.

### **8.1 Financial and Performance Reporting**

- At least annually review significant accounting and external reporting issues, including complex or unusual transactions, transactions and balances in areas where judgement is required, changes to accounting policies, recent accounting, professional and regulatory pronouncements and legislative changes, and understand their effect on the annual financial report and the audit thereof;
- At least annually review changes to the Local Government Performance Reporting Framework (LGPRF) and understand the impact of those changes on Council's performance indicators;
- Receive and review the annual financial report and annual performance statement and consider whether they are complete, consistent with information known to Committee members, reflect appropriate accounting treatments and adequately disclose Council's financial performance and position including providing a recommendation to Council;
- Review with management and the external auditors the results of the audit, including any difficulties encountered by the auditors and how they were resolved;
- Recommend the adoption of the annual financial report and annual performance statement to Council; and
- Review the appropriateness of the format and content of periodic management financial reports and performance statements to Council as required.

### **8.2 Internal Control Environment**

- Review the adequacy and effectiveness of key policies, systems and controls for providing a sound internal control environment. This should be done on a rotational basis over a three (3) to four (4) year period;
- Determine whether systems and controls are reviewed regularly and updated where required and comply with the overarching governance principles, the Act and regulations and ministerial directions (e.g. in respect of risk, finance, business continuity, delegation, equal employment opportunity, workplace health and safety, privacy, etc.);
- Monitor significant changes to systems and controls to assess whether those changes significantly impact Council's risk profile;
- Ensure that a programme is in place to test compliance with systems and controls;

### **8.3 Risk Management**

- Review annually the effectiveness of Council's risk management framework;

## AUDIT AND RISK COMMITTEE CHARTER

- Review Council's risk appetite statement and the degree of alignment with Council's risk profile;
- Review Council's risk profile and the changes occurring in the profile from meeting to meeting;
- Review Council's treatment plans for significant risks, including the timeliness of mitigating actions and progress against those plans;
- Review the insurance programme annually prior to renewal; and
- Review the approach to business continuity planning arrangements, including whether business continuity and disaster recovery plans have been regularly updated and tested.

**8.4 Fraud Prevention Systems and Controls**

- Review Council's Fraud Prevention policies and controls, including the Fraud Control Plan and fraud awareness programmes at least very two (2) years;
- Receive reports from management about actual or suspected instances of fraud or corruption including analysis of the underlying control failures and action taken to address each event; and
- Review reports by management about the actions taken by Council to report such matters to the appropriate integrity bodies.

**8.5 Internal Audit**

- Review the Internal Audit Charter annually to determine that it provides an appropriate functional and organisational framework to enable Council's internal audit function to operate effectively and without limitations;
- Review and endorse the three (3) year strategic internal audit plan, the annual internal audit plan and any significant changes to them for consideration by Council;
- Review progress on delivery of annual internal audit plan;
- Review and recommend proposed scopes for each review in the annual internal audit plan;
- Review reports on internal audit reviews, including recommendations for improvement arising from those reviews;
- Meet with the leader of the internal audit function at least annually in the absence of management;
- Monitor action by management on internal audit findings and recommendations;
- Review the effectiveness of the internal audit function and ensure that it has appropriate authority within Council and has no unjustified limitations on its work;
- Ensure that the Committee is aware of and appropriately represented with regard to any proposed changes to the appointment of the internal audit service provider, including being appropriately briefed on the need for any proposed change;
- Recommend to Council, if necessary, the termination of the internal audit Contractor.

## AUDIT AND RISK COMMITTEE CHARTER

**8.6 External Audit**

- Annually review and endorse the external audit scope and plan proposed by the external auditor;
- Discuss with the external auditor any audit issues encountered in the normal course of audit work, including any restriction on scope of work or access to information;
- Ensure that significant findings and recommendations made by the external auditor, and management's responses to them, are appropriate and are acted upon in a timely manner;
- Review the effectiveness of the external audit function and ensure that the Victorian Auditor General's Office (VAGO) is aware of the Committee's views;
- Consider the findings and recommendations of any relevant performance audits undertaken by VAGO and monitor Council's responses to them; and
- Meet with the external auditor at least annually in the absence of management.

**8.7 Compliance Management**

- Review the systems and processes implemented by Council for monitoring compliance with relevant legislation and regulations and the results of management's follow up of any instances of non-compliance;
- Review the processes for communicating Council's Employee Code of Conduct to employees and contractors and for monitoring compliance with the Code;
- Obtain briefings on any significant compliance matters; and
- Receive reports from management on the findings of any examinations by regulatory or integrity agencies (whether related to investigations at Council or other agencies), such as the Ombudsman, IBAC, Victoria Government Inspectorate, etc. and monitor Council's responses.

**8.8 Other matters which fall within the Committee's Charter:**

- Address issues referred to the attention of the Committee, including requests from Council for advice
- Review quarterly a management report detailing the expenses and reimbursement of out-of-pocket expenses of Councillors and members of delegated committees and if appropriate, make recommendations for Council's consideration;
- Through the Chief Executive Officer, the Committee may obtain information and advice on any Council matter that falls within the Committee's Charter.

**9. Reporting of Audit and Risk Committee Activities**

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- Minutes of Committee meetings will be provided to Council at the first available opportunity after Committee endorsement;
- The Chairperson will prepare a report to Council through the Chief Executive Officer on the Committee's activities twice (2) per annum. The report will be endorsed by the Committee (out of session) before being provided to the Chief Executive Officer. One of these reports will be prepared after the meeting at which the annual financial report and the annual performance statement have been considered and recommended to Council for adoption, such report indicating how the Committee has discharged its responsibilities as set out in this Charter for the

AUDIT AND RISK COMMITTEE CHARTER

previous year.

**9.1 Performance Evaluation**

- The Committee shall undertake a process to evaluate its performance annually and report the outcomes of the evaluation process to Council through the Chief Executive Officer, including recommendations for any opportunities for improvement. The evaluation will include feedback from both Committee members and senior officers who have regular interactions with the Committee.
- As part of the annual performance evaluation, the Audit and Risk Committee will consider the skills matrix (4.2) to ensure the Committee can effectively undertake its role.
- Committee members may request through the Chair for appropriate training to be sourced to assist them to fulfil their role.

**9.2 Committee Member Regulatory Obligations**

Committee members are expected to be aware of their obligations under Section 53 of the Act. These obligations relate to misuse of position as a member of the Committee (Section 123), confidential information (Section 125) and conflict of interest (Sections 126 to 131). Details about these obligations are included in Appendix A to this Charter.

**9.3 Review of Charter**

The Committee shall review and assess the adequacy of the Charter annually and submit requests to Council through the Chief Executive Officer for revisions and improvements for Council adoption.

**10. Control Information**

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<b>Author</b>	Manager Governance, Property and Risk
<b>Responsible Officer</b>	General Manager Corporate Performance
<b>Date adopted by Council:</b>	TBC
<b>Revision History</b>	March 2011 November 2013 June 2015 March 2017 (Version 2) March 2019 March 2020 July 2020 February 2022 December 2023 January 2025
<b>Next Review</b>	February 2026

**8.1.4 Governance and Statutory Compliance Frameworks**

**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.*

**SUMMARY/PURPOSE**

The purpose of this report is to recommend the approval of two newly developed frameworks proposed as a part of CGSC governance policies refresh review and seeks endorsement for the documents.

The governance frameworks are a key element of the council’s governance and accountability structures that are aimed at enhancing transparency, accountability and operational efficiency while providing leadership to foster integrity and appropriately address misconduct if it occurs.

These frameworks outline the process structures and rules by which Central Goldfields Shire Council implement and manage good governance.

They are instrumental in good decision making and encompass performance, responsible stewardship, ethical behaviour, decision making, leadership, trust, inclusion, accountability, legitimacy, responsiveness, transparency, and fairness.

**RECOMMENDATION**

That Council:

1. adopt the Governance Framework and;
2. adopt the Statutory Compliance Framework

**LEGISLATION AND POLICY CONTEXT**

Central Goldfields Shire Council’s Council Plan 2021-2025:

The Community’s vision: **Leading Change**  
 4. Good planning, governance, and service delivery.  
 4. Transparent decision making.

Initiative: N/A

**BACKGROUND INFORMATION**

Governance policies are critical for guiding the organisation's decision-making, accountability structures, and operational practices. Regular reviews ensure these policies remain current with:

- Legislative and regulatory changes.
- Best practice within the industry.
- Feedback from stakeholders.

The Local Government Amendment (Governance and Integrity) Act 2020 made a range of changes to the Local Government Act 2020 and introduced a number of new or amended regulations. Councils are required to update their governance policies to address the requirements in the amendments.

The new frameworks have been developed by a consultant based on best practice governance policies and frameworks currently utilised within the sector.

## **REPORT**

### **Governance Framework**

This framework has been developed to outline the CGSC approach to achieving good governance.

The governance framework addresses the better practice principles identified in the Local Government Act 2020. It outlines the mechanisms, and their purpose used to support good governance.

### **Statutory Compliance Framework**

This framework provides a coordinated, organisation-wide compliance approach to ensure that CGSC's activities are conducted in accordance with legislative requirements and obligations.

## **CONSULTATION/COMMUNICATION**

Updating Governance policies and frameworks is a necessary step to ensure the Council operates effectively, transparently, and in compliance with current standards.

The proposed updates provide a robust framework to meet present and future challenges while reinforcing stakeholder confidence.

## **FINANCIAL& RESOURCE IMPLICATIONS**

Non-compliance with local government legislative and regulatory requirements has a significant consequence which would have had both resource and financial implications.

## **RISK MANAGEMENT**

This report addresses Council's strategic risk:

Governance - Failure to transparently govern and embrace good governance practices by ensuring Councils decision-making and accountability structure are best practice and align with current legislative and regulatory requirement.

## **CONCLUSION**

Developing governance-related frameworks are a necessary step to ensure the organisation operates effectively, transparently, and in compliance with current standards.

The proposed frameworks provide a robust structure to meet present and future challenges while reinforcing Councillor and Staff confidence.

## **ATTACHMENTS**

1. Governance Framework Policy Draft (1) [8.1.4.1]
2. Statutory Compliance Framework [8.1.4.2]



# GOVERNANCE FRAMEWORK POLICY

Directorate:	Corporate Performance
Responsible Manager:	General Manager Corporate Performance
Review Due:	March 2028
Adoption:	Council
Date Adopted:	.....

## Acknowledgement

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.

## 1. Introduction

A Council is elected to provide leadership for the good governance of the municipal district and the local community.

Its role includes:

- Taking into account the diverse needs of the local community in decision making
- Providing leadership by establishing strategic objectives and monitoring their achievement
- Maintaining the visibility of the Council by ensuring that resources are managed in a responsible and accountable manner
- Advocating the interests of the local community to other communities and governments
- Acting as a reasonable partner in government by taking into account the needs of communities
- Fostering community cohesion and encouraging active participation in civic life.

The important differences between the Council and the administrative arm of Council (i.e. Council officers) is that Council and Councillors focus on strategy, policy, and outcomes whilst the administration's role is to focus on giving advice, implementing Council decisions, and running the day-to-day operations.

## GOVERNANCE FRAMEWORK POLICY

Imperative to achieving success between these two roles is the establishment of effective relationships:

- There is a mutual understanding, acceptance, and respect for each other's roles.
- There is an understanding that while the administration is accountable to Council through the CEO, individual Councillors cannot direct staff members.
- There is a preparedness to identify, discuss and resolve issues and problems if they arise.
- The administration has respect for and is committed to democratic governance and the primacy of Council in the local government structure.

Effective relationships, between both the Councillors themselves and Councillors and the administration, supports cooperation and goodwill that is necessary to make governance work in local government.

Local Government Victoria's Good Governance Guide (The Guide) states that:

*“Good governance is about the processes for making and implementing decisions. It is not about making ‘correct’ decisions but about the best possible process for making those decisions.*

*Good decision-making processes and therefore good governance share several characteristics.*

*All have a positive effect on various aspects of local government including consultation policies and practices meeting procedures service quality protocols Councillor and officer conduct role clarification and good working relationships.”*

## 2. Purpose

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The purpose of this document is to outline Central Goldfields Shire Council's approach to achieving good governance within its municipal district.

The Governance Framework is not a policy or statement of intent; it aims to support and guide all Council staff and Councillors in achieving their statutory obligations.

This document does not set out to replicate the content of the numerous policies, plans, charters, codes, local laws, role and responsibility descriptions, indicators, monitoring systems and reports that make up the typical Council governance framework.

Instead, this document provides a road map to effective governance.

It illustrates and articulates the essential elements of a sound governance framework and provides links to the relevant supporting documents at Central Goldfields Shire Council.

The decision not to replicate supporting documents in this framework document is deliberate.

These supporting documents are living documents, and as such, will be subject to regular review and adjustment as the provisions governing them changes or the need arises.

In some cases, policies will need to be reviewed, processes streamlined, and systems improved to support the effectiveness of the governance framework.

There are other benefits to this approach.

Developing a stand-alone governance framework document improves the length, readability and understanding of the governance framework and ensures its integrity and longer-term currency.



GOVERNANCE FRAMEWORK POLICY

Excluding the supporting document content from this framework document also provides the reader with a greater level of assurance, by linking them to the single source of truth and the actual location of the current supporting document.

These supporting documents are listed in Section 8 Relevant Documents and Legislation.

**3. 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).

Central Goldfields Shire Council is committed to consultation and cooperation between management and employees.

**4. Governance Framework**

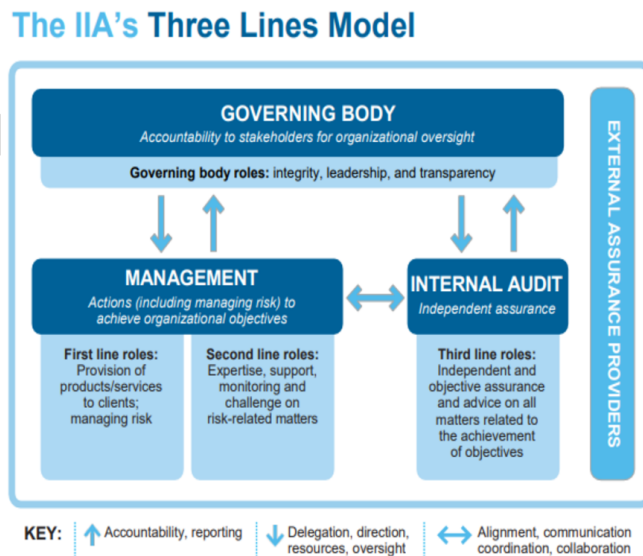
The structure of the Governance Framework has been informed by a variety of respected governance models, including the Three Lines Model (Institute of Internal Auditors) and Committee of Sponsoring Organisations (COSO) (Internal Control-Integrated Framework) and the Governance Better Practice guides of the Australian National Audit Office and the Victorian Auditor-General’s Office.

Guidance materials from the Local Government Inspectorate were used on the key elements of a governance framework for Local Government.

The Three Lines model, refer to Figure 1, is a way for organisations to safeguard assets and reduce the likelihood of fraud through ensuring there is adequate management oversight in first and second-line roles with third-line independent assurance.

With reference to the model, Central Goldfields Shire Council’s Governing Body, who has accountability to the community, has the overarching role of ensuring transparency, integrity, and leadership.

**Figure 1.**  
**The IIA’s Three Lines Model (An update of the Three Lines of Defence) Institute of Internal Auditors Australia**



GOVERNANCE FRAMEWORK POLICY

The Committee of Sponsoring Organisations (COSO) model (refer to Figure 2) was developed to improve organisational development and governance.

The model of internal control is designed to provide reasonable assurance of the achievement of objectives, including the effectiveness and efficiency of operations, reliability of financial reporting and compliance with laws and regulations.

**Figure 2.**



**COSO’s Integrated Framework**

Using these tools ensures Central Goldfields has a robust Governance Framework for ongoing compliance.

The following governance structure reflects the key elements of these frameworks and ensures that all policies, systems, and processes which support these key areas are developed, implemented, and maintained.



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## GOVERNANCE FRAMEWORK POLICY

## 5. Legislative and Mandatory Reporting Framework

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### 5.1 Legislative Framework

The Constitution Act 1975, section 74A(1) provides that local government is a distinct and essential tier of government consisting of democratically elected Councils having the functions and powers that the Parliament considers necessary to ensure peace, order, and good government of each municipal district.

As such, the primary piece of legislation that establishes the overarching governance arrangements for Victorian local government Councils is the Local Government Act 2020 (Vic) ("the Act").

The Act states that the purpose of local government is to provide a system under which Councils perform the functions and exercise the powers conferred by or under the Local Government Act 2020 and any other Act for the peace, order, and good government of their municipal districts.

The primary objective of a Council is to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions.

One of the key vehicles to achieve this is through the development of the Council Plan.

A Council Plan must include the strategic objectives of the Council for at least the next four years and the indicators to monitor its achievement.

### 5.2. Mandatory Reporting Framework

Local Government Performance Reporting Framework has been developed by Local Government Victoria and is made up of sixty-six measures.

A governance and management checklist, reported annually, was developed to measure whether a Council has strong governance and management frameworks in place.

## 6. Good Governance

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Good Governance is defined by section 8(2) of the Local Government Act 2020; "A Council provides good governance if –

- (a) It performs its role in accordance with Section 9;
- (b) The Councillors of the Council perform their role in accordance with section 28"

A Governance Framework sets key components in place in order to achieve Good Governance.

It includes the following;

- Identification of laws and regulations which govern Council
- An Organisational Structure which outlines roles and responsibilities including the elected
- officials, administrative staff, and advisory committees.
- Strategic planning of long-term goals and objectives

## GOVERNANCE FRAMEWORK POLICY

- Measuring the performance of Council in meeting goals and objectives
- Public participation in decision making
- Promotion of ethics and accountability
- Risk management is incorporated in the development strategies to mitigate risk within
- emergency management plans, policies, and procedures.

### 6.1 Governance Principles

Section 9 of the Act requires Council to, in its performance of its role, give effect to the overarching governance principles.

The principles require Council staff and Councillors to avoid conflicts of interest, act honestly, lawfully, impartially, with integrity and accountability; respect other peoples' beliefs and opinions; exercise reasonable care and diligence; to use public resources and manage financial risks prudently; consider the effect of decisions on future generations and ensure accurate and timely disclosure of financial information.

Councillors and Council Staff alike should strive to implement good governance principles in their roles as outlined below.

#### **Good governance follows the rule of law:**

This means that decisions are consistent with relevant legislation or common law and are within the powers of Council.

In the case of Victorian local government, relevant legislation includes the Local Government Act 1989 (sections still in force) and 2020 and other legislation such as the Public Health and Wellbeing Act 2008, and the Equal Opportunity Act 2010.

#### **Good governance is accountable:**

Accountability is a fundamental requirement of good governance.

Local government has an obligation to report, explain and be answerable for the consequences of decisions it has made on behalf of the community it represents.

#### **Good governance is participatory:**

Anyone affected by or interested in a decision should have the opportunity to participate in the process for making that decision.

This can happen in several ways -community members may be provided with information, asked for their opinion, given the opportunity to make recommendations or, in some cases, be part of the actual decision-making process.

It is important to remember that under the Local Government Act 2020 the Council is required to either make decisions or delegate the decision-making power to officers or Special Committees.

#### **Good governance is responsive:**

Local government should always try to serve the needs of the entire community while balancing competing interests in a timely, appropriate, and responsive manner.

#### **Good governance is equitable and inclusive:**

A community's wellbeing results from all of its members feeling their interests have been considered by Council in the decision-making process.

GOVERNANCE FRAMEWORK POLICY

This means that all groups, particularly the most vulnerable, should have opportunities to participate in the process.

**Good governance is effective and efficient:**

Local government should implement decisions and follow processes that make the best use of the available people, resources, and time to ensure the best possible results for their community.

**Good governance is transparent:**

People should be able to follow and understand the decision-making process. This means that they will be able to clearly see how and why a decision was made - what information, advice and consultation Council considered, and which legislative requirements (when relevant) Council followed.

The supporting principles include;

- the community engagement principles;
- the public transparency principles;
- the strategic planning principles;
- the financial management principles;
- the service performance principles.

**How is Good Governance Achieved?**

To implement good governance across the organisation, Central Goldfields Shire Council has developed several mechanisms including documents, systems, and procedures.

A summary of the mechanisms, their purpose and their review cycle have been identified below and categorised by Central Goldfields' Good Governance Principles.

<b>Good governance follows the rule of law</b>			
Mechanism		Purpose	Review Cycle
1.1	Endorsed Documents	Council's Policies and Frameworks are maintained and endorsed by either Councillors or our Executive Management Team.	4 years or as per legislation and regulation requirements.
1.2	Delegations and Authorisations	Delegations empower employees and committees with the authority to make binding decisions on behalf of their Council.  In the context of local government, delegation is the giving of decision-making power by Councillors and/or the CEO to members of Council staff.	As required

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GOVERNANCE FRAMEWORK POLICY

Good governance follows the rule of law			
Mechanism	Purpose	Review Cycle	
	<p>An authorised officer is a person, other than a Councillor, appointed by Council to carry out a compliance function or an enforcement function under legislation related to the functions and powers of Council.</p> <p>Where Authorisations and Delegations have been made, the decision lies with the delegated officer and cannot be influenced by the stakeholders who initially delegated the powers.</p> <p>Council maintains a register for both delegations and authorised officers and updates it on a regular basis.</p>		
1.3	<p>Legislation and regulation</p>	<p>Local Government has responsibilities under over 120 Acts and regulations.</p> <p>These responsibilities are relevant to specific functions.</p> <p>Council's Governance team help highlight legislative changes across the organisation.</p>	As required
1.4	<p>Privacy Policy</p>	<p>The Privacy Policy explains how Central Goldfields Shire Council will collect, store, use and disclose personal information of individuals, how individuals can gain access to their personal information and correct inaccuracies.</p> <p>Additionally, it explains how an individual may complain about possible breaches of the <i>Privacy and Data Protection Act 2014</i> and the <i>Health Records Act 2001</i>.</p>	4 Years

GOVERNANCE FRAMEWORK POLICY

Good governance is accountable			
Mechanism		Purpose	Review Cycle
1.1	Budget	<p>The Budget reflects the first year of the Strategic Resource Plan.</p> <p>It describes the services, initiatives, and major initiatives to be funded, including service performance outcome indicators to help monitor performance.</p> <p>The Budget must contain financial statements and other information including capital works, human resources, grants, and rating information.</p>	Annual
1.2	Strategies	<p>Strategies describe the organisations strategic direction across four strategic objectives. .</p> <p>They are the:</p> <ul style="list-style-type: none"> <li>• Our Community Wellbeing</li> <li>• Our Growing Economy</li> <li>• Our Spaces and Place</li> <li>• Leading Change</li> </ul> <p>These documents will also be a way for Central Goldfields Shire Council to monitor progression towards the identified goals in the Council Plan and keep us accountable as an organisation.</p>	As required or at a minimum of annual internal review cycles
1.3	Evidence-based decisions	<p>Central Goldfields Shire Council officers conduct research, engage with the community and refer to relevant legislation and regulations prior to proposing and making decisions.</p> <p>This information is often captured in reports and presented at Ordinary Council Meetings for decisions.</p> <p>All Council decisions are made at Council meetings or under delegated authority to others.</p> <p>How decisions are made at these meetings are governed by the Act and Central Goldfields Governance Rules.</p>	<p>Ordinary Council Meetings: Occur once a month</p> <p>Special Council Meetings: Additional meetings that are scheduled to discuss specific topics</p>

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GOVERNANCE FRAMEWORK POLICY

Good governance is accountable		
Mechanism	Purpose	Review Cycle
	<p>Members of the public can attend Council meetings. Central Goldfields Shire Council also live streams meetings.</p> <p>The decisions made at Council meetings (minutes) are published on Council's website.</p>	
1.4	<p><b>Governance Rules</b></p> <p>The Governance Rules outline the:</p> <ul style="list-style-type: none"> <li>• Roles and powers</li> <li>• Governance</li> <li>• Council Meeting procedures</li> <li>• Delegated Committee Meeting</li> <li>• Conduct</li> <li>• Asset Committee Meeting</li> <li>• conduct</li> <li>• Joint Council Meeting</li> <li>• Conduct</li> <li>• Disclosure of Conflict of Interest</li> <li>• Procedure</li> <li>• Election Period Policy</li> <li>• Other matters</li> </ul> <p>The Governance Rules are made under, an in accordance with, section 60 of the Act.</p>	Annually or as required.
1.5	<p><b>Induction Training</b></p> <p>A Councillor/Employee Induction (our induction training program) is provided for all Councillors and Council officers when they take the oath or start working at Council.</p> <p>This induction training program has both general and targeted training to ensure that participants have the knowledge required to be successful in their roles.</p>	Upon Commencement at Council
1.6	<p><b>Ongoing Training for Councillor and Council Officers</b></p> <p>Central Goldfields Shire Council is committed to ensuring Councillors and Officers are made aware of any changes to policies, systems, processes, workplace relations, and legislation.</p>	As required – differs depending on legislative requirements



GOVERNANCE FRAMEWORK POLICY

Good governance is accountable		
Mechanism	Purpose	Review Cycle
	<p>Together with targeted communications, it may be appropriate to also conduct frequent training sessions.</p> <p>These training sessions are either conducted by the relevant teams or external providers depending on the requirements.</p>	
1.7	<p><b>Audit and Risk Committee</b></p> <p>Under Section 53 of the Act Central Goldfields Shire Council is required to establish an Audit and Risk Committee.</p> <p>The role of the Audit and Risk Committee is to:</p> <ul style="list-style-type: none"> <li>• monitor the compliance of Council policies and procedures with the overarching governance principles,</li> <li>• monitor Council financial and performance reporting,</li> <li>• monitor and provide advice on risk management and fraud prevention systems and controls and</li> <li>• oversee internal and external audit functions</li> </ul> <p>The Audit and Risk Committee discharge their obligations through the Audit &amp; Risk Committee Charter.</p>	Quarterly
1.8	<p><b>Conflict of Interest Process and Gifts and Hospitality declarations for Councillors and Council Staff.</b></p> <p>The Act requires all Council staff and Councillors to disclose conflicts of interests.</p> <p>Being employed by Central Goldfields Shire Council is a position of public trust.</p> <p>As a member of Central Goldfields Shire Council, we must only exercise our duties in the service of the community and Council.</p>	Biannually and as required.

GOVERNANCE FRAMEWORK POLICY

<b>Good governance is accountable</b>			
Mechanism		Purpose	Review Cycle
		<p>We must never use our position to serve our own or someone else's private interests.</p> <p>Conflict of interest is about transparency.</p> <p>It has to be clear that our private interests (and that of our relatives) do not affect the way we perform our duties.</p> <p>This is why the law requires us to disclose any conflicts of interest and to not perform duties in which we have a conflict of interest.</p> <p>Central Goldfields Shire Council has created policies and processes that provide a consistent set of guidelines and a reporting procedure for Councillors and Council officers to deal with gifts, benefits and hospitality that may be offered to them as part of their role as a Councillor and Council Officer.</p>	

<b>Good governance is participatory</b>			
Mechanism		Purpose	Review Cycle
1.1	Community Engagement Policy	<p>Central Goldfields Shire Council is committed to engaging with our diverse communities.</p> <p>We want to encourage participation in engagement opportunities and help support meaningful conversations with our diverse communities and stakeholders.</p> <p>This will help us to better reflect our community members' priorities and expectations in Central Goldfields Shire Council activities and decision making.</p>	4 years

GOVERNANCE FRAMEWORK POLICY

<b>Good governance is participatory</b>			
Mechanism		Purpose	Review Cycle
1.2	Publicly Available Documents	Central Goldfields Shire Council has determined to publish several documents on the website in line with the <i>Local Government Act 2020</i> , <i>Local Government (Governance and Integrity) Regulations 2020</i> , and Central Goldfields Shire's Council's Public Transparency Policy.	As required
1.3	In person	Meetings with individuals and groups.	As required
1.4	Social Media	Central Goldfields Shire Council has several communication channels on social media platforms such as LinkedIn, YouTube, X, and Facebook.  Council Meetings and some events are also live streamed.  Communication of new projects, programs and community engagement opportunities are published on social media sites.	As required

<b>Good governance is responsive</b>			
Mechanism		Purpose	Review Cycle
1.1	Council Community Vison	Our Long-Term Community Vision 2030 is the Vision  In 2030, we are an inspiring, thriving, and prosperous community of choice, we have taken bold steps towards growing our economy and our community is full of optimism and opportunities.  We are kind, connected and inclusive and we nurture creativity, leadership, and innovation.  We value and invest in our young people and our health and wellbeing is high.	In line with the Council Plan

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GOVERNANCE FRAMEWORK POLICY

<b>Good governance is responsive</b>			
Mechanism		Purpose	Review Cycle
		We live sustainably, cherish, and protect our environment and heritage and we have access to outstanding jobs, education, health, community services, infrastructure, and housing.”	
1.2	Council Plan	<p>The Council Plan is a key medium-term strategic plan and should reflect the outcome of stakeholder and community engagement.</p> <p>The Council Plan describes the strategic objectives, ways to achieve the objectives, indicators for measuring progress and the resources required to implement the plan for at least four years.</p> <p>Council Plans are developed based on the feedback from our community engagement program.</p>	Annual or within the period of six months after each general election or by 30 June, whichever is later.

<b>Good governance is equitable and inclusive</b>			
Mechanism		Purpose	Review Cycle
1.1	Community Engagement Policy	<p>Council is committed to engaging with our diverse communities.</p> <p>We want to encourage participation in engagement opportunities and help support meaningful conversations with our diverse communities and stakeholders.</p> <p>This will help us to better reflect our community members’ priorities and expectations in Council activities and decision making.</p>	4 years

GOVERNANCE FRAMEWORK POLICY

<b>Good governance is effective and efficient</b>			
Mechanism		Purpose	Review Cycle
1.1	Long Term Financial Plan and Workforce Plan	<p>Both the Long-Term Financial Plan and Workforce Plan are a rolling plan of at least four years and forms part of the Council Plan.</p> <p>The Long-Term Financial Plan and Workforce Plan outline the financial and non- financial resources that Central Goldfields Shire Council requires to achieve the strategic objectives described in the Council Plan.</p> <p>They must consider services and initiatives contained in any plan adopted by Council.</p> <p>It must also contain financial statements, statements of non-financial resources and other information such as capital works and human resource requirements.</p>	Annual
1.2	Processes	To help our workforce, Council documents processes to ensure our workforce know what to do, when to do it, and who has the authority to progress through a task.	As required
1.3	Internal and external audits	<p>Both internal and external audits add value to our organisation by providing independent assurance that our governance, decision-making, risk management, structures, systems, and policies are operating effectively.</p> <p>Council procures the services of an external auditing company to conduct internal audits, ensuring the review is conducted from a non-biased perspective.</p> <p>Recommendations and any actions are reported on at the Audit and Risk Committee to demonstrate progress</p>	As required
1.4	Performance Reporting Framework	The Victorian Government developed a performance reporting framework to ensure all Councils are measuring and reporting on their performance in a	Annual

GOVERNANCE FRAMEWORK POLICY

<b>Good governance is effective and efficient</b>			
Mechanism		Purpose	Review Cycle
		consistent way. All Councils report results annually.	
1.5	Quarterly Performance Reporting	An update on the progress of the promises made to the community in the Council Plan over the last quarter. Quarterly reports are provided to the Councillors.	Quarterly
<b>Good governance is transparent</b>			
Mechanism		Purpose	Review Cycle
1.1	Council Annual Report	<p>The Annual Report outlines Central Goldfields Shire Council's performance for the year as measured against the Council Plan and Budget.</p> <p>The Annual Report Contains information about Council achievements during the financial year including:</p> <ul style="list-style-type: none"> <li>• Service performance indicator statement and results</li> <li>• Achievements of major initiatives</li> <li>• Governance and Management Checklist</li> <li>• Financial statements</li> </ul> <p>The Financial Statements and Performance Statement are audited at the end of the financial year by the Victorian Auditor- General's Office (VAGO)</p>	Annual
1.2	Model Councillor Code of Conduct	Model Councillor Code of Conduct articulates clear roles and responsibilities of each Councillor and the Mayor/Deputy Mayor (if applicable); each Councillor declares they will abide by the Code.	Upon Council Election and oath

GOVERNANCE FRAMEWORK POLICY

<b>Good governance is effective and efficient</b>			
Mechanism		Purpose	Review Cycle
1.3	Governance Framework	<p>The public expect that Central Goldfields Shire Council is governed in a way that is to the highest standards of integrity, transparency, and conducted with good governance.</p> <p>This Framework outlines the mechanisms Council has or is currently embedding to ensure good governance.</p> <p>An annual review of the roles and responsibilities outlined in the Model Councillor Code of Conduct and the Governance Framework is required to ensure it is still relevant.</p>	Annual review and aligned with general elections
1.4	Staff Code of Conduct	<p>Provides a framework for employees in relation to standards required of them in the ethical and professional performance of their duties.</p> <p>This Code of Conduct applies to all members of the Central Goldfields Shire Council workforce and is a statutory requirement under the Act.</p> <p>It applies to all permanent, temporary, part-time, and casual employees as well as volunteers, agency employees, contractors working on site, work experience students and graduate placements.</p>	4 years
1.5	Complaints handling processes	<p>Central Goldfields Shire Council's complaint handling process ensures there is an avenue for the community to provide feedback on its service.</p> <p>Complaints can be submitted to Central Goldfields Shire Council through the website, email, post, via a QR business card or poster, in person or over the phone.</p> <p>The complaint handling process allows submissions to be made about:</p> <ul style="list-style-type: none"> <li>• A Central Goldfields staff member</li> </ul>	4 years

GOVERNANCE FRAMEWORK POLICY

<b>Good governance is effective and efficient</b>			
Mechanism		Purpose	Review Cycle
		<ul style="list-style-type: none"> <li>The quality, delay or failure of a service provided or being provided, an action taken or decision made by Central Goldfields Shire Council or its contractor.</li> </ul>	
1.6	Public Interest Disclosures Policy	<p>Central Goldfields Council recognises the value of transparency and accountability in its administrative practices and supports the making of disclosures that reveal improper conduct.</p> <p>This policy outlines the way in which any individual, including members of the public, staff and Councillors can disclose information which enables the prevention of fraud and corruption.</p>	4 years
1.7	Freedom of Information Requests	<p>The <i>Freedom of Information Act 1982</i> gives any person the right to request information in document form held by Ministers, State government departments, local councils, most semi-government organisations and statutory authorities, public hospitals, and community health centres.</p> <p>The Act gives any person the right to:</p> <ul style="list-style-type: none"> <li>Access documents about their personal affairs and the activities of government organisations</li> <li>Request that incorrect or misleading information held by an organisation about them be amended or removed.</li> </ul> <p>Requests for Freedom of Information requests can be made to Central Goldfields Shire Council.</p>	As required
1.8	Public Transparency Policy	<p>Central Goldfields Shire Council is committed to the principles of public transparency, good governance, open and accountable conduct and making Council information publicly</p>	4 years



GOVERNANCE FRAMEWORK POLICY

<b>Good governance is effective and efficient</b>		
Mechanism	Purpose	Review Cycle
	<p>available, except where that information is confidential under the provisions of the Act or contrary to the public's interest.</p> <p>This policy aims to formalise Council's commitment to transparent decision-making processes and freely available public access to information.</p>	
1.9	<p>Risk Management Policy</p> <p>The purpose of this policy is to clearly document the organisation's commitment to risk management principles to:</p> <ul style="list-style-type: none"> <li>• Increase the likelihood of achieving objectives</li> <li>• Encourage proactive management</li> <li>• Establish a reliable basis for decision making and planning</li> <li>• Improve operational effectiveness and efficiency and improve organisational resilience</li> <li>• Enhance health and safety performance as well as environmental protection</li> <li>• Improve the identification of opportunities and threats</li> <li>• Improve financial reporting and governance</li> <li>• Comply with relevant legal and regulatory requirements.</li> </ul>	4 years
1.10	<p>Prevention of Fraud and Corruption Control Plan Policy</p> <p>Documents Council's commitment to the prevention, deterrence, and investigation of all forms of fraud and corruption, to define management and employee responsibilities and to ensure the implementation of robust practices for the effective detection, investigation and prevention of fraud and corruption of any description.</p> <p>Central Goldfields promotes a culture where all fraudulent and corrupt activities once notices or legitimately suspected are reported, investigated, and resolved in a timely and fair</p>	2 years

GOVERNANCE FRAMEWORK POLICY

Good governance is effective and efficient		
Mechanism	Purpose	Review Cycle
	manner. Council will not tolerate any incidents of fraud or corruption, and Councillors and Officers will act in accordance with the codes of conduct and in the spirit of ethical standards.	

### 7. Roles, Working Relationships and Responsibilities

Strong and respectful working relationships are essential for Central Goldfields Shire Council to achieve its vision.

Effective working relationships promote a positive culture and provide the organisation with the freedom to focus on opportunities and delivering great outcomes, rather than spending effort overcoming problems associated with negative relationships.

At the time this framework was written, the key working relationships at the Central Goldfields Shire Council are between the:

- Councillors and CEO
- Councillors and General Managers
- CEO and General Managers

Many Central Goldfields Shire Council officers hold positions that require specialised knowledge and skills and are required to provide information, advice, and recommendations to the best of their professional ability.

Sharing this knowledge with Councillors is a key part of ensuring that Central Goldfields Shire Council has the information it needs to make informed decisions.

It is important to note that Councillors cannot direct or improperly influence, or attempt to direct or improperly influence, the functions, duties, actions, recommendations, or advice provided by Central Goldfields Shire Officers.

Improper direction and improper influence are covered under Section 8 of the Local Government Act 2020.

To facilitate the efficient functioning of Council, and ensure timely responses, the CEO has put in place a protocol which requires Councillors to direct all their enquiries to the CEO, the appropriate

General Manager or specified support staff.

Persistent failure to follow this framework may be addressed through the Model Councillor Code of Conduct.

A clear understanding and agreement of roles and responsibilities as outlined below contributes to Councillors and Executive Management Team (EMT) acting as an effective leadership team.

It ensures everyone is aware of the boundaries of their role and of the shared areas.

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## GOVERNANCE FRAMEWORK POLICY

### 7.1 Councillors

The role of the Councillors is outlined in the Model Code of Conduct, Governance Rules, Local Government Act 2020, and the Central Goldfields Community Local Law 2015.

### 7.2. Office of the Chief Executive Officer

The Office of the Chief Executive Officer exists to provide practical support to Councillors and to deliver opportunities to increase the collaboration between the executive, Council officers, residents, and elected members of Central Goldfields Shire Council.

This includes:

- Training and development opportunities
- Advice and mentoring
- Communication and media management
- Support for variety of stakeholder engagement
- Civic events, functions, administrative roles, and responsibilities of the office.

### 7.3. Chief Executive Officer

The Councillors appoint and review the performance of Central Goldfields Shire Council's Chief Executive Officer, determine Central Goldfields Shire Council policies, and set the strategic direction of the organisation.

The Chief Executive Officer (CEO) has several statutory responsibilities and is accountable to the Councillors for delivering Central Goldfields Shire Council's strategies and services.

As the head of the organisation, the CEO's role is to provide professional, relevant, and timely information and support to the Councillors. Section 94A of the Act identifies the CEO as being responsible for several activities.

### 7.4. Executive Management Team

The EMT comprises the CEO and General Managers and provides a whole of organisation perspective to ensure strategic alignment between the organisation's operations and the achievement of the Council Plan. This includes:

- Contributing to policy development through recommendations to Councillors
- Operational decision making
- Providing advice/ assistance
- Generating discussion
- Encouraging problem solving
- Leading performance management
- Interpreting and understanding the current and future operational and political environment
- Driving organisational leadership/culture

### 7.5. General Managers

General Managers are responsible for overseeing the efficient operation of the departments within their Directorate to assist Central Goldfields Shire Council in achieving its vision and objectives.

## GOVERNANCE FRAMEWORK POLICY

They play a key role in supporting the CEO and providing advice and information to the Mayor and Councillors.

This includes:

- Providing advice and possible recommendations to Councillors on issues raised by community and stakeholder groups on matters relating to the General Manager's area of management.
- Providing guidance on matters which, for reasons of community interest and benefit, require immediate action and may be advanced under delegated authority of the Chief Executive Officer.
- Providing advice and information on emerging issues and opportunities relating to the Directorate.
- Providing direction and advice on matters before the Councillors through the review and approval of reports to the Councillors.

### 7.6. Central Goldfields Audit and Risk Committee

The Audit & Risk Committee (the Committee) acts pursuant to Section 53 of the *Local Government Act 2020* (the Act) to support Council in discharging its oversight responsibilities related to financial and performance reporting, risk management, fraud prevention systems and control, maintenance of a sound internal control environment, assurance activities including internal and external audit and Council's performance with regard to compliance with its policies and legislative and regulatory requirements.

### 7.7 Governance Team

The Governance Team supports the Councillors and Central Goldfields Shire Council to comply with legislative and regulatory requirements, as well as sector and community expectations.

## 8. Relevant Documents and Legislation

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### Council Policies

- Model Councillor Code of Conduct
- Staff Code of Conduct
- Governance Rules
- Election Period Policy (within Governance Rules)
- Asset Management Plan
- Business Continuity Plan
- Conflict of Interest Policy
- Prevention of Fraud and Corruption Policy
- Risk Management Policy
- Expenses and Support for Councillors and Members of Delegated Committees Policy
- Public Transparency Policy
- Councillor Correspondence Policy
- Managing Conflicts of Interest for Councillors and Council Committee Members Policy

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- Councillor and Staff Interactions Policy
- Gifts Benefits and Hospitality for Councillors Policy
- Community Engagement Policy
- Complaints Policy
- Delegation and Authorisation Policy
- Procurement Policy
- Audit and Risk Committee Charter
- Municipal Emergency Management Plan
- Road Management Plan

**Strategies and Frameworks**

- Annual Budget
- Annual Council Plan
- Policy and Procedures Framework
- Community Asset Committee Guidelines
- LGPRF Reporting
- Compliance Software

**Legislation**

- Local Government Act 2020
- Local Government Regulations 2014
- Local Government Amendment (Governance and Integrity) Act 2024.



# Statutory Compliance Framework

Directorate:	Corporate Performance
Responsible Manager:	Manager Governance, Property and Risk
Review Due:	March 2028
Adoption:	Council
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.

## 1. Purpose

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The purpose of this Statutory Compliance Framework is to provide a coordinated, organisation-wide compliance approach to ensure that Council’s activities are conducted in accordance with legislative requirements and obligations, in keeping with the objectives of Council’s Statutory Compliance Policy.

## 2. Scope

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This framework must be observed by all Central Goldfields Shire Council staff. All General Managers and Managers have a duty to maintain and monitor compliance within their area of responsibility, and to ensure that their staff have the necessary training to be aware of relevant legislative requirements.

Central Goldfields Shire Council has a responsibility to identify and comply with a range of legislative and regulatory requirements.

## 3. Background

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The standard ISO 37301:2021 (Compliance Management Systems) states that:

“An effective, organisation-wide compliance management system enables an organisation to demonstrate its commitment to compliance with relevant laws, including legislative requirements, industry codes and organisational standards, as well as standards of good corporate governance, best practices, ethics and community expectations.”

## STATUTORY COMPLIANCE

Council's legislative compliance framework consists of:

- this Framework.
- Statutory Compliance Policy which outlines the legislative requirements and objectives of:
  - compliance management
  - accountabilities
  - responsibilities and
  - the management process of reviewing and updating Council's Instruments of Delegation and Authorisation.
- supporting procedures, forms and registers that are a legislative requirement for Council and complement management and administrative governance functions.
- responsibilities for ongoing compliance with internal audit recommendations to ensure best practice and continuous improvement.

#### 4. Definitions

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**Authorisation** means a member of staff appointed to a particular statutory position which holds has certain powers by virtue of that position. They are an "authorised" officer for the purposes of carrying out certain powers under a particular instrument of legislation.

**Council** means the elected Councillors representing Central Goldfields Shire Council.

**Delegation** means a member of Council staff empowered to take action on Council's behalf. The decision of the delegate is "deemed: to be a decision of Council.

**Compliance Register** means Reliansys software utilised to monitor Council's compliance with relevant instruments of legislation, monitor compliance with internal audit obligations, track updated required delegations and authorisations.

**Obligation** means an action within the Compliance Register that is allocated to a Responsible Officer for action and sign off attestation about how it has been completed (if an actual obligation) or understood (if an awareness obligation). Note that some obligations are only for the awareness of Responsible Officers and do not require any action. Obligations are repeated on a regular cycle (developed in accordance with the risk and requirements of the obligation by the Governance Unit) so that sign off attestations are required on a cyclical basis.

**Responsible Officer** means a member of Council staff who have been allocated an obligation from the Compliance Register

**Sign Off Attestation** means clear, articulate and meaningful details about how an obligation has been completed (complies) so that the Executive Management Team and Audit and Risk Committee will understand and be assured that the Responsible Officer has undertaken their responsibilities in relation to the obligation.

**Staff** means all individuals employed by Central Goldfields, including volunteers, contractors, service providers and agents engaged to conduct authorised Council business.

STATUTORY COMPLIANCE

**5. Statutory Compliance Framework**

In an organisation with a strong ethical culture, employees and managers understand why doing the right thing is important for the organisation’s long-term viability, and they have the determination, courage and freedom to see that the right thing gets done. An ethical culture supports independent thinking employees and managers who make decisions consistent with the principles of Good Governance and the organisation’s values.

Benefits of a positive ethical culture include:

- Employees feel a sense of responsibility and accountability for their actions and for the actions of others
- Employees freely raise issues and concerns without fear of retaliation
- Managers model the behaviours they demand of others
- Managers communicate the importance of integrity when making difficult decisions
- Leadership understands the pressure points that drive unethical behaviour
- Leadership develops processes to identify and reduce identified pressure points

**5.1. Approach**

The Australian Standard AS ISO 37301:2021 Compliance Management Systems Guidelines, has adopted a “high-level structure” to assist in the implementation of specific compliance and integrity related requirements in any management system. Elements of the Compliance Management System are made up of the following building blocks;



*Ernst & Young Compliance standardised, Forensic & Integrity Services ISO 37310: compliance management (Page 2)*

Encompassing these elements, Central Goldfields uses the “Plan-Do-Check-Act” continuous improvement principle consistent with other management systems.



## STATUTORY COMPLIANCE

**5.2. Identification of Compliance and integrity obligations**

Council is committed to meeting its compliance and integrity obligations. Compliance and integrity risks are reviewed and analysed annually to ensure appropriate controls are in place. These are reviewed by Internal Audit within the three-year Internal Audit Plan.

**5.3. Management of compliance obligations**

In accordance with the Staff Code of Conduct and in respect of the rule of law, all Council employees should be conscientious in seeking to comply with relevant obligations in the course of their duties.

Obligations are designated to responsible officers. There may be multiple responsible officers designated obligations. Responsible officers are required to:

- Confirm they are seeking, during their operational activities, to ensure compliance with each obligation for which they are a designated responsible officer.
- Report incidents of non-compliance and remedial action to address such incidents, including any ongoing or repeated non-compliance.
- Maintain a sound knowledge of their designated obligations and should advise of new obligations or changes to existing ones to the Governance team.

**5.4. Principal systems, policies and documents in place to manage compliance**

Council has a number of systems, policies and documents in place to manage compliance, including, but not limited to:

- Code of Conduct for Employees (including Volunteers)
- Model Code of Conduct for Councillors
- Disciplinary Code
- Governance Framework
- Fraud and Corruption Prevention and Control System
- Fraud and Corruption Prevention and Control Policy
- Probity in Procurement and Contract Processes
- Records Management Policy
- Risk Management Framework
- Risk Management Policy
- Intellectual Property
- All relevant compliance and integrity policies

Section 9 of the *Local Government Act 2020* (the Act) requires Council to, in the performance of its role, give effect to the overarching governance principles listed below. The principles require Council staff and Councillors to avoid conflicts of interest, act honestly, lawfully, impartially, with integrity and accountability; respect other peoples' beliefs and opinions; exercise reasonable care and diligence; to use public resources and manage financial risks prudently; consider the effect of decisions on future generations and ensure accurate and timely disclosure of financial information.

## STATUTORY COMPLIANCE

Specifically, it includes:

*Local Government Act 2020* Section 9 Overarching governance principles and supporting principles

- 1) A Council must in the performance of its role give effect to the overarching governance principles.
- 2) The following are the overarching governance principles—
  - 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
- 3) In giving effect to the overarching governance principles, a Council must take into account the following supporting principles—
  - a) the community engagement principles
  - b) the public transparency principles
  - c) the strategic planning principles
  - d) the financial management principles
  - e) the service performance principles

This Framework ensures Council;

- comply with the relevant law (section 9(a) of the Act);
- gives priority to achieving the best outcomes for the municipality, including future generations (section 9b of the Act). This policy ensures that in relation to *the Local Government Act 1989* and *Local Government Act 2020* and other instruments of legislation, Councillors and Council officers are continually made aware of their legislative obligations and Council's internal audit program ensures an organisation-wide mechanism for the continued improvement of Council's programs and services;
- pursue innovation and continuous improvement (section 9(e) of the Act). This policy incorporates monitoring and tracking of Council's internal audit program which specifically looks to review and improve Council services, processes and programs.
- collaboration with other Councils and Governments and statutory bodies has been sought (section 9(f) of the Act); and

STATUTORY COMPLIANCE

- transparency of Council decisions, actions and information is ensured by the enactment of this policy (section 9(i) of the Act). The policy is available to the public on Council’s website.

## 6. Roles and Responsibilities

Outlined below are the processes and structures to support the management of statutory compliance.

Role	Responsibilities
Councillors	As elected representatives, Councillors are required to act in accordance with the Councillor Code of Conduct and the <i>Local Government Acts 1989 and 2020</i> . The role of a Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community and must, in the performance of its role, give effect to the overarching governance principles outlined in the <i>Local Government Act 2020</i> . This framework provides Council with the expectation to meet its legislative requirements.
CEO	The Chief Executive Officer (CEO) has the ultimate delegated responsibility for legislative compliance across and within the organisation. The CEO is responsible for leading a compliance culture across the organisation through promoting and supporting the Statutory Compliance Policy.
Executive Management Team (CEO, General Managers)	To efficiently discharge responsibilities, the CEO delegates some of the powers, duties and functions required for the effective operation of Council to other staff within the organisation. The CEO and the Executive Management Team will annually review compliance activities for the coming year and identify any key risk management issues.
Managers	Managers are responsible for ensuring that appropriate resources, systems and processes are in place to implement this policy across the organisation, comply with legislative and regulatory requirements within their specific areas of operational responsibility and ensure that any potential or actual legislative non-compliance has been identified and is being managed appropriately. Specifically, they are responsible for: <ul style="list-style-type: none"> <li>• promoting an ethical and positive compliance culture in relation to the organisation’s legislative responsibilities and encouraging behaviours that create and support Council’s Statutory Compliance Policy.</li> <li>• ensuring those in their directorate and/or unit are made aware that they are expected to comply with this policy, are</li> </ul>

STATUTORY COMPLIANCE

Role	Responsibilities
	<p>aware of its existence and understand what is required of them.</p> <ul style="list-style-type: none"> <li>• remaining aware of the compliance obligations (including monitoring for changes in legislation and regulation) within their areas of control.</li> <li>• ensuring that compliance continues to be maintained, including providing advice to other staff within their units as required;</li> <li>• ensuring appropriate education and training for those required to implement, oversee, and comply with legislation.</li> <li>• reporting non-compliance or potential non-compliance to the Manager Governance Property and Risk.</li> <li>• developing specific controls, strategies and corrective actions to manage significant risks of non-compliance or breaches in their unit in a timely manner.</li> <li>• certifying compliance for their area of control if and when required.</li> <li>• identifying and reviewing legislative obligations and nomination of Responsible Officers when requested to do so by the CEO or Manager Governance Property and Risk.</li> <li>• monitoring legislative compliance responsibilities in position descriptions and in relevant discussions at performance reviews; and</li> <li>• monitoring compliance with the relevant legislation and related Council policies.</li> <li>• Commitment must be demonstrated by all senior officers by making themselves fully aware of the organisation's legislative obligations within their area of accountability or span of control.</li> </ul>
<p>Manager Governance Property and Risk</p>	<p>The Manager Governance Property and Risk, on behalf of the CEO, has overall responsibility for the control and coordination of the Compliance Register and coordinating the broad and general legislative compliance framework across the organisation. Specifically, the Manager Governance Property and Risk is responsible for:</p> <ul style="list-style-type: none"> <li>• managing and maintaining Council's Compliance Register and</li> </ul>

STATUTORY COMPLIANCE

Role	Responsibilities
	<ul style="list-style-type: none"> <li>• Instruments of Delegation and Authorisation.</li> <li>• managing and maintaining Council’s statutory registers</li> <li>• developing and implementing Council’s Statutory Compliance Framework.</li> <li>• identifying, in conjunction with Managers and Responsible Officers, compliance requirements and training needs and promoting awareness of compliance obligations.</li> <li>• providing advice to relevant staff and Responsible Officers about new or changed legislation, its content and application to Council where appropriate.</li> <li>• identifying and reviewing legislative obligations and the nomination of Responsible Officers.</li> <li>• reporting compliance breaches to the Chief Executive Officer and ensuring that appropriate and timely corrective actions are undertaken.</li> <li>• reviewing the currency and effectiveness of this framework and the associated policy.</li> <li>• reviewing the current status of compliance actions, potential or actual breaches of legislation or of this framework, the associated policy and other relevant issues of high risk.</li> <li>• ensure staff is aware of Council’s Statutory Compliance Policy and their obligations under this policy.</li> <li>• conducting regular compliance audits as required by the CEO; and</li> <li>• reporting to the Chief Executive Officer and Audit &amp; Risk Committee in the manner outlined within this framework, associated policy or in any manner requested.</li> </ul>
<p>Manager People and Culture</p>	<p>The Manager People and Culture has responsibility for ensuring that Council’s position descriptions refer to a role’s legislative requirements, compliance obligations and any delegated powers, duties or functions relevant to a particular role.</p>
<p>Responsible Officers</p>	<p>In addition to the above responsibilities, Responsible Officers will work closely with the Manager Governance Property and Risk and have direct responsibility for responding to legislative obligations within the Compliance Register. Specifically, they will:</p>

STATUTORY COMPLIANCE

Role	Responsibilities
	<ul style="list-style-type: none"> <li>• monitor identified legislation and regulations for change and ensure that compliance continues to be maintained, including providing advice to other staff within their units as required.</li> <li>• signing-off on all obligations (both legislative and internal audit) allocated to them in a timely manner and seeking assistance and guidance from their direct manager when needed to ensure they understand the requirements and legislation they must comply with to undertake their duties.</li> <li>• remaining aware of the compliance obligations (including monitoring for changes in legislation and regulation) within their areas of control.</li> <li>• assisting the Manager Governance Property and Risk to allocate any obligations and advise on appropriate timeline and frequency of those obligations; and</li> <li>• assisting to promote an ethical and positive compliance culture in relation to the organisation’s legislative responsibilities and encourage behaviours that support Council’s Statutory Compliance Policy.</li> </ul>
Employees	<p>All staff are responsible for ensuring that their activities on behalf of Council comply with all applicable laws. All staff are responsible for:</p> <ul style="list-style-type: none"> <li>• compliance with all relevant legislation.</li> <li>• adherence to the compliance obligations relevant to their position.</li> <li>• performing their duties in a lawful and safe manner.</li> <li>• undertaking training as required on compliance activities and initiatives.</li> <li>• undertaking corrective actions to compliance breaches in a timely manner.</li> <li>• reporting and escalating compliance concerns, issues, complaints, and failures.</li> <li>• referring to relevant Council policies or having a discussion with their manager before acting if they are uncertain as to what is legally compliant behaviour; and</li> <li>• familiarising themselves with Council policies concerning compliance within specific areas of legislation that affect their workplace and activities.</li> </ul>

STATUTORY COMPLIANCE

Role	Responsibilities
Governance Team	<p>The Governance Team will ensure that key legislation is identified that requires monitoring and reporting and will develop statutory compliance checklists. Relevant Managers will be responsible for the key legislation statutory compliance checklists.</p> <p>The Governance Unit will assist to facilitate the management of statutory compliance by:</p> <ul style="list-style-type: none"> <li>• developing a high-level Statutory Compliance Policy and Statutory Compliance Framework.</li> <li>• assisting the Manager Governance Property and Risk and CEO to develop and maintain statutory compliance checklists.</li> <li>• assisting Managers with compliance management processes where requested.</li> <li>• identifying, in conjunction with Managers, compliance issues and breaches and communicating them to the appropriate General Manager / CEO and ensuring they have been acted upon in a timely manner and formally reporting this to the Manager Governance Property and Risk every 3 months.</li> <li>• conducting an Annual Review of key legislation and risk ratings in conjunction with relevant managers.</li> <li>• reviewing compliance reports and identifying trends.</li> <li>• notifying the CEO of the organisation’s compliance status; and</li> <li>• ensuring that any relevant legislation identified in the departmental risk planning process is provided for in the statutory compliance checklists.</li> </ul>
Audit and Risk Committee	<p>Under the <i>Local Government Act 2020</i>, the Audit and Risk Committee must monitor the compliance of Council policies, monitor Council financial and performance reporting, monitor and provide advice on risk management and fraud prevention systems and controls, oversee internal and external audit functions and prepare a formal report to Council on a biannual basis.</p>

## STATUTORY COMPLIANCE

## 7. Legislative Obligation Management

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As a complex statutory authority, Council has a significant number of compliance obligations. Council must comply with over 100 statutory acts and their associated regulations. The *Local Government Act 1989* and the *Local Government Act 2020* and associated regulations are the principal governing instruments of legislation relevant to Council.

To ensure that Council can comply with its obligations, it is important to identify all the legislative instruments which impose a legislative obligation. Compliance obligations may require, but are not limited to, reporting, accreditation, registration, licensing, compliance with deadlines, provision of services, restrictions, limitations and financial obligations. Council's obligations are maintained in an online Compliance Register with each obligation allocated to the responsible officer. The Compliance Register maps Council's obligations to Responsible Officers, maps changes or amendments in the legislation, provides a sign-off attestation process for Responsible Officers and also provides a complete audit trail for each obligation.

The register is reviewed quarterly to:

- monitor substantive changes in legislative requirements;
- assess time frames for signing off obligations;
- allocate new obligations; and
- follow-up overdue obligations, particularly those in areas of potential risk.

### 7.1. Internal Audit Obligation Management

Council has a structured internal audit program undertaken by an independent auditor which regularly reviews and audits Council's services, programs and processes in line with a strategic continuous improvement plan set by the Executive Management team in conjunction with the Audit and Risk Committee.

For each audit, Council's internal auditor makes a number of recommendations that are added to the Compliance Register as internal audit obligations. The Compliance Register maps these internal audit actions to each Responsible Officer, provides a quarterly sign off attestation for Responsible Officers and provides a complete audit trail for each obligation until it is completed (complies).

### 7.2. Management of the Compliance Register

The Compliance Register is managed, administered and maintained by Council's Governance Unit on behalf of the Chief Executive Officer.

### 7.3. Management of other registers

In compliance with the Local Government Act 2020, the Governance Unit manages, administers and maintains statutory registers or summaries, including, but not limited to, the following:

- Authorisations Register
- Conflicts of Interest Register
- Councillor Gift Register



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- Delegations Register
- Inspection of Documents Register
- Staff Gift Register
- Summary of Personal Interest Returns and Related Party Disclosures
- Travel Register

Public access to these documents is prescribed under the Local Government Act 2020, Council's Public Transparency Policy and Freedom of Information Part II Statement.

**7.4. Delegations and Authorisations**

Council is responsible for carrying out various duties, functions and powers under a range of State legislation and Council's Local Laws. The practice of delegation originates in the necessity for decisions and actions under the responsibility of the Council to be delegated to professionally qualified officers to undertake as the administrative burden for all decisions to be directly made by Council would be too onerous for the efficient and effective function of the organisation.

Instrument	Description
S5 – Instrument of Delegation from Council to the CEO	This delegates all of Council's powers, duties and functions which are capable of delegation, subject to some exceptions and limitations, to the CEO
S6 – Instrument of Delegation from Council to Members of Council Staff	This delegates Council powers, duties and functions within various acts and regulations (or specific parts of those acts or regulations), which contain a specific power of delegation. This delegates certain powers directly from Council to Council staff due to the legislation referred to containing specific powers of delegation.
S7 – Instrument of Sub-Delegation from CEO to Council Staff	This sub-delegates Council powers, duties or functions contained in acts or regulations which do not include a specific power of delegation.
S11 – Instrument of Appointment and Authorisation	This appoints officers to be authorised officers for the administration and enforcement of specific acts which are included within the document.
S13 – Instrument of Delegation from CEO to Staff	This instrument allows the CEO to delegate their powers, duties and functions existing under all Victorian legislation. This differs to the S7 Instrument in that it does not relate to Council powers, duties and functions, but those vested in the CEO personally.

Council engages an external subscription service to provide updated advice on legislation affecting Council's various Instruments of Delegation and Authorisation. The advice ensures

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## STATUTORY COMPLIANCE

that all acts that are relevant to Council's operations are covered regularly. Council maintains and updates its instruments through the RelianSys delegation management software platform, which provides a management tool and templates for the Instruments to be generated in different formats and as required.

Council keeps updated Instruments of Delegation (Delegations Register) and makes them available to all staff on its Intranet. The Governance Unit, through the subscription and management software, monitors legislation for any changes to ensure all areas of Council are not exposed to any risk.

## **8. Identification of New and Amended Legislation**

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Central Goldfields Shire Council uses a variety of mechanisms to be aware of new and amended legislation. The following is a high-level summary of the most regularly used mechanisms.

### **8.1. Legislation across Council**

All Directorates are responsible for identifying and understanding the legislative/statutory obligations required to facilitate their role acting on behalf of Council. This includes identifying those obligations which require a delegation/authorisation to be exercised (refer to Delegations and Authorisations).

### **8.2. Reliansys**

RelianSys Compliance Registers and Compliance Management software subscription.

Council subscribes to the RelianSys Compliance Registers and Compliance Management Software modules. The software provides a register of legislation for which Council must comply, provides updates on legislation changes impacting on local government in Victoria, allows allocation to responsible officers, and informs and reports non-compliance with legislation. The external subscription service for legislation changes automatically feeds into RelianSys.

Reliansys is the single source of truth for Council's Compliance Registers and the recording of ongoing compliance.

### **8.3. SAI Global Governance, Risk and Compliance Newsfeed**

SAI Global provides a weekly newsfeed to the Governance team. The newsfeed includes, but is not limited to, updates in relation to the following:

- Corporate Governance
- Compliance
- Market Regulation
- Taxation
- Financial Reporting and Auditing
- Industrial Relations
- Australian Economy

## STATUTORY COMPLIANCE

**8.4. State and Federal Government**

Local Government Victoria, and State and Federal Government departments will sometimes initiate new or changes to legislation. Where Local Government Victoria and the other levels of government conduct workshops relating to significant new and amended legislation, Council staff will be recommended to attend the workshops and report back to their respective Manager who will assess whether amendment of processes is required and inform the Manager Governance Property and Risk if necessary.

**8.5. Sector Representatives**

Local government sector representatives such as the Municipal Association of Victoria and the Victorian Local Governance Association issue bulletins/circulars and conduct workshops when there are important developments of, and amendments to, relevant legislation. Council staff are recommended to attend the workshops and report back to their respective Manager who will assess whether amendment of processes is required and inform the Governance Unit if necessary.

**8.6. Special Interest Groups and Networking**

Council staff who attend networking groups, including planning, building, health, governance, risk management, etc., will report back to the organisation after attending workshops relating to significant legislative changes

**8.7. Accounting Standards**

Australian Accounting Standards are the equivalent of the International Financial Reporting Standards (IFRS) and updates to the standards are provided through Pronouncements from the Australian Government: Australian Accounting Standards Board (AASB). The aim of the AASB is to ensure consistency, comparability, and transparency through entity conformance with the financial reporting standards.

**8.8. Auditing and Assurance Standards**

Australian Auditing Standards establish requirements and provide application and other explanatory material on:

- the responsibilities of an auditor when engaged to undertake an audit of a financial report, or complete set of financial statements, or other historical financial information; and
- the form and content of the auditor's report

**9. Implementation of Legislation**

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Legislation is required to be reviewed by each Directorate to ensure they understand their obligations which need to be discharged and meet the requirements of the legislation applicable to their area. Directorates must identify those obligations which require delegations to be put in place within Council to ensure ongoing compliance.

**10. Monitoring and Auditing Statutory Compliance**

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Regular reporting to both the Executive Management Team and Audit and Risk Committee will provide regular indicators of the effectiveness of this policy in raising awareness levels and developing a functional compliance culture across the organisation. The framework will

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## STATUTORY COMPLIANCE

be reviewed every two years to ensure it remains current with any legislative requirements and a survey will be undertaken of key staff prior to review so that any improvements or adaptations can be incorporated.

## **11. Reporting and Managing Non-Compliance**

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The Compliance Register monitors all major legislative obligations as outlined in this framework and a compliance report will be submitted to the Executive Management Team annually and the Audit and Risk Committee quarterly.

## **12. Review**

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

## **13. 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.

## **14. Relevant Legislation and Council Policies**

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- ISO 37301:2021 Compliance Management Systems Guidelines
- Local Government Act (Victoria) 2020
- Local Government Act (Victoria) 1989
- Staff Code of Conduct
- Instruments of Delegation and Authorisations
- Public Transparency Policy
- Enterprise Bargaining Agreement
- Fraud and Corruption Prevention and Control Policy
- Fraud and Corruption Prevention and Control Framework
- Public Interest Disclosures Policy
- Records management Policy
- Risk management Policy
- Risk Management Framework

8.1.5 Councillor and Staff Interaction Policy

**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.*

**SUMMARY/PURPOSE**

The purpose of this report is to present to Council, the updated Staff and Councillor Interaction Policy Draft for review and adoption.

**RECOMMENDATION**

That Council adopt the draft Staff and Councillor Interaction Policy.

**LEGISLATION AND POLICY CONTEXT**

Central Goldfields Shire Council's Council Plan 2021-2025:

The Community's vision: **Leading Change**  
 4. Good planning, governance, and service delivery.  
 4. Transparent decision making.

Initiative: 51. Implement the policy review program, to ensure policies that need to be reviewed are updated.

**BACKGROUND INFORMATION**

Governance policies are critical for guiding the organisation's decision-making, accountability structures, and operational practices. The regular reviews ensure these policies remain current with:

- Legislative and regulatory changes.
- Best practices within the industry.
- Feedback from stakeholders.

The Local Government Amendment (Governance and Integrity) Act 2020 made range of changes to the Local Government Act 2020 and introduced a number of new or amended regulations. Councils are required to update their Councillor and Staff interaction policy at the beginning of each council term.

**REPORT**

The Councillor and Staff interaction policy is due to be reviewed at the start of each Council term. There is a requirement to align with the recent changes of legislation / regulatory requirements as a result of Local Government Amendment (Governance and Integrity) Act 2020. The policy is designed to support the Councillors in their compliance with the Model Councillor Code of Conduct and align with the other governance policies that will be presented to Council over February and March.

Section 46(3)c of the Local Government Act 2020 (the Act) states that the Chief Executive Officer (CEO) is responsible for:

*"managing interactions between members of Council staff and Councillors and ensuring that policies, practices and protocols that support arrangements for interaction between members of Council staff and Councillors are developed and implemented."*

In July 2023 IBAC tabled Operation Sandon special report to Parliament. Recommendation 21 stated:

*"IBAC recommends that the Minister for Local Government ensures that Local Government Victoria includes in the Model Code of Conduct for Councillors a clear statement of expectations to guide councillors and staff in their interactions with each other."*

The Councillor and Staff interaction policy has been designed to protect Councillors and Staff and ensure compliance with both the legislation and the recommendation.

### **CONSULTATION/COMMUNICATION**

The Councillor and Staff interaction policy is required to be approved by Council however it does not require community engagement.

The policy has been drafted in consideration of the Council's compliance obligations and therefore community feedback would be unlikely to change the proposed policy.

### **FINANCIAL& RESOURCE IMPLICATIONS**

Noncompliance with local government legislative and regulatory requirements has a significant consequence would have had both resource and financial implication.

There are no other financial implication in reviewing and approving the updated policy.

### **RISK MANAGEMENT**

This report addresses Council's strategic risk:

Legislative compliance - Failure to manage our compliance with relevant legislative requirements and Governance - Failure to transparently govern and embrace good governance practices by ensuring the Councils decision-making and accountability structure are best practice and align with current legislative and regulatory requirement.

A risk will be added to the risk register regarding staff and councillor interactions.

### **CONCLUSION**

Updating governance-related policies is a necessary step to ensure the organisation operates effectively, transparently, and in compliance with current standards.

### **ATTACHMENTS**

1. Councillor and Staff Interactions Policy 2024 Draft (1) [8.1.5.1]
2. Model Councillor Code of Conduct [8.1.5.2]
3. Guidance on the Model Councillor Code of Conduct 2024 061124 [8.1.5.3]

# COUNCILLOR AND STAFF INTERACTIONS POLICY



Directorate:	Corporate Performance
Responsible Manager:	Manager Governance, Property and Risk
Review Due:	September 2024
Adoption:	Council
Date Adopted:	X Month 202X

## 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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This policy provides guidance and support for Council staff and Councillors in the performance of their duties as established by the Local Government Act 2020 (Act).

This policy is pursuant to section 46(3)(c) of the Act that states that the Chief Executive Officer (CEO) is responsible for:

“managing interactions between members of Council staff and Councillors and ensuring that policies, practices and protocols that support arrangements for interaction between members of Council staff and Councillors are developed and implemented”

This document establishes the protocols for staff regarding their interactions with Councillors, while also supporting Councillors in complying with the Model Councillor Code of Conduct and staff for the Employee Code of Conduct.

Good governance is dependent on the relationship between the Councillors and the organisation. Mutual respect and understanding between Councillors and staff are essential and a foundation of our Shire. Council is committed to ensuring all interactions between Councillors and staff are positive and constructive.

This policy:

- Seeks to provide Councillors, staff and other persons with clarity surrounding their respective roles, responsibilities, and obligations in dealings with each other;
- Seeks to support efficient and timely processing of requests for information, service requests and operational matters that may be submitted via Councillors;

## COUNCILLOR AND STAFF INTERACTIONS POLICY

- Seeks to ensure that Council's resources are used efficiently and effectively;
- Supports Councillors in fulfilling the role of a Councillor pursuant to the Act. Section 28 (1A) of the Act specifies the role of the Councillor as including "to participate in the decision- making of the Council".
- Supports Councillors to comply with Section 123 (3C) of the Act, specifically in assisting Councillors to avoid improper direction or influence of members of staff;
- Supports Councillors and staff to avoid disclosures of information that may breach privacy obligations of Council;
- Supports Councillors to avoid conduct, such as repeated or unreasonable communications, which could create a risk to the health and safety of a member of Council staff; and
- Supports staff in the discharge of obligations and responsibilities pursuant to their delegated authority.
- Supports the CEO in the discharge of obligations and responsibilities pursuant to the Act. Section 46 (3c) of the Act stipulates that the CEO is responsible for managing interactions between members of Council staff and Councillors and ensuring that policies, practices, and protocols that support arrangements for interaction between members of Council staff and Councillors are developed and implemented.

## 2. Application and Scope

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This Policy applies to Councillors and staff, including contractors and agency staff while engaged in Council business or activities. All references in this Policy to 'staff' include contractors and agency staff while engaged in Council business or activities.

This Policy applies to all interactions between Councillors and staff. This includes face to face, online (both social media and virtual meeting platforms), phone, text messages and in writing when from a Council email address.

It does not apply where a Councillor is acting in their personal capacity as a resident/ratepayer. Councillors should raise requests relating to their personal circumstances via Council's ordinary customer service channels. Any contact from Councillors to staff deemed by staff to be made in their capacity as a resident/ratepayer or from a personal email address will be referred to customer service. Councillors acting in their private capacity will be treated with the same courtesy and respect as it would treat any customer or community member of Council.

## 3. Definitions

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

**CEO** means the Chief Executive Officer.

**CEO's EA** means the Chief Executive Officer's Executive Assistant.

**Councillors** are the elected official responsible for understanding and abiding by this policy at all times and reporting issues to the CEO and Manager Governance, Property and Risk when they believe this policy has not been adhered to.

**Conflict of Interest** means a Conflict of interest when a Public Officer's duties conflict between public duties and private or personal interests. These conflicts can be actual, potential, or perceived.



## COUNCILLOR AND STAFF INTERACTIONS POLICY

## 4. General Provisions

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### 4.1. Procedural Guidelines

The purpose of this policy is to ensure that Central Goldfields Shire Council is efficient and effective, with high standards of governance and transparency. The following guidelines apply with respect to interactions between Councillors and Council staff:

- Council employs the CEO who is responsible for the administration of the organisation. Therefore, Councillors' primary point of communication should be the CEO, or the applicable General Manager as delegated by the CEO
- Councillors contact with other Council staff will be in accordance with the protocols outlined in this policy
- Councillors are prohibited under subsection 123(3)(c) of the Act from directing or seeking to influence Council staff
- Councillors and Council staff must meet their respective obligations in responding to community requests to maintain appropriate discretion, transparency, and adherence to mitigating any conflict of interest, including adherence to privacy principles, in responding to any such requests
- if a Councillor or staff member has concerns regarding communications between Councillors and Council staff the matter will be referred to the CEO, who is responsible for the management of such interactions under subsection 46(3)(c) of the Act.

### 4.2. Roles and responsibilities

A cooperative and supportive relationship between Councillors and Council staff ensures effective governance and decision-making. The CEO is responsible for administrative management to avoid conflicting directions, and Council staff are expected to provide professional advice and recommendations.

#### 4.2.1. Role of Councillors

When interacting with members of Council staff, Councillors will:

- Observe the Act, the Model Councillor Code of Conduct, and other relevant Council policies;
- Respect the functions and responsibilities of the CEO and staff, and the proper workings and line management responsibilities of the Council administration;
- Consider the potential impact on staff and available resources and priorities when requesting advice or information;
- Acknowledge that, where they request advice or information, and staff deem that advice or information to be of relevance to all Councillors, the advice or information will be circulated to all Councillors and staff working on matters to which the advice or information relates;
- Acknowledge that they are prohibited under section 124 of the Act from improperly directing staff and will avoid behaving in a way that creates a perception of improper direction of Council staff; and

Actions that demonstrate compliance with this includes:

- Behaving courteously and respecting the professional opinion, skill, and expertise of staff;

## COUNCILLOR AND STAFF INTERACTIONS POLICY

- Respecting normal business timeframes associated with the making of a decision, or the taking of action;
- Understand that staff will make decisions under delegated authority within the formal reporting and decision-making processes; and
- Avoiding interference or seeking to influence enforcement activities undertaken by Authorised officers exercising powers under various Acts in support of the amenity, health, and safety of the municipality.
- In accordance with the right to disconnect; reasonable communication outside of normal business hours must be observed.

For complaints relating to Council staff, Councillors should provide their complaint in writing to the CEO. Complaints relating to a breach of these protocols shall be dealt with in accordance with the process set out in the Staff Code of Conduct, as applicable.

**4.2.2. Councillor Interaction**

- A Councillor, in any private or public forum, is not to direct, unduly influence, or pressure Council staff.
- Councillors are not to influence the authoring of Council reports or recommendations. The report and recommendation are the responsibility of the authoring officer and reflect their professional knowledge and assessment of the relevant issues.
- Councillors are not to create a perception or promise of urgent, preferential, or favourable treatment to community members/customers. All routine community/customer requests and responses will be treated as per standard service levels and protocols, and/or legislative and statutory processes and timeframes.
- Councillors should not request access to documents or copies of information that relate to operational matters or decisions made by officers under their delegated authorities or as Authorised Officers.
- Council has an approved Complaints Policy. Councillors are not to influence matters subject to this process.

**4.2.3. Role of Staff**

- Staff are responsible and accountable through the CEO for implementing Council decisions in a timely manner, efficiently and effectively;
- Staff have a responsibility to provide 'frank and fearless' advice to Council with a full understanding of Council's role, and particularly their role in representing community interests. Officers' advice should be based on information, diligent analysis, consultation, and professional opinion;
- Staff will provide concise, timely and relevant briefing material in a way which provides time for Councillors to absorb and consider the information;
- Requests made of staff for advice and information made in accordance with this Policy will be acknowledged by staff within one working day;
- Staff will treat Councillors with respect, and in all formal settings address Councillors and the Mayor by their titles (i.e.: "Councillor Last name" and "Mayor");
- Staff are not to use their position to improperly direct, influence, or seek to direct or influence Councillors;
- Staff will ensure all Councillors are treated equally and that requested advice, and information is shared with all Councillors through existing formal channels where staff consider the advice, or information has relevance to the entire Councillor group;

## COUNCILLOR AND STAFF INTERACTIONS POLICY

- Staff will comply with this Policy, and with a view to maintaining consistency of advice will refrain from providing ad hoc or unauthorised advice to Councillors. Only the CEO and General/Executive Managers can authorise staff contact outside of this policy;
- Staff will advise Councillors when information is confidential, relates to privacy matters or matters within the jurisdiction of other agencies; and
- Staff will avoid inappropriate personal relationships with Councillors. Where relationships outside of this policy occur, these will be declared to the CEO and a plan will be put in place as appropriate.

Council staff are empowered to advise Councillors where an interaction is inappropriate. If a Council staff considers that a Councillor has failed to adhere to this policy, they must contact the relevant General Manager or CEO for guidance and then provide their complaint in writing to the CEO.

#### 4.2.4. Role of CEO

The CEO is accountable for the operation of this Policy. The CEO may at times refuse access to information where:

- It is considered the information is not necessary for the performance of a Councillor's civic functions;
- The Councillor has previously declared a conflict of interest in the matter and removed themselves from decision making on it;
- The CEO is prevented by law from disclosing the information; or
- It is the CEO's view the request would result in an unreasonable diversion of resources.

Where the CEO refuses access to advice or information, that refusal will be provided in writing and reasoning provided.

- If the CEO refuses a request on the basis that it would result in an unreasonable diversion of resources, the Councillor may seek the information via a Notice of Motion, in accordance with, and subject to, Council's Governance Rules

#### 4.3. Communication Channels & Provision of Information

The Council employs the CEO, and the CEO is responsible for the organisation. Therefore, Councillors' primary point of communication is via the office of the CEO. Contact with other Council Staff will be in accordance with this Policy.

All communication, including requests for information, between Councillors and Council Staff should go through the Office of the Chief Executive or relevant General Manager as appropriate. The CEO or General Manager will then direct Councillor enquiries to the most relevant member of Council staff for a response.

Councillors may also directly communicate with Council's Manager Governance Property and Risk for issues and questions in relation to governance, the Governance Rules, Councillor policies and the Model Councillor Code of Conduct.

The Mayor, or another Councillor who is filling in for the Mayor at a function, must liaise with Council's Manager Community Engagement for advice in relation to speeches, media releases and official statements to the media.

Where possible communication should be via email. This allows for appropriate record keeping in accordance with the relevant legislation.

## COUNCILLOR AND STAFF INTERACTIONS POLICY

**4.3.1. Community Requests from Community Members**

Community members may not be familiar with or understand the role of the Councillors as defined under the Act and may ask Councillors to intervene, 'fast track' or respond personally on a matter.

Councillors should direct Community members to;

- Contact Council (customer service at [mail@cgoldshire.vic.gov.au](mailto:mail@cgoldshire.vic.gov.au), or 03 5461 0610) in the first instance for routine customer service requests.
- Direct Community Members to the "report a problem" form on Council's website for a community member to lodge a request report an issue or fault at <https://www.centralgoldfields.vic.gov.au/Your-services/Services/Report-a-problem>
- Provide a copy of the "report a problem" card that lists contact information as well as a QR code that will direct users directly to the relevant form to complete.

This reduces delay, enables the most appropriate support or advice, and easily connects the customer to those responsible for the day-to-day operations of Council.

Councillors may lodge a request on behalf of a customer/community member. In this instance, they should contact Council via the method above, including the contact information of the relevant community member. Council staff will respond to and assist the community member directly.

Council recognises the responsibility Councillors have to represent their constituents and in achieving the strategic priorities of the community which requires access to information and resources. Councillors should encourage residents to lodge their request or complaint directly with Council if this has not already been done. Requests can be lodged online or via email, phone, or mail.

**4.3.2. Councillor Requests**

All Councillor Requests should be sent to [councillor.requests@cgoldshire.vic.gov.au](mailto:councillor.requests@cgoldshire.vic.gov.au). The customer service team leader will then ensure these requests are lodged in Council's system and distributed to the relevant area or staff member.

Councillors should include sufficient information to enable staff to respond, for example, the name and contact details of a resident if staff are required to contact them. Councillors should indicate in the request whether they would like to respond to the member of the public, or whether they would like the appropriate staff member to do so. If the staff member is to reply, the Councillor should be copied into the email reply.

Councillors can also communicate with Council Staff through a range of business processes including:

- Council Meetings and Briefing Sessions; and
- Committees with both Councillor and Council Staff members.

Information required for Councillors to perform their roles will be provided through the above meeting papers.

However, it is recognised that the responsibility Councillors have to represent their constituents and in achieving the strategic priorities of the community may require access to other information and resources. Requests are to be made in accordance with this policy.

Councillors should consider any cost implications in making requests for advice or information including whether it is necessary for making an informed decision and not make requests where the costs cannot be justified as being in the public interest.

If the costs of providing information are considered unreasonable, the Councillor will be requested to consider a Notice of Motion. Where a Councillor's request requires the

## COUNCILLOR AND STAFF INTERACTIONS POLICY

allocation of resources or expenditure of funds, the Councillor will be requested to consider a Notice of Motion and present it at a scheduled council meeting.

**4.3.3. Community and Compliance Enforcement**

Council's Community and Compliance Enforcement Policy recognises the role authorised officers must exercise with delegated powers in relation to enforcement activities. All requests by Councillors for information about compliance and enforcement activities must be sent via the request process in section 4.3.2.

**4.3.4. Planning and Environment Act Issues**

Council has significant responsibilities under the *Planning and Environment Act 1987*. It is important that Councillors are not excluded from participation and that the decision making of the Council is not tarnished by perceptions of bias, predetermination, inappropriate direction, or inappropriate influence.

Councillors are strongly encouraged to not meet with proponents or objectors to planning matters unless they have an officer present to accompany them.

When meeting with a proponent or objector, the Councillor must adhere to this policy as stipulated in 4.2.2 Councillors are not to create a perception or promise of urgent, preferential, or favourable treatment to community members/customers.

**4.3.5. Operational Contractors**

Contractor and consultants are engaged by Council including contractor or consultant engaged through an employment agenda are to be treated in the same way as staff under this policy.

- Supervise Council Staff
- Undertake work that is of a similar nature to work undertaken by Council staff at a premises or location generally regarded as a Council workplace; or
- Use or have access to Council resources or information that are not normally accessible or available to the public.

**4.3.6. Public Liability Insurance**

All insurance claims must be sent directly to Governance Property and Risk team via Customer Service or [mail@cgoldshire.vic.gov.au](mailto:mail@cgoldshire.vic.gov.au) and should include an incident form.

Councillors need to:

- Not admit any liability
- Refrain from making/providing any comment or opinion on the matter; and
- Immediately send the insurance claims to Governance Property and Risk team without delay.

Comments, opinions, and/or delays may leave Council uninsured. The incident will be investigated and any comments regarding the incident need to be shared with the investigator.

**4.4. Authorised Staff Listing and Types of Requests**

The CEO has authorised General Managers to liaise with Councillors directly on matters relevant to their areas. This means that Councillors are entitled to directly contact the CEO or General Manager in connection with their areas of responsibility.

In addition, the following authorisations apply in the circumstances specified below:

COUNCILLOR AND STAFF INTERACTIONS POLICY

TYPE OF REQUEST	AUTHORISED STAFF
<p>Upcoming Council briefing or agenda item</p> <p><i>All councillors will be included on reply</i></p>	<p>Relevant General Manager (Copy to CEO)</p>
<p>Queries on Governance and Council business– e.g.: minutes, Notice of Motions, Governance Rules, conflict of interest, Councillor Conduct matters etc</p> <p>All Councillors will be included on reply where appropriate</p>	<p>Manager Governance Property and Risk (Copy to CEO and General Manager Corporate Performance)</p>
<p>Confidential information, employee matters or sensitive matters</p> <p>Responses to all Councillors at CEO discretion</p>	<p>CEO</p>
<p>Operational or service requests and complaints from residents and community escalated requests to Councillors</p> <p>Managed in line with the Councillor Requests Process detailed at section 4.3.1.</p>	<p>All queries to: <a href="mailto:mail@cgoldshire.vic.gov.au">mail@cgoldshire.vic.gov.au</a> and; CEO EA</p>
<p>Planning and Environment compliance request – including calling in a planning decision and / or developers meeting request</p> <p>Managed in line with the Councillor Requests Process detailed at section 4.3.1.</p>	<p>All queries to: <a href="mailto:mail@cgoldshire.vic.gov.au">mail@cgoldshire.vic.gov.au</a> and; CEO EA</p>
<p>Media enquiries, communication assistance</p>	<p>Manager - Community Engagement (Copy to CEO)</p>

COUNCILLOR AND STAFF INTERACTIONS POLICY

TYPE OF REQUEST	AUTHORISED STAFF
Support for Councillor's role on Advisory Committees, at Council events or meetings	Specific staff as identified by General Manager and/or Manager Mayor, CEO, CEO's EA, GM's EA, and Community Engagement Staff
General administrative support and advice relating to the role of Councillor e.g.: diary requests, training, development, and expenses.	All queries to: Mayor and CEO's EA.
General IT request and support advice relating Council equipment	All queries to <a href="mailto:servicedesk.it@cgoldshire.vic.gov.au">servicedesk.it@cgoldshire.vic.gov.au</a>

For a quick reference guide refer to Appendix A

The CEO and General Managers may authorise individual staff to contact Councillors to provide specific information or clarification relating to a specific matter. This authorisation will be provided in writing on a case-by-case basis.

**4.5. Responses to Councillors**

If a request from the Councillor relates to matters which are of a whole of Council significance or relevance, then all Councillors will be copied into the reply.

The CEO and General Manager must be copied into or otherwise informed of all communication between Council Staff and Councillors.

Councillors are required to treat all information provided by staff appropriately and to adhere to any confidentiality and privacy obligations/requirements. If a Councillor is unsure whether a document or advice is confidential or contains information of a personal nature, they are to contact the CEO or relevant General Manager for clarification prior to release of information.

Where possible, staff will clearly identify information which is confidential or personal in nature to assist Councillors in the appropriate handling of such information, however it is the Councillors responsibility to ensure they use the information in an ethical manner in accordance with the requirements of the Local Government Act 2020 and other applicable legislation.

**4.5.1. Information for Council Meetings**

Councillors will be provided with the information necessary to effectively undertake their decision- making role. Where a decision is to be made by Council through resolution, the relevant information to assist their consideration and decision making will be made available through a report or attachment to a report in the Council meeting agenda.

Information required for Councillors to perform their roles is provided through Council Meeting and Councillor Briefing agendas, however, Councillors - in their capacity as elected representatives of the community - may at times, request action, advice and/or information on matters pertaining to their obligation as a Councillor. Reasonable requests for advice and information prior to a Council meeting will be prioritised in accordance with section 4.3.2.

## COUNCILLOR AND STAFF INTERACTIONS POLICY

**4.6. Interaction between Councillors and staff at Council facilities or functions**

Councillors are provided with an area in Council offices within which to conduct Council business. These spaces should be used when Councillors and staff need to meet or discuss Council-related business. Councillor access to operational areas or work locations will only occur with the consent of the CEO.

A Councillor lounge is provided for all Councillors in the Community Hub. This Hub includes access to printers, meeting rooms and kitchen facilities. Councillors' security pass allows access to the community hub and the town hall.

The Mayor is provided with office accommodation in the Community Hub which may be used for Council business.

Councillors may book meeting rooms owned and controlled by Council for meetings, interviews, and other functions where the primary purpose is to allow the Councillor to discharge their Council duties. The Councillor must be in attendance and bookings must be made through the CEO's EA.

Visits to other Council facilities, other than the various customer services / reception desks as a member of the community, are to be prearranged with the CEO or the relevant General Manager. This prearrangement ensures that the attendance of any relevant staff can be arranged, and any Occupational Health and Safety requirements organised before the visit occurs.

**4.7. Personal Interaction between Councillors and staff**

While this Policy governs the interactions between Councillors and Council Staff, it does not prevent Councillors and Council Staff from communicating in a capacity as a resident/ratepayer or at social and community events.

Council staff may communicate with Councillors as residents / ratepayers of the Central Goldfields Shire.

From time to time, Councillors and staff may be present at social and community events. In such situations, both parties must refrain from discussing matters relating to Council business.

If a Councillor and a member of Council staff have a pre-existing personal relationship, they must be mindful of this and ensure any conflicts of interest which arise are declared in accordance with the Act and the Governance Rules.

A Conflict-of-Interest Disclosure may be requested where a personal relationship may be perceived by the Community as not arm's length and may have undue influence in decision making of Council. Staff and Councillor's must contact the Manager Governance, Property and Risk to discuss the potential conflict in the first instance.

**4.8. Interaction through Committee and / or Board Representation**

Individual Councillors are appointed to represent Council on Committees and Boards. There are instances where staff are also appointed as a representative on the same committee and boards. In these instances, engagement between Councillors and Council staff member is appropriate and ensure the Committee / board can effectively fulfil its functions. This may also extend to email correspondences. These interactions are to relate to the Committee and Board business and not represent any interests of Council.

**4.9. Interaction through membership of community groups and Organisations**

Councillors frequently perform roles in the community which are not related to their appointment as a member of Council.



## COUNCILLOR AND STAFF INTERACTIONS POLICY

Councillors should ensure that conflict of interest between their community interest and Councillor role are appropriately declared and should remain conscious of public perception when engaging with Council officers in their roles as a representative of a community group or organisation.

Councillors must not use their roles as a Councillor to improperly influence outcome for the benefit of a community group or organisation of which they are a member.

A Conflict-of-Interest Disclosure may be requested should there be a perception by the Community a conflict of interest may unduly influence decision making of Council.

Councillor's must contact the Manager Governance, Property and Risk to discuss the potential conflict in the first instance.

**4.10. Improper or undue influence**

Under the Act it is the responsibility of the Council to appoint the CEO. The CEO is then responsible for employing staff for the successful operation of the organisation. Council does not employ Council staff or individual Councillors and cannot direct or manage staff. Council are responsible for the performance of the CEO only.

Councillors are prohibited under Section 124 of the Act from improperly directing or influencing Council Staff.

A Councillor must not intentionally direct, or seek to direct, a member of Council staff:

- a) In the exercise of a delegated power, or the performance of a delegated duty or function, of the Council; or
- b) In the exercise of a power or the performance of a duty or function exercised or performed by the member as an authorised officer under this Act or any other Act; or
- c) In the exercise of a power or the performance of a duty or function the member exercises or performs in an office or position the member holds under this Act or any other Act; or
- d) In relation to advice provided to the Council or a delegated committee, including advice in a report to the Council or delegated committee.

Improper or undue influence can include:

- Disrespecting the professional opinion, skills, or expertise of staff through intimidatory, bullying, harassing or disrespectful behaviour;
- Using rank or position to seek information outside the processes outlined in this Policy;
- Pressuring staff to make a decision outside the formal Council decision making processes;
- Pressuring staff to provide information, services, or assistance to one person, group, or part of the community over another, outside a formal decision of Council;
- Pressuring staff to make a decision to take action outside normal business process timeframes;
- Pressuring staff to change a recommendation in a Council Report.

**4.11. Contact Contradictory to this Policy**

The CEO in accordance with Section 48 (3C) of the Local Government Act 2020 will monitor compliance with this policy and oversee the management of any complaint or concern raised in relation to compliance with this policy.

## COUNCILLOR AND STAFF INTERACTIONS POLICY

If a Councillor believes that there may have been non-compliance with this policy, the matter should first be raised in writing in accordance with the Model Councillor Code of Conduct. If a staff member believes that there may have been non-compliance with this policy (including improper direction), the matter should first be raised in writing with the relevant General Manager, who will advise the CEO.

## 5. Review

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This Policy must be reviewed a minimum of once every four (4) years or in line with legislative changes.

## 6. 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.

## 7. Relevant Legislation and Council Policies

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- Local Government Act 2020
- Charter of Human Rights and Responsibilities Act (2006)
- Domestic Animals Act 1994
- Environment Protection Act 1970
- Equal Opportunity Act 2010
- Food Act 1984
- Freedom of Information Act 1982
- Occupational Health and Safety Act 2004
- Privacy and Data Protection Act 2014
- Planning and Environment Act 1987
- Public Interest Disclosures Act 2012
- Model Councillor Code of Conduct
- Governance Rules
- Staff Code of Conduct
- Councillor Correspondence Policy
- Expenses and Support for Councillors and Members of Delegated Committees Policy
- Prevention of Corruption and Fraud Policy
- Risk Management Policy
- Conflict of Interest Procedure
- Transparency Policy
- Complaints Policy
- Community and Compliance Enforcement Policy

COUNCILLOR AND STAFF INTERACTIONS POLICY

**Appendix A – Quick Reference Guide**

X = required O = Optional R = Recommend C = Copy

Type of Interaction	Chief Executive Officer	Relevant General Manager	Manager Governance Property and Risk	Manager Community Engagement	Relevant Manager	Nominated Staff Member of Email address	cc-ed CEO EA	Mayor
Confidential or sensitive matters relating to an individual Councillor, staff complaint	X						O	R
Confidential or sensitive matters breach of Model Code of Conduct or policy	X		O					R
Queries on Governance and Council business– e.g.: minutes, Governance Rules, conflict of interest, personal interest returns etc	O	X	X					R
Matters relating to Council Business reports e.g. requests for additional information	C	X	C					R
Matters formally submitted in accordance with Governance rule e.g. Notice of Motions,	C	X	X					R
Matters to be considered at Council meetings e.g.	O	X	X					R

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COUNCILLOR AND STAFF INTERACTIONS POLICY

alternative motions, items of general business, petitions and joint letters, tabling of Delegates Reports								
Media enquiries, communication assistance	C			X			O	R
Support for Councillor's role on Advisory Committees, at Council events or meetings		O	X	O		X	X	X
IT Technical issues						X	O	R
Operational requests / complaints from residents and community members escalated to Councillors including planning, enforcement, and compliance matters						X	O	R



Government  
Services

# Model Councillor Code of Conduct

Local Government (Governance and Integrity) Amendment  
Regulations 2024

# Model Councillor Code of Conduct

Schedule 1 of the Local Government (Governance and Integrity)  
Amendment Regulations 2024

## Definitions

In this Schedule—

**discrimination** means unfair or unfavourable treatment of a person on the grounds of an attribute specified in section 6 of the **Equal Opportunity Act 2010**.

## Standards of Conduct

### 1. Performing the role of a Councillor

A Councillor must do everything reasonably necessary to ensure that they perform the role of a Councillor effectively and responsibly, including by—

- (a) representing the interests of the municipal community by considering and being responsive to the diversity of interests and needs of the municipal community; and
- (b) being fit to perform the role of a Councillor when acting in that capacity or purporting to act in that capacity; and
- (c) diligently using Council processes to become informed about matters which are subject to Council decisions; and
- (d) not performing or purporting to perform any responsibilities or functions of the Chief Executive Officer; and
- (e) acknowledging and supporting the Mayor in the performance of the role of the Mayor, including by—
  - (i) respecting and complying with a ruling of the Mayor as the chair of Council meetings (unless dissenting from the ruling in accordance with the Council's Governance Rules); and
  - (ii) refraining from making public comment, including to the media, that could reasonably be perceived to be an official comment on behalf of the Council where the Councillor has not been authorised by the Mayor to make such a comment.

### 2. Behaviours

- (1) A Councillor must treat others, including other Councillors, members of Council staff and members of the public, with dignity, fairness, objectivity, courtesy and respect, including by—

- (a) not engaging in demeaning, abusive, obscene or threatening behaviour, including where the behaviour is of a sexual nature; and
  - (b) not engaging in behaviour that intentionally causes or perpetuates stigma, stereotyping, prejudice or aggression against a person or class of persons; and
  - (c) not engaging in discrimination or vilification; and
  - (d) supporting the Council, when applying the Council's community engagement policy, to develop respectful relationships and partnerships with Traditional Owners, Aboriginal community controlled organisations and the Aboriginal community; and
  - (e) supporting the Council in fulfilling its obligation under the Act or any other Act (including the **Gender Equality Act 2020**) to achieve and promote gender equality; and
  - (f) ensuring their behaviours and interactions with children are in line with the Council's policies and procedures as a child safe organisation and obligations under the **Child Wellbeing and Safety Act 2005** to the extent that they apply to Councillors.
- (2) A Councillor, as an individual at the workplace, must take reasonable care for their own health and safety and take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons by-
- (a) adhering to applicable systems and policies put in place by the Chief Executive Officer to manage risks to health and safety in the workplace; and
  - (b) complying, so far as the Councillor is reasonably able, with any reasonable instruction that is given by the Chief Executive Officer to manage risks to health and safety.
- (3) A Councillor must act in accordance with any policies, practices and protocols developed and implemented under section 46 of the Act that support arrangements for interactions between members of Council staff and Councillors.

### 3. Good governance

A Councillor must comply with the following Council policies and procedures required for delivering good governance for the benefit and wellbeing of the municipal community-

- (a) the Council's expenses policy adopted and maintained under section 41 of the Act;
- (b) the Council's Governance Rules developed, adopted and kept in force by the Council under section 60 of the Act, including in relation to-

- (i) conduct in Council meetings or meetings of delegated committees; and
  - (ii) requesting and approval of attendance at Council meetings and meetings of delegated committees by electronic means of communication; and
  - (iii) the Council's election period policy included in the Council's Governance Rules under section 69 of the Act, including in ensuring that Council resources are not used in a way that is intended to influence, or is likely to influence, voting at a general election or by-election;
- (c) the Council's Councillor gift policy adopted under section 138 of the Act;
- (d) any direction of the Minister given under section 175 of the Act.

#### **4. Integrity**

- (1) A Councillor must act with integrity, exercise reasonable care and diligence and take reasonable steps to avoid any action which may diminish the public's trust and confidence in the integrity of local government, including by-
- (a) ensuring that their behaviour does not bring discredit upon the Council; and
  - (b) not deliberately misleading the Council or the public about any matter related to the performance of their public duties; and
  - (c) not making Council information publicly available where public availability of the information would be contrary to the public interest.

#### **Note**

See the public transparency principles set out in section 58 of the Act.

- (2) A Councillor must not, in their personal dealings with the Council (for example as a ratepayer, recipient of a Council service or planning applicant), expressly or impliedly request preferential treatment for themselves or a related person or entity.

#### **5. The Model Councillor Code of Conduct does not limit robust public debate**

Nothing in the Model Councillor Code of Conduct is intended to limit, restrict or detract from robust public debate of issues in a democracy.







Government  
Services

# Guidance on the Model Councillor Code of Conduct

October 2024

**Acknowledgement of Country**

The Victorian Government acknowledges Aboriginal and Torres Strait Islander people as the Traditional Custodians of Country.

We respectfully acknowledge all First Peoples of Victoria and celebrate their enduring connection to land, skies and waters. We thank First People for their care of Country and contributions to Victorian communities. We honour and pay our respects to First Peoples' Elders past and present.

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## Key terms

<b>CMI</b>	The Chief Municipal Inspector (the head of the Local Government Inspectorate)
<b>Internal arbitration process</b>	Means the internal arbitration process under section 141 of the Act
<b>Internal resolution procedure</b>	Means the Council's internal resolution procedure implemented and adopted by the Council in accordance with section 140 of the Act and Schedule 1A to the Local Government (Governance and Integrity) Regulations 2020
<b>Misconduct</b>	Means any breach by a Councillor of the Model Councillor Code of Conduct
<b>Model Code of Conduct</b>	Refers to the Model Councillor Code of Conduct prescribed in Schedule 1 to the Local Government (Governance and Integrity) Regulations 2020
<b>Standards of Conduct</b>	Refers to the standards of conduct contained in the Model Councillor Code of Conduct expected to be observed by Councillors in the course of performing their duties and functions as Councillors
<b>The Act</b>	<i>Local Government Act 2020</i>
<b>The Regulations</b>	Local Government (Governance and Integrity) Regulations 2020
<b>VCAT</b>	Victorian Civil and Administrative Tribunal

## Introduction

### Overview

Local government plays a crucial role in Victoria, serving as the level of government closest to the community. It delivers key local services, supports local economies, and provides a democratic platform for communities to influence decisions that shape their local areas.

Councillors occupy a unique position as elected representatives, entrusted with participating, and representing the interests of the municipal community, in the decision making of the Council, and setting the strategic objectives of the Council and the Council's vision for the municipality. As such, the community is entitled to expect the highest standards of governance, integrity and ethical conduct from their local Councillors.

Effective from 26 October 2024, all Councillors are required to observe the Model Code of Conduct<sup>1</sup> which is prescribed in Schedule 1 to the Regulations.

The Model Code of Conduct replaces the previous statutory requirement for each Council to develop its own Councillor Code of Conduct.

The Model Code of Conduct establishes clear standards for the behaviour and responsibilities of Councillors. Its purpose is to ensure that Councillors can effectively perform their duties and functions, supporting the Council in its overriding role to provide good governance for the benefit and wellbeing of the municipal community. By setting these expectations, Councillors are better equipped to perform their duties in a manner that reflects the values of integrity, transparency, respect and accountability.

The Model Code of Conduct is also designed to foster a spirit of cooperation and constructive collaboration among Councillors and the Council administration. The Model Code of Conduct supports open and respectful debate, enabling Councillors to express their views freely, while maintaining civility and mutual respect. By working together effectively, Councillors can make decisions that serve the best interests of the municipality as a whole, ensuring the community benefits from good governance and effective civic leadership.

Furthermore, the Model Code of Conduct serves to strengthen public confidence and trust in local government. By adhering to high ethical standards and demonstrating a commitment to serving the public interest, Councillors contribute to a positive and transparent relationship between the Council and the community it serves.

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<sup>1</sup> See section 139(1) of the Act

### Purpose of these guidelines

These guidelines have been developed by Local Government Victoria to support Councillors in performing their role in a manner consistent with the Model Code of Conduct.

Councillors are encouraged to familiarise themselves with these guidelines and must ensure they have read and understood the Model Code of Conduct itself as set out in the Regulations, accessible via the [Victorian Legislation website](#) (external link).<sup>2</sup>

This document includes information and illustrative examples (some of which are based on published internal arbitration decisions, councillor conduct panel decisions and integrity reports) to aid Councillors in interpreting and understanding the requirements of the Model Code of Conduct, including in relation to issues commonly raised in relation to the standards of conduct.

Further information about the Councillor Conduct Framework and published decisions are available on the [Local Government Victoria website](#) (external link).

Councillor Conduct Framework processes established under the Act including processes for making a complaint about an alleged breach of the Model Code of Conduct, the internal arbitration process and the possible sanctions are covered in separate guidance.

Councillors should note that this document is intended as general guidance only and that the information and examples provided are not exhaustive of all possible scenarios or determinative to their own individual situation or circumstances.

It is important to note that this document does not provide legal advice. Councillors should obtain their own independent legal advice if they have legal questions concerning the requirements or operation of the Model Code of Conduct.

### Purpose and scope of the Model Code of Conduct

The Model Code of Conduct sets out the standards of conduct expected to be observed by Councillors in the course of performing their duties and functions.

The standards of conduct cover expected conduct across four key areas identified as being critical to ensuring that Councillors discharge their duties and functions, as a Councillor appropriately and in accordance with their statutory obligations:

- (1) Performing the role of a Councillor
- (2) Behaviours
- (3) Good governance
- (4) Integrity

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<sup>2</sup> Councils are also required to publish the Model Code of Conduct on their Internet site – Section 139(4) of the Act

The standards of conduct also allow for robust public debate, acknowledging the democratic nature of the role of Councillors, while ensuring that Councillors conduct themselves in a manner consistent with the overall standards of conduct. In this regard, the Model Code of Conduct does not prevent Councillors from expressing their personal views but provides a framework to ensure that those views are expressed in a civil and respectful way.

It is important for Councillors to be aware of how the Model Code of Conduct fits within the broader [Councillor Conduct Framework](#) (external link) established under the Act.

Failure by a Councillor to comply with the Model Code of Conduct constitutes misconduct under the Act which may be addressed through the Council's own internal resolution procedure and/or through the internal arbitration process under section 141 of the Act.

The Model Code of Conduct operates alongside provisions of the Act that address the following more serious conduct issues:

- **Serious misconduct** is defined in section 3(1) of the Act and includes bullying, disclosing confidential information or failing to disclose a conflict of interest, which is dealt with by a Councillor Conduct Panel.
- **Gross misconduct** is defined in section 3(1) of the Act and refers to behaviour demonstrating a Councillor is not of good character or is otherwise unfit for office, which may be brought before VCAT by the CMI.
- Breaches of specific offences under the Act, which may result in criminal prosecution and conviction.

This means that the standards of conduct set out in the Model Code of Conduct do not provide an exhaustive list of Councillors' statutory obligations.

While serious misconduct, gross misconduct and criminal offences are not addressed by the Model Code of Conduct, these guidelines include general information on these requirements below to provide a complete overview of the conduct expected of Councillors.

## Responsibilities of Councillors

### Responsibilities in relation to the Model Code of Conduct

Before assuming office, Councillors must take an oath or affirmation of office, declaring that they will abide by the Model Code of Conduct and uphold the standards of conduct set out in the Model Code of Conduct.

It is the personal responsibility of every Councillor to comply with the Model Code of Conduct in the performance of their role. Councillors must also uphold the standards of conduct contained in the Model Code of Conduct by promoting and supporting the Model Code



of Conduct at all times and encouraging others to follow their example in doing so.

Councils may also put in place their own policies, procedures and protocols that are required for good governance. The policies, procedures, and protocols of the Council are important tools to support Councillors to observe the principles of good governance and complying with the Model Code of Conduct. Councillors should familiarise themselves and act in accordance with any such policies, procedures, and protocols.

Councillors are also required to attend mandatory induction and professional development training relating to conduct and integrity, to (among other things) ensure they are familiar with, and understand, their statutory obligations and the provisions of the Model Code of Conduct.

#### **Upholding the Model Code of Conduct**

While the majority of Councillors discharge their duties and functions in accordance with their statutory responsibilities, when misconduct occurs, it can have serious consequences for:

- Councillors - both the Councillor alleged to have engaged in the misconduct and their fellow Councillors
- members of Council staff
- the Councils they serve
- the sector as a whole
- the community.

The misconduct can be disruptive to council business and the effective delivery of key services to the local community, cause significant reputational harm and erode public trust in the system of local government, and result in costly intervention for the Council.

Failure by a Councillor to comply with the Model Code of Conduct constitutes misconduct under the Act. It is essential that Councillors understand that they have a key role in promoting and upholding the Model Code of Conduct by holding each other to account for their behaviour.

Councillors must be mindful of how the Model Code of Conduct fits within the broader [Councillor Conduct Framework](#) (external link) established under the Act. They must also be mindful of the different avenues available to address Councillor conduct issues under the Act and other legislation, including options to refer complaints to relevant integrity bodies where appropriate.

#### **Addressing conduct issues**

The Councillor Conduct Framework established under the Act provides a multilayered framework for managing councillor behaviour and addressing conduct issues. The framework provides various mechanisms

for dealing with complaints, based on the seriousness of the alleged conduct and the severity of the disciplinary action required.

These processes are not intended to address or resolve differences in council policy or decision making. These are matters to be discussed and voted on in a council meeting so that Councillor Conduct Framework processes are not misused by Councillors for political gain.

Further guidance about the Councillor Conduct Framework process is available on the [Local Government Victoria website](#) (external link).

#### **Internal resolution procedures**

Councillors are encouraged to attempt to resolve any disputes, including disputes concerning alleged breaches of the Model Code of Conduct, through the Council's own internal resolution procedure in the first instance.

Where a complaint has been made or dispute has arisen concerning an alleged breach of the Model Code of Conduct, the Councillors involved in the matter should, in accordance with the Council's internal resolution procedure, use their best endeavours to resolve the matter in a courteous and respectful manner with a view to maintaining effective working relationships. These processes may also provide an effective avenue to address other types of complaints or disputes that may arise, including interpersonal disputes or complaints about serious misconduct.

The internal resolution procedures of Councils are complementary to the formal Councillor Conduct Framework process and are a matter for each Council and the Councillors involved.

#### **Internal arbitration process**

Where a matter concerning an alleged breach of the Model Code of Conduct cannot be resolved internally, despite attempts to do so or where use of the Council's internal resolution procedure is not appropriate, a Council, Councillor or group of Councillors can apply for an independent arbiter to be appointed to conduct an internal arbitration process under section 141 of the Act.

An arbiter has the power to discipline a Councillor for misconduct if they consider that there has been a breach of the Model Code of Conduct. Sanctions that may be imposed by an arbiter for misconduct include:

- suspension of the Councillor from their office for up to three months
- a formal apology made by the Councillor
- that the Councillor is not to attend or participate in a Council meeting specified by the arbiter
- removal of the Councillor from a role where they represent Council
- removal of the Councillor as chair of a delegated committee

- training or counselling
- that the Councillor is ineligible to hold the office of Mayor or Deputy Mayor for a period specified by the arbiter, not exceeding 12 months.

#### **Councillor Conduct Panels**

A Council, Councillor, group of Councillors or the CMI can apply for a Councillor Conduct Panel to be formed to hear allegations of serious misconduct under section 154 of the Act. If a Councillor Conduct Panel makes a finding of serious misconduct it may impose more serious sanctions on a Councillor, including suspending the Councillor for up to 12 months.

#### **VCAT**

If a Councillor has acted in a way (including in their personal capacity) that demonstrates that they are not of good character or are otherwise not a fit and proper person to hold office as a Councillor, the CMI may apply to VCAT for a finding of gross misconduct. This can result in a Councillor being disqualified from being a Councillor for a period of up to 8 years.

#### **Referring matters to integrity bodies**

Complaints about Councillor conduct or administrative actions or decisions of Councils may also be referred to an integrity body.

If Councillors, members of Council staff or community members become aware of or suspect, fraudulent, criminal, unethical or corrupt behaviour or behaviour that constitutes serious misconduct, gross misconduct or a breach of the Act - this behaviour should be reported, as soon as practicable to the appropriate integrity body (set out in **Appendix A**).

Protections are available under the **Public Interest Disclosures Act 2012** to ensure that people who report improper conduct and corruption to an integrity body can do so in the knowledge that they will be protected. These protections include keeping the identity of the person reporting improper conduct confidential and protecting them from reprisals including bullying, harassment or legal action.

Information about how to make a Public Interest Disclosure complaint is available on the Independent Broad-based Anti-corruption Commission's (IBAC) website here: <https://www.ibac.vic.gov.au/what-public-interest-disclosure> (external link).

Other types of complaints from community members should be directed to the Council in the first instance in accordance with the Council's complaints policy.

As a general rule, a complaint should be in writing and should include the following:

- brief statement about the issue

- brief history of the case, including important dates or events
- decision or action/inaction taken by the Council
- preferred outcome for this case going forward
- copies of all correspondence to and from the Council or any other material that records the contact made between parties involved that are relevant to the complaint.

## The Model Code explained

### When does the Model Code of Conduct apply?

The Model Code of Conduct applies to Councillors in the performance of their role.<sup>3</sup>

The role of a Councillor as detailed in section 28 of the Act includes the following duties and functions:

- to participate in the decision making of the Council
- to represent the interests of the municipal community in that decision making
- to contribute to the strategic direction of the Council through the development and review of key strategic documents of the Council, including the Council Plan.

Councillors also do and are expected to do any manner of things in their capacity as a Councillor that are not specifically listed in the Act, but which are intrinsic to the performance of their role. These include representing the Council at events, participating in debates and discussions on matters at council briefings that may come before the Council for decision and responding to the municipal community.

This means that the Model Code of Conduct is not limited to behaviour that occurs in the course of formal Council business or on Council premises such as at council meetings. The Model Code of Conduct also applies to the conduct of Councillors in various other contexts and settings when interacting with fellow Councillors, members of Council staff and the public, and across all forms of communication including:

- in-person, electronic or hybrid meetings, including briefings and meetings with stakeholders or members of the community
- written, verbal and non-verbal communication
- electronic and social media communication.

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<sup>3</sup> Section 139 of the Act provides that the purpose of the Model Code of Conduct is to include the standards of conduct expected to be observed by Councillors in the course of performing their duties and functions as Councillors.

**Behaviour as a private individual**

The Model Code of Conduct does not apply to the behaviour of Councillors that occurs when they are acting solely in their private

**EXAMPLE**

A Councillor gets into a heated discussion with a local shop owner about a personal matter regarding the quality of service at the shop. The shop owner, aware of the Councillor's position, files a complaint with the Council claiming that the Councillor was rude and aggressive. With no connection to Council duties or functions or the role of a Councillor, the Model Code of Conduct is not intended to apply.

or personal capacity.

While the Model Code of Conduct does not apply to conduct that occurs in a private or personal capacity, it will apply when a Councillor holds themselves out to be a Councillor or where a Councillor's actions might reasonably give the impression that they are acting in an official capacity, for example, when discussing Council matters with members of the community.

In this respect, Councillors should be mindful of their standing in the community and appreciate that in some private or personal settings, others may not be aware or recognise that a Councillor is acting in a private or personal capacity and is not performing a council function or acting in an official capacity. This is particularly the case where a Councillor is well known and automatically recognised as a Councillor, for example, in small

**EXAMPLE**

A Councillor mentioned their role as an elected member during a parking dispute with a neighbour and indicated they would report the neighbour to the Council. The Model Code would apply because the Councillor had identified themselves as such during the conversation in question.

**EXAMPLE**

A Councillor attended a Council organised event in the park with their family after reading about the event in the local newspaper. Although the Councillor had no official role or responsibilities at the event, they gave the impression that they were there in their capacity as a Councillor by introducing themselves as a Councillor and by wearing attire with the Council logo.

communities.

Factors that may be indicative as to whether or not a Councillor was acting in a private or personal capacity include:

- whether the Councillor was present in an official capacity or at a Council event (for example, they have been invited to attend an event because they are a Councillor)
- whether the Councillor has described themselves as a Councillor or have otherwise held themselves out or been identified as a Councillor (for example, in a social media account or in the sign-off to correspondence or in an outside bodies event description/agenda)
- whether the Councillor was using or present on Council property at the time the alleged conduct took place (for example, using their Council email account or council provided phone)
- whether the Councillor is commenting on matters that may come before Council for decision or that fall within the scope of the Council's function.

### **Application of the Model Code of Conduct to social media**

It is important for Councillors to understand that the standards of conduct set out in the Model Code of Conduct apply equally when using social media.

Social media refers to digital platforms or services that are used to share content, information and opinions. These can include but are not limited to social networking sites (such as Facebook, LinkedIn), microblogging sites (such as X, Reddit), video and photo sharing sites (such as Instagram, TikTok).

Where a Councillor describes themselves as a Councillor in a social media post or at the top of their page or in their username or profile it is reasonable for members of the public to assume that Councillor's activities are being carried out in the performance of their role and that the post is covered by the Model Code of

Conduct.

**EXAMPLE**

A Councillor made inappropriate comments about a media article shared on Facebook concerning an AFL footballer's alleged off-field behaviour. When a comment from a member of the public noted that they were a Councillor, the Councillor responded with a further inappropriate comment that was found to be abusive. Although the comments were made on a matter unrelated to Council business, the Councillor's Facebook account described themselves as a Councillor, and therefore their initial comment would be considered to be made in their role as a Councillor.

It was also observed that having been identified as a Councillor by a member of the public following the initial comment, further postings by the Councillor could have reasonably been interpreted as one being made in their role as a Councillor.

In various circumstances, a Councillor's conduct will fall within the scope of the Model Code of Conduct when using social media, even if they have not described themselves as a Councillor. This includes where a Councillor makes social media posts or comments relating to

**EXAMPLE**

A resident created a post on a local community Facebook group concerning a particular Councillor, alleging, among other things, that the Councillor had a conflict of interest and shouldn't have participated in a decision relating to a proposed Council infrastructure project. The Councillor responded to the resident's post and its comments, using their personal Facebook account. The Councillor's response included comments directed at the resident that were found to be abusive.

The Councillor was considered to be performing the role of a Councillor as the Councillor was communicating with the resident about matters for decision before the Council.

council business.

Councillors should note that 'liking' or 'sharing' a post without rejection or denunciation of its contents can be perceived by others as an implicit endorsement or approval of its contents.

Similarly, a Councillor who administers a social media page that allows comments or third-party posts may be perceived as having published or endorsed those comments.

**EXAMPLE**

A Councillor created a public X account describing themselves as a Councillor and re-shared a number of offensive posts concerning a specific community group in a manner that suggested they endorsed the content. The Councillor later changed their account name and included a statement on their account that their views were personal and made further offensive comments. Although the Councillor later changed the name of their account, all the posts were shared from the same account and could therefore be reasonably interpreted as being made by the Councillor in their role.

**Managing social media use responsibly**

The appropriate use of social media is recognised as a valuable and important means for Councillors to engage with the community.

It is each Councillor's responsibility to manage any social media accounts they hold, including when creating and sharing content and when monitoring comments, in a manner that is consistent with the Model Code of Conduct.

To avoid breaching the Model Code of Conduct, Councillors should act consistently with any social media or communications policies or protocols that their own Council has developed to guide the responsible use of social media by Councillors.

Some good practices that Councillors have adopted when using social media include:

- when using social media, identify expressions of personal opinions so as to make it clear that they are not speaking for or on behalf of Council
- have a dedicated Councillor account separate to any other personal or business accounts and not place Council related opinion or matter on any personal profiles
- ensure they have appropriate privacy settings applied to all personal social media sites, bearing in mind that all social media posts will be public to some degree.

## **Standard 1: Performing the role of a Councillor**



**1. Performing the role of a Councillor**

A Councillor must do everything reasonably necessary to ensure that they perform the role and responsibilities of a Councillor effectively and responsibly, including by-

- (a) representing the interests of the municipal community by considering and being responsive to the diversity of interests and needs of the municipal community; and
- (b) being fit to perform the role of a Councillor when acting in that capacity or purporting to act in that capacity; and
- (c) diligently using Council processes to become informed about matters which are subject to Council decisions; and
- (d) not performing or purporting to perform any responsibilities or functions of the Chief Executive Officer; and
- (e) acknowledging and supporting the Mayor in the performance of the role of the Mayor, including by-
  - (i) respecting and complying with a ruling of the Mayor as the chair of Council meetings (unless dissenting from the ruling in accordance with the Council's Governance Rules); and
  - (ii) refraining from making public comment, including to the media, that could reasonably be perceived to be an official comment on behalf of the Council where the Councillor has not been authorised by the Mayor to make such a comment.

Standard 1 requires Councillors to do everything necessary to ensure that they perform the role of a Councillor effectively and responsibly. Paragraphs (a) to (e) of Standard 1 provide a non-exhaustive list of types of conduct addressed by this standard.

**Representing the interests of the whole municipal community**

Councillors have a responsibility to represent all people who live, pay rates and conduct activities within the municipal district of the Council, including traditional owners of land in the municipal district of the Council.<sup>4</sup>

In doing so, it is important that Councillors consider all of the different impacts of a decision on the entire municipal community - whether this be the adoption of a particular policy, strategic objective or standalone proposal. This means they cannot limit their

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<sup>4</sup> See the definition of *municipal community* in s 3(1) of the Act.

consideration to the interests and needs of those in their particular ward or those with whom they share particular interests.

**Fitness to perform the role**

There is an expectation that Councillors have the ability or capacity to fulfill the duties and functions reasonably required of them.

Councillors must also ensure that their capacity to perform their role is not impaired by the use of substances (for example, alcohol or illicit substances).

**Diligently using Council processes**

Councillors have an overriding duty to participate and represent the interests of the municipal community in the decision making of the Council.

Councillors need to ensure that they are coming to Council meetings well prepared and understand the decisions they are required to participate in.

Councillors can ensure that they are diligently using Council processes by attending and participating in councillor briefings, workshops and training sessions provided or arranged by the Chief Executive Officer (CEO) in relation to the performance of their Councillor role and reading the agenda papers provided in relation to Council and committee meetings in advance of those meetings.

**EXAMPLE**

A Municipal Monitor found that Councillors were consistently failing to read briefing materials. Councillors were provided access to a portal where relevant documents could be downloaded. An examination of access logs showed that several Councillors consistently did not open briefing papers and Council meeting agendas, including occasions where Councillors viewed agenda papers for the first time during the particular Council meeting to which the papers relate.

The Municipal Monitor observed that a failure to read these documents to inform their decision-making meant that critical oversight by Councillors of officer reports was not occurring.

**The functions of the Chief Executive Officer**

The role of a Councillor does not include the performance of any responsibilities or functions of the CEO.<sup>5</sup>

Section 46 of the Act provides that the CEO is responsible for ensuring the effective and efficient management of the day-to-day operations of the Council. Among other things, this includes being responsible for all staffing matters, the implementation of Council

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<sup>5</sup> See section 28(3) of the Act

policies and decisions, service delivery and providing professional advice to Councillors.

This means that Councillors are not responsible for implementing Council decisions. They also have no authority to give directions to Council staff.

Councillors must recognise that all communication with Council staff must be in line with the policies and protocols put in place by the CEO. Standard 2(3) provides that a Councillor must act in accordance with any policies, practices and protocols developed and implemented by the CEO under section 46 of the Act that support arrangements for interactions between members of Council staff and Councillors.

Councillors who intentionally direct, or seek to direct, a member of Council staff will be in breach of sections 123 and 124 of the Act (which relate to the misuse of position and directing Council staff in the exercise of a delegated or statutory power).

#### **Supporting the role of the Mayor**

The role of the Mayor is set out in section 18 of the Act.

The Mayor is regarded as the leader of the Council in a broad range of activities: in particular as the chair of Council meetings, and as the principal spokesperson and advocate for the Council on any matter.

The role of the Mayor in chairing of Council meetings is to ensure the orderly and timely conduct of the meeting in accordance with the Council's Governance Rules. During the course of a meeting the Mayor

#### **EXAMPLE**

During a debate at Council Meeting a Councillor repeatedly used a phrase despite being asked by the Mayor to withdraw the statement following a point of order. The Councillor twice asked the Mayor to clarify what they needed to withdraw, forcing the Mayor to repeat the phrase, which the Mayor found uncomfortable. Following a failed dissent motion, the debate resumed, and the Councillor continued to reference the phrase indirectly, prompting the Mayor to remind the Councillor that explanations or conditions on a withdrawal were not permitted under the Governance Rules.

Despite the Councillor's claim of confusion, the arbiter accepted that the Councillor understood that they were to withdraw the phrase (having twice sought clarification that that was what the Councillor was being asked to withdraw) and not to say it again.

The arbiter found that the Councillor's argumentative response to the withdrawal request, along with the repetition of the phrase, contributed to disorder in the meeting and showed a lack of respect to the Mayor as a colleague and to the Mayor's authority as the chair of the meeting.

has the responsibility to rule on points of order raised by Councillors and take appropriate action as necessary in accordance with the Council's Governance Rules. This is to ensure the effective and orderly conduct of council business, including that those participating conduct themselves in a civil and respectful manner and can include requesting the withdrawal of a remark, the ejection of a Councillor from a meeting for failing to comply with a ruling or any other action necessary to allow the meeting to proceed properly. The role of the Mayor in reaching judgements about how the meeting is to be conducted must be supported and respected.

Mayors are seen in the community as representing the Council as a whole.

They are charged with being the principal spokesperson on behalf of the Council both in the media and at public events. Mayors also have a leadership role in liaising with a broad range of government and non-government stakeholders to promote the interests of the Council and their local community.

This means that official statements of the Council should be made by the Mayor unless the Mayor has authorised another person to speak on behalf of the Council.

While Councillors are entitled to express their personal views including views that differ from the position adopted by the Council, Councillors must make it clear that they are expressing their own opinions and are not speaking for or on behalf of Council.

Mayors, by virtue of their position, are also expected to foster positive relationships between Councillors and promote behaviour that meets the Model Code of Conduct.

Promoting good relations between Councillors before contentious issues arise is a way of ensuring issues can be dealt with effectively and in a timely manner, and without becoming divisive and doing long term damage to the Council.

It is therefore important that Councillors support the Mayor including in the Mayor's role in conciliating disputes under the Council's internal resolution procedure.

## Standard 2: Behaviours

### 2. Behaviours

- (1) A Councillor must treat others, including other Councillors, members of Council staff and members of the public, with dignity, fairness, objectivity, courtesy, and respect, including by-

- (a) not engaging in demeaning, abusive, obscene, or threatening behaviour, including where the behaviour is of a sexual nature; and
  - (b) not engaging in behaviour that intentionally causes or perpetuates stigma, stereotyping, prejudice or aggression against a person or class of persons; and
  - (c) not engaging in discrimination or vilification; and
  - (d) supporting the Council when applying the Council's community engagement policy to develop respectful relationships and partnerships with Traditional Owners, Aboriginal community controlled organisations, and the Aboriginal community; and
  - (e) supporting the Council in fulfilling its obligation under the Act or any other Act (including the **Gender Equality Act 2020**) to achieve and promote gender equality; and
  - (f) ensuring their behaviours and interactions with children are in line with the Council's policies and procedures as a child safe organisation and obligations under the **Child Wellbeing and Safety Act 2005** to the extent that they apply to Councillors.
- (2) A Councillor, as an individual at the workplace, must take reasonable care for their own health and safety and take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons by-
- (a) adhering to applicable systems and policies put in place by the Chief Executive Officer to manage risks to health and safety in the workplace; and
  - (b) complying, so far as the Councillor is reasonably able, with any reasonable instruction that is given by the Chief Executive Officer to manage risks to health and safety.
- (3) A Councillor must act in accordance with any policies, practices and protocols developed and implemented by the Chief Executive Officer under section 46 of the Act that support arrangements for interactions between members of Council staff and Councillors.

**Treatment of others**

The Model Code of Conduct requires Councillors to treat others with dignity, fairness, objectivity, courtesy and respect. This is not limited to fellow Councillors and members of Council staff and applies to anyone a Councillor comes into contact with when they are performing the role of a Councillor.

Paragraphs (a) to (e) of standard 2(1) provide a non-exhaustive list of the type of conduct addressed by this standard of conduct.

On being elected, a Councillor should put aside personal interests and differences and focus on working constructively with fellow Councillors, the CEO, and other Council staff, to serve the overall public interest of that municipal community. This requires Councillors to treat and engage with their fellow Councillors, the CEO, other Council staff and members of the public in a mature and respectful manner.

Disrespectful behaviour can take many different forms ranging from overt acts of abuse and disruptive or bad behaviour to unreasonable and demeaning treatment of others. Examples of disrespect in a local government context might include rude or angry outbursts in meetings, use of inappropriate language in meetings or written communication, attempts to shame or humiliate others in public, the use of inappropriate sarcasm in communications and the sharing of malicious gossip or rumours.

While Councillors have the right to express their opinions and disagree with others, it is essential they do so respectfully. Councillors are generally advised to focus on discussing the issue at hand without making personal remarks about individuals.

Councillors should be mindful of how their actions might be perceived by others. Even if it isn't their intention to be disrespectful, their conduct could still be interpreted that way and an objective evaluation of the behaviour in question will always be made.

If Councillors say something in the heat of the moment that they later regret, they may wish to consider retracting the statement and/or offering an apology immediately.

This standard is not intended to limit how a Councillor votes on any matter requiring a decision of the Council.

**EXAMPLE**

A Councillor responded to the CEO's email, cc'd to all Councillors, which provided information to all Councillors to assist them in the decision-making process about whether a deputy mayor role was required.

The Councillor's email response concluded with the following "So please keep your snout out of the trough and concentrate on fixing customer service." The statement was considered to be derogatory and disrespectful and amounted to a failure to treat the CEO with courtesy and respect.

**EXAMPLE**

A Councillor made comments on a local newspaper's Facebook page concerning the Council's decision to change the Council's rating system and associated budget. The comment indicated how certain Councillors had voted on the matter and was critical of the Council's decision. The comment also included a statement that "...I wasn't surprised as one Councillor has been rocking up to meetings in a bathrobe of late."

Councillors' votes on specific decisions are recorded in the Council minutes and made publicly available. Drawing attention to how Councillors have voted recently or historically on the matter was not considered to amount to a breach of the standards.

The statement regarding the bathrobe was, however found to be a breach of the standard as it was highly personal, without context and was designed to belittle, embarrass or possibly humiliate the Councillor by implying that the Councillor was not placing sufficient importance on the manner of attending Council meetings.

**EXAMPLE**

A Councillor had previously been the subject of a complaint by a member of Council staff. As part of the resolution, the Councillor agreed not to approach the member of staff directly without one of the staff member's managers being present. Additionally, the Councillor had agreed to provide a written apology in response to the complaint, as the staff member had made it clear that they were not willing to accept a verbal apology.

Despite this agreement, the Councillor later approached the staff member in person to offer a verbal apology, believing it would help resolve the situation. However, by doing so, the Councillor was found to have lacked objectivity and to have disrespected the staff member's specific request that any interactions be mediated and that they were not prepared to accept a verbal apology.

**EXAMPLE**

During a Council Planning Committee meeting, a Councillor accused three other Councillors of coming into the meeting with predetermined views on a planning application being considered by the Committee. The comments were made publicly in the Council chamber during debate on a motion to accept the Council officers' recommendation to approve the planning application.

The arbiter found that the Councillor's comments regarding the three other Councillors having a preconceived view of the outcome, made in a public meeting without providing any evidence, were disrespectful and discourteous.

**Demeaning, abusive, obscene or threatening behaviour or communications**

Councillors must not engage in verbal abuse and use words that name call, demean, frighten, intimidate, or attempt to control another person. This can include yelling, screaming, or swearing at another person.

Differences of opinion are expected to arise from time to time but are no excuse for demeaning, abusive, obscene, or threatening behaviour towards persons that a Councillor disagrees with.

**Behaviour that is intended to cause or perpetuate stigma, stereotyping, prejudice or aggression**

Councillors must not engage in behaviour that intentionally causes or perpetuates stigma, stereotypes, prejudice or aggression towards a person or class of persons.

These behaviours often target a characteristic of a person's social identity, such as Aboriginality, age, disability, ethnicity, sexuality, gender identity, race, socioeconomic status, immigration status, language, nationality, or religion.



This standard is intended to ensure that Councillors do not engage in behaviour that is intended to cause harm against vulnerable members of the community. This is especially true where the expression of these opinions or views is not relevant to the performance of the role of Councillor or the role and functions of the Council.

**Discrimination and vilification**

The Model Code of Conduct provides that a Councillor must not discriminate against a person on the grounds of an attribute specified in section 6 of the **Equal Opportunity Act 2010**.

Discrimination happens when someone is treated unfairly or unfavourably on the grounds of the following attributes:

- age
- disability
- employment activity
- gender identity
- industrial activity
- lawful sexual activity
- marital status
- parent and carer status
- physical features
- political belief or activity
- pregnancy and breastfeeding
- profession, trade, or occupation
- race
- religious belief or activity
- sex
- sex characteristics
- sexual orientation
- expunged homosexual conviction
- spent conviction
- personal association with someone who has, or is assumed to have, one of these personal characteristics

A person is being vilified if they are being subjected to behaviour that incites hatred, serious contempt, revulsion or severe ridicule towards them or a group they belong to, because of their race or religion.

Note that Councillors also have obligations under the **Equal Opportunity Act 2010**, including positive duties to eliminate discrimination, sexual harassment, and victimisation as far as possible.

**Respectful relationships and partnerships with Traditional Owners, Aboriginal community controlled organisations, and the Aboriginal community**

Traditional Owners, Aboriginal community controlled organisations and members of the Aboriginal community should feel culturally safe,

and have their rights respected when partnering and engaging with local Councils. Councillors play an important role in achieving this.

The Model Code of Conduct requires Councillors to support the Council when applying the Council's community engagement policy to develop respectful relationships and partnerships with Traditional Owners, Aboriginal community controlled organisations, and the Aboriginal community.

#### **EXAMPLE**

A Councillor repeatedly questioned the consultation process undertaken by the Council's Aboriginal Advisory Committee (the Committee) regarding its recommendations to Council on the Voice to Parliament. The Committee advice was that Council take a neutral stance on the referendum, provide support to the Aboriginal and Torres Strait Islander community, and encourage public education on the issue.

It was observed that the Councillor pursued their line of questioning without reasonable care for the cultural safety of those in the Chamber and watching online. In doing so, the Councillor disrespected the consultation that the Committee had undertaken, its self-determination in deciding how that consultation would appropriately be undertaken and the matters it had considered prior to forming its recommendations to Council. The Councillor put or supported a series of motions that effectively supplanted the consultation process with another which the Councillor decided was preferable. Further, the Councillor invited Aboriginal Elders to the meeting to deliberately speak against the Committee's advice, thereby creating (or at least contributing greatly to) a charged or heightened atmosphere in the Chamber that ultimately led to a lack of cultural safety.

The Victorian Aboriginal and Local Government Strategy (external link) is an important resource for Councils. It serves as a practical guide for Councils across Victoria and will help embed the voices and priorities of Aboriginal communities at a local government level.

The Strategy recommends actions for Councils, the Victorian Government and Aboriginal communities that progress Aboriginal self-determination and reconciliation.

A Ministerial Good Practice Guideline (external link) has also been issued to assist Councils when engaging with Traditional Owners, Aboriginal Organisations and Community as required under the Act by providing a step-by-step guide for Councils on how to identify, engage and build connections and develop mutually beneficial relationships.

#### **Gender equality**

Gender equality will be achieved when women, men, and gender diverse people can access and enjoy equal resources and opportunities regardless of gender.

The **Gender Equality Act 2020** (GE Act) requires Councils to complete 5 key tasks to meet their obligations under the GE Act:

- Promote gender equality
- Conduct gender impact assessments
- Undertake a workplace gender audit
- Create and implement a Gender Equality Action Plan
- Report on progress.

Councillors need to consider, promote and take positive action towards supporting Council fulfilling its obligations under the GE Act.

#### **Child safe organisations**

Children who come into contact with Councils, receive council services or participate in council programs or consultations have the right to feel safe and be safe from harm.

Councils must comply with all aspects of the 11 Child Safe Standards (external link) under the *Child Wellbeing and Safety Act 2005*. The Child Safe Standards were developed in response to the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and other Non-Government Organisations and the Royal Commission into Institutional Responses to Child Sexual Abuse and are aimed at reducing the risk of child abuse and harm for children in organisations.

As child safe organisations, Councils are required to have in place policies and procedures that promote the safety and wellbeing of children. It is important that these policies and procedures provide a consistent approach to child safety at all levels, including by

#### **EXAMPLE**

A Councillor started a messenger group chat with several members of the Council's Youth Council where discussions of a personal nature occurred between the Councillor and the Youth Council members in the group chat.

The Council's child safety and wellbeing policy stated that Councillors and staff must maintain professional boundaries with children and young people participating in Council services or programs and not exchange personal contact details with a child or young person, including via social media.

The Councillor's behaviour was at odds with the Council's policy that was established to reduce risks to children and is in breach of the standard of conduct.

Councillors.

The Model Code of Conduct requires Councillors to uphold child safety and ensure that their interactions with children are in line with these Council policies and procedures, to reduce risk, encourage reporting, and keep children safe.

**Risks to health and safety**

Councils have primary obligations as an employer under the **Occupational Health and Safety Act 2004** (OHS Act) to provide a safe workplace. Secondary obligations are owed by CEOs as persons who manage and control workplaces and because of their status as 'officers' of Councils.

In order to discharge their obligations under the OHS Act, CEOs must implement measures to minimise any risks to health (includes psychological health) and safety that may arise at Council premises. This includes risks that relate to inappropriate behaviour by Councillors.

The Model Code of Conduct requires Councillors to take reasonable care to protect the health and safety of others by adhering to these measures implemented by CEOs.

**Interactions between members of Council staff and Councillors**

Under section 46 of the Act, the CEO is responsible for all staffing matters, including appointing, directing, and managing members of Council staff. Further, a CEO is responsible for managing interactions between members of Council staff and Councillors and ensuring that policies, practices, and protocols that support arrangements for interaction between members of Council staff and Councillors are developed and implemented.

The Model Code of Conduct requires Councillors to act in accordance with these policies, practices, or protocols in order to ensure that interactions with members of Council staff are appropriate and professional.

## Standard 3: Good governance

**3. Good governance**

A Councillor must comply with the following Council policies and procedures required for delivering good governance for the benefit and wellbeing of the municipal community—

- (a) the Council's Council expenses policy adopted and maintained under section 41 of the Act;

- (b) the Council's Governance Rules developed, adopted and kept in force by the Council under section 60 of the Act, including in relation to-
  - (i) conduct in Council meetings or meetings of delegated committees; and
  - (ii) requesting and approval of attendance at Council meetings and meetings of delegated committees by electronic means of communication; and
  - (iii) the Council's election period policy made under section 69 of the Act, including in ensuring that Council resources are not used in a way that is intended to influence, or is likely to influence, voting at a general election or by-election;
- (c) the Council's Councillor gift policy adopted under section 138 of the Act;
- (d) any direction of the Minister given under section 175 of the Act.

Councils are required under section 8 of the Act to provide good governance in their municipal districts for the benefit and wellbeing of the municipal community.

A Council provides good governance if it is performing its role in accordance with overarching governance principles and supporting principles in section 9 of the Act. Further, a Councillor in performing the role of a Councillor under section 28 of the Act, must support the role of a Council and comply with Council procedures required for good governance.

Councils must ensure that good governance underpins all of their activities. Good governance focuses on, among other things, effective and lawful decision-making and achieving the best outcomes for the municipal community.

In giving effect to the overarching governance principles, a Council must take into account supporting principles by adopting and maintaining policies and plans related directly to these supporting principles.

To facilitate good governance for the municipal community by the Council, the Model Code of Conduct requires that Councillors adhere to and comply with the following Council policies - the Council Expenses Policy, Governance Rules including the Election Period Policy, the Councillor Gift Policy, and any Ministerial direction issued under section 175 of the Act.

Failure to provide good governance may result in government intervention. Intervention at a Council level is reserved for circumstances where there is a clear risk to good governance which impacts the Council's ability to perform its functions. The government has intervened in cases where there is evidence of:

- failures to give effect to the overarching governance principles in section 9(2) of the Act
- failures to take into account the supporting principles in section 9(3) of the Act
- failures by Councillors to perform their role in accordance with section 28 of the Act.

The [Good Governance Guide](#) (external link) is a practical resource that Councillors can use to build their knowledge on governance issues and help them understand their legislative obligations.

#### **Governance Rules**

Councils are required under section 60 of the Act to develop, adopt, and keep in force Governance Rules that set out Council meeting procedures and protocols.

The Model Code of Conduct requires Councillors to adhere to these Governance Rules including in relation to the following:

- conduct in Council meetings or delegated committee meetings
- requesting and approval of attendance at Council meetings and meetings of delegated committees by electronic means of communication
- the Council's Election Period Policy made under section 69 of the Act and ensuring that Council resources, equipment, facilities, and information are not misused for electoral purposes.

#### **Councillor Gift Policy**

Councils are required under section 138 of the Act to adopt a Councillor gift policy that provides for gifts to be registered. If a Councillor fails to act in accordance with this policy they will have breached the Model Code of Conduct.

#### **Expenses Policy**

Councils are required under section 41 of the Act to adopt and maintain an expenses policy in relation to the reimbursement of out-of-pocket expenses for Councillors. If a Councillor fails to act in accordance with this policy they will have breached the Model Code of Conduct.

#### **Ministerial Directions**

Under section 175 of the Act, the Minister for Local Government may issue a governance direction, directing a Council to amend, discontinue, replace, or report on its governance processes and policies. These directions are issued based on the advice of a municipal monitor, the CMI, a Commission or Inquiry, the Victorian Ombudsman or IBAC.

A direction from the Minister may direct that the Council adopt a good practice guideline issued under section 87 of the Act, adopt a recommendation, provide financial information, or not employ a new CEO or re-employ the current CEO.

Any governance direction issued to a Council must be complied with by the Council. If an individual Councillor does not comply with the governance direction then they will have breached the Model Code of Conduct.

## Standard 4: Integrity

### 4. Integrity

- (1) A Councillor must act with integrity, exercise reasonable care and diligence and take reasonable steps to avoid any action which may diminish the public's trust and confidence in the integrity of local government, including by—
- (a) ensuring that their behaviour does not bring discredit upon the Council; and
  - (b) not deliberately misleading the Council or the public about any matter related to the performance of their public duties; and
  - (c) not making Council information publicly available where public availability of the information would be contrary to the public interest.

#### Note

See the public transparency principles set out in section 58 of the Act.

- (2) A Councillor must not, in their personal dealings with the Council (for example as a ratepayer, recipient of a Council service or planning applicant), expressly or impliedly request preferential treatment for themselves or a related person or entity.

Councillors are elected to public office to represent the interests of the municipal community, and the community rightly expects that Councillors will perform their roles professionally and with integrity. It is important that Councillors do not engage in conduct that would erode public trust and confidence in local government.

### **Behaviour that discredits the Council or is deliberately misleading**

Councillors must be aware that their actions might have an adverse impact on the Council and may lower the public's trust in Council's ability to discharge its functions. Conduct of a Councillor which

could reasonably be regarded as diminishing public trust and confidence could involve, for example, making demonstrably dishonest social media posts about the Council publicly or making false criticisms of the Council.

Further, a Councillor must not deliberately mislead Council or the public about any matter related to the role of the Council or the performance of their public duties.

This standard is not intended to prevent Councillors from being critical of other Councillors or the Council. Such commentary, however, must be done in a manner that is not disrespectful, unfair,

**EXAMPLE**

A Council took steps to internally address a Councillor's conduct concerning their dealings with Councillors and Council staff, and members of the public on social media, through external mediation and the imposition of a Council staff interaction protocol. The Councillor made public statements that the CEO imposed the protocol because of the Councillor's opposing views relating to a Council decision. The Councillor was found to have brought discredit on the Council and failed to treat the CEO and Mayor with dignity by their public suggestions that they were being unjustly punished for holding an unpopular opinion regarding that decision.

**EXAMPLE**

A Councillor made a Facebook post that compared the rates paid by their Council with those paid in other Councils. The post did not have regard to the average value of rateable properties and gave the impression that the Council rates were unusually high by comparison with other Councils, without providing context. The Councillor's post was found to have brought discredit upon the Council.

false, or misleading.

**Council information**

Under the Public Transparency Principles set out in section 58 of

**EXAMPLE**

A Councillor made sweeping statements on social media, implying Council tolerates and ignores inappropriate behaviours experienced by Councillors, when, by their own admission, they chose not to raise their concerns through the processes available to them and stated on social media that Council ran a "fake process" for the mayoral election.



the Act, Council information must be publicly available unless the information is confidential information, or the public availability of the information would be contrary to the public interest.

The disclosure of confidential information is prohibited separately under the Act and constitutes both serious misconduct and a criminal offence.

The Model Code of Conduct provides that a Councillor must not make Council information publicly available where public availability of the information would be contrary to the public interest.

Councils are encouraged to develop a policy which sets out a process for designating and managing Council information the release of which would be contrary to the public interest.

Documents where public availability would be contrary to the public interest might include, for example:

- internal working documents such as drafts of officer reports prepared for Council meetings or briefings or meetings of delegated committees, the release of which may be misleading to the public
- documents that are the property of another person or body and the Council is not authorised to release them
- documents that if released would have an adverse effect on the effectiveness of Council's decision-making processes (e.g. where the information is intended to be released to the public at an agreed time).

#### **Preferential treatment**

A Councillor must not request preferential treatment for themselves or a related person or entity, when acting in their private or personal capacity. This includes when engaging the Council as a ratepayer, as a recipient of a Council service, as an applicant for a permit with respect to any Council services, or in relation to a matter that is being considered by the Council for a decision.

Councillors are to conduct their personal dealings with the Council using the same processes as those that are available to be used by members of the public.

This does not prevent a Councillor from raising issues that have been brought to their attention by a member of the public in their capacity as an elected representative.

## **Standard 5: Robust debate**

**5. The Model Code of Conduct does not limit robust public debate**

Nothing in the Model Councillor Code of Conduct is intended to limit, restrict or detract from robust public debate of issues in a democracy.

It is integral to the democratic and political processes by which Councils are elected that Councillors will form views about matters of public policy and issues of concern and interest affecting the municipality. Engaging in open debate is an essential part of Council work, allowing Councillors to present, challenge, critique, and disagree with various ideas, perspectives, policies, or proposals. Healthy discussion and differences of opinion play a vital role in council decision-making.

Councillors will often express strong personal views as to what ought to occur in the community, as to how they wish their community to develop, and the desirability of particular types of developments or other activities proposed within the municipality.

The Model Code of Conduct applies to the conduct and behaviour of

**EXAMPLE**

A Councillor at a Council meeting moved a motion that a business case feasibility study be obtained on the need, benefit, and opportunity for a future First Nations Community Hub in the municipal district. The motion was not carried by the Council at the time, on the basis that the period for Councillor budget submissions had closed.

The Councillor posted comments on their Facebook account stating that "in the same Council meeting, Councillors did manage to bend the rules [with respect to late Councillor budget submissions] for a new trial to recycle coffee cups in the municipal district."

The arbiter accepted that robust debate allows 'minority' Councillors, to complain about the 'majority' Councillors, with feelings of exclusion, provided they remain civil. However, it was found that, while accepting the right of the 'minority' Councillor to engage in robust discussion, the allegations in the post that a proposal for coffee cup recycling was taken more seriously than a proposal for the establishment of a First Nations Community Hub, were serious and factually inaccurate. As such, a member of the public would be left wondering why this had occurred, and whether the members of Council are, either consciously or unconsciously, making decisions that were motivated by other factors. For this reason, it was found that, despite the right to robust public debate, the Councillor's comments brought discredit upon the Council and fellow Councillors.

Councillors, it does not prevent Councillors from debating issues and expressing their views on issues before the Council, provided they do so in a respectful manner that is compatible with the standards of conduct. In practical terms, this involves using professional and appropriate language, raising issues in the correct way and in the appropriate forum, giving others the opportunity to speak without interruption, and keeping criticism focused on the ideas or issues being discussed, rather than making it personal.

#### EXAMPLE

A Councillor sent an email to Councillors and posted on social media objections to Councillors holding a Councillor only meeting to discuss the upcoming election of the Mayor and Deputy Mayor. The Councillor described this meeting as collusive conduct in which the positions were being pre-determined ahead of the Council meeting. The arbiter found that "[a] debate about what is appropriate behaviour around election time very clearly falls within 'robust political debate'" and that the Councillor was entitled to hold the view that it was inappropriate to hold a Councillor only meeting to discuss the upcoming mayoral elections.

The arbiter concluded however that "engaging in 'robust political debate' does not give free rein to breach the other Standards" and found that referring to 'collusive conduct' caused reputational damage and was in breach of the need to treat other Councillors with dignity, fairness, objectivity, courtesy, and respect.

## Other types of prohibited conduct under the Act

Dependent on the nature and circumstances, conduct by a Councillor may fall within the definition **serious misconduct** or **gross misconduct** or may constitute a breach of an offence provision in the Act.

### Serious misconduct

A Councillor engages in serious misconduct if they do any of the following:

- fail to comply with the Council's internal arbitration process

- fail to comply with a direction given to the Councillor by an arbiter under section 147
- fail to attend a Councillor Conduct Panel hearing in respect of that Councillor
- fail to comply with a direction of a Councillor Conduct Panel
- commit continued or repeated misconduct after a finding of misconduct has already been made in respect of the Councillor by an arbiter or by a Councillor Conduct Panel under section 167(1)(b)
- bully another Councillor or a member of Council staff
- sexually harass a Councillor or a member of Council staff
- disclose information the Councillor knows, or should reasonably know, is confidential information
- contravene the requirement that a Councillor must not direct, or seek to direct, a member of Council staff
- fail to disclose a conflict of interest and to exclude themselves from the decision making process when required to do so in accordance with the Act.

Serious misconduct matters are heard by a Councillor Conduct Panel. Applications for a Councillor Conduct Panel can only be made by a Council (following a resolution), a Councillor, a group of Councillors or the CMI. An application relating to a failure to disclose a conflict of interest may only be made by the CMI.

If a Councillor Conduct Panel makes a finding of serious misconduct against a Councillor, then that Councillor cannot hold the role of Mayor or Deputy Mayor for the remainder of the Council term (unless the Councillor Conduct Panel directs otherwise).

The Councillor Conduct Panel also has the power to do one or more of the following:

- reprimand the Councillor
- direct the Councillor to make an apology as determined by the Councillor Conduct Panel
- suspend the Councillor for no more than 12 months
- direct that the Councillor is ineligible to chair a delegated committee.

### **Bullying**

Bullying is defined in the Act to mean "the Councillor repeatedly behaves unreasonably towards another Councillor or a member of Council staff and that behaviour creates a risk to the health and

safety of that other Councillor or member of Council staff". This is consistent with the definition under the **Fair Work Act 2009** (Cth).

Whether conduct amounts to bullying will depend on the nature of the conduct and the context in which it occurs.

A single occurrence of unreasonable behaviour will not meet this definition. The definition requires more than one occurrence of unreasonable behaviour over time and there must be a link between the offensive behaviour and a risk to health and safety.

Cases heard under the **Fair Work Act 2009** provide examples of repeated unreasonable behaviour that can amount to bullying. Unreasonable behaviour of this kind includes:

- intimidation
- coercion
- threats
- humiliation
- shouting
- singling out
- physical, verbal, or emotional abuse
- belittling
- isolation
- ostracism
- victim blaming.

#### **Sexual Harassment**

Sexual harassment under the Act has the same meaning given by section 92 of the **Equal Opportunity Act 2010**. The law defines sexual harassment as unwelcome sexual behaviour in relation to another person, in which a reasonable person would have anticipated that the other person would be offended, humiliated, or intimidated.

Sexual harassment includes:

- an unwelcome sexual advance
- an unwelcome request for sexual favours
- any other unwelcome conduct of a sexual nature.

Sexual harassment can be physical, verbal or written. Examples include:

- comments about someone's private life or the way they look
- sexually suggestive behaviour, such as leering or staring
- brushing up against someone, touching, fondling or hugging
- sexually suggestive comments or jokes
- displaying offensive images or objects
- repeated requests to go out
- requests for sex
- sexually explicit emails, text messages or posts on social media
- sexual assault

- suggestive behaviour.

**Directing Council staff**

It is an offence under section 124 of the Act for a Councillor to intentionally direct, or seek to direct, a member of Council staff:

- in the exercise of a delegated power, or the performance of a delegated duty or function, of the Council
- in the exercise of a power or the performance of a duty or function exercised or performed by the member as an authorised officer under this Act or any other Act
- in the exercise of a power, or the performance of a duty or function the member exercises or performs in an office or position the member holds under this Act or any other Act
- in relation to advice provided to the Council or a delegated committee, including advice in a report to the Council or delegated committee.

This reflects that powers are given to the Council as a whole, and that an individual Councillor does not have the legal authority to instruct or direct a member of Council staff or the Council administration.

A Councillor who breaches this section may be prosecuted by the CMI at the Magistrates' Court, or found to have committed serious misconduct by a Councillor Conduct Panel.

If prosecuted at the Magistrates' Court the maximum penalty for directing Council staff is 120 penalty units.

**Breach of confidentiality**

Section 125 prohibits the intentional or reckless disclosure of information that the person knows, or should reasonably know, is confidential information unless an exemption applies.

Exemptions only apply if:

- the Council has determined it is information that should be publicly available
- the information has been disclosed:
  - o for the purposes of any legal proceedings arising out of the Act
  - o to a court or tribunal in the course of legal proceedings
  - o pursuant to an order of a court or tribunal
  - o in the course of an internal arbitration and for the purposes of the internal arbitration process

- o in the course of a Councillor Conduct Panel hearing and for the purposes of the hearing
- o to a Municipal Monitor to the extent reasonably required by the Municipal Monitor
- o to the CMI to the extent reasonably required by the CMI
- o to a Commission of Inquiry to the extent reasonably required by the Commission of Inquiry
- o to the extent reasonably required by a law enforcement agency.

A Councillor who breaches this section may be prosecuted by the CMI at the Magistrates' Court, or found to have committed serious misconduct by a Councillor Conduct Panel.

If prosecuted at the Magistrates' Court the maximum penalty for a breach of confidentiality is 120 penalty units.

#### **Failure to disclose a conflict of interest**

Section 130 of the Act requires Councillors to disclose conflicts of interest in the manner required by the Council's Governance Rules and exclude themselves from the decision-making process in relation to that matter. This includes excluding themselves from any discussion or vote on the matter at any Council meeting or delegated committee, and any action in relation to the matter.

A Councillor who breaches this section may be prosecuted by the CMI at the Magistrates' Court. Alternatively, the CMI may bring an application for serious misconduct.

If prosecuted at the Magistrates' Court the maximum penalty for a failure to declare a material conflict of interest or a general conflict of interest if there has been a previous finding of guilt is 120 penalty units.

It is important to understand the provisions relating to what a material and general conflict of interest are. There are covered in a comprehensive [Conflict of Interest Guide "In the Public Interest"](#) (external link) for Councillors, delegated committee members and Council staff, published by Local Government Victoria in October 2020.

### **Gross misconduct**

Gross misconduct is the most serious level of misconduct in the Act. It directly reflects on the character of the Councillor and their suitability to hold office. A finding of gross misconduct by VCAT may result in a Councillor being disqualified to hold the office of Councillor for up to eight years.

Gross misconduct is defined in the Act to be behaviour by a Councillor that demonstrates that the Councillor:

- is not of good character
- is otherwise not a fit and proper person to hold the office of Councillor, including behaviour that is sexual harassment and that is of an egregious nature.

Only the CMI may apply to VCAT to hear an application that alleges gross misconduct.

## Offences under the Local Government Act 2020

### Misuse of position

Section 123 of the Act prohibits the misuse of position by a Councillor or member of a delegated committee. A person may still be prosecuted for misuse of position even after they have ceased to hold office, provided the alleged offence occurred at the time they were a Councillor.

For this provision to apply the misuse of position must be intentional and must be:

- to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person
- to cause, or attempt to cause, detriment to the Council or another person.

If this criterion applies conduct that is in breach of another section of the Act (for example failure to declare a conflict of interest or directing council staff) may also constitute misuse of position.

Section 123(3) lists the circumstances in which misuse of position can occur:

- making improper use of information acquired as a result of the position the person held or holds
- disclosing information that is confidential information
- directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff
- exercising or performing, or purporting to exercise or perform, a power, duty, or function that the person is not authorised to exercise or perform
- using public funds or resources in a manner that is improper or unauthorised
- participating in a decision on a matter in which the person has a conflict of interest.

The CMI can only prosecute a Councillor for breaching this offence at the Magistrates' Court.



The maximum penalty for misuse of position is 600 penalty units or imprisonment for 5 years.

**Personal interest returns**

Councillors must lodge an initial personal interests return with the CEO within 30 days of taking the oath or affirmation of office and must lodge a biannual personal interests return twice yearly throughout their term.

The CMI may issue an infringement notice or alternatively prosecute a Councillor for breaching this offence at the Magistrates' Court.

If prosecuted at the Magistrates' Court, the maximum penalty for failing to lodge a personal interests return or intentionally or recklessly providing a return with false or incomplete information is 60 penalty units.

## Appendix A: Integrity bodies

Complaints about Councillor conduct or administrative actions or decisions of Councils may also be referred to the relevant integrity body as detailed below.

### **Victorian Local Government Inspectorate**

If Councillors, Council staff or community members have concerns about potential breaches of the Act, they can lodge a complaint with the Local Government Inspectorate.

Led by the CMI, a key role of the Inspectorate is to promote compliance with the requirements of the Act, and encourages best practice, accountability, and transparency in local government.

The Inspectorate has a specific focus on breaches that constitute an offence under the Act, and may investigate:

- breaches of the Act involving a Councillor, senior Council officer or individual with delegated responsibility under the Act
- any individual subject to the conflict-of-interest provisions within the Act
- any individual where the matter relates to electoral provisions
- the corporate governance of Victorian Councils.

The Inspectorate may also:

- monitor the electoral provisions of a Council
- provide recommendations to Councils for continuous improvement
- advise the Minister for Local Government where a serious failure of corporate governance has been identified at Council
- undertake prosecutions for offences under the Act.

You can find out how to make a complaint to the Local Government Inspectorate via their [website](#) (external link).

### **Victorian Ombudsman**

If you think you have been treated unfairly by a Council or as a result of a Council decision, the first step is to try and resolve your problem with the Council, including through the Council's complaints process, or alternatively through the CEO. If that doesn't work, you can contact the Victorian Ombudsman.

Under the **Ombudsman Act 1973**, the Ombudsman can look into complaints about Council services, communications, complaint handling,

unreasonable actions or decisions. This is a free and independent service.

The Ombudsman cannot investigate the actions of an individual Councillor, except when investigating a protected disclosure complaint under the *Protected Disclosure Act 2012*.

You can find out more about when the Ombudsman can and cannot help by [visiting its website](#) (external link).

#### **Victorian Independent Broad-based Anti-corruption Commission (IBAC)**

IBAC is an anti-corruption agency responsible for identifying, investigating, researching, exposing and preventing public sector corruption and police misconduct in Victoria. This includes members of parliament, the judiciary and state and local government.

IBAC has powers to investigate complaints assessed as serious corrupt conduct. You can report corruption to IBAC at any time by [making a complaint](#) (external link).

Outcomes of investigations, reviews and corruption prevention efforts are reported to Parliament. You can find more information and contact details on the [IBAC website](#) (external link).

#### **Victorian Equal Opportunity and Human Rights Commission**

Councils across Victoria engage with the diverse range of people in their communities. These people include children, families, people with disability, older people, migrants, and refugees. As a result, local Councils play an important role in protecting and promoting human rights.

The Victorian Equal Opportunity and Human Rights Commission (the Commission) helps people resolve complaints of discrimination, sexual harassment and racial and religious vilification.

The **Charter of Human Rights and Responsibilities Act 2006** (the Charter) sets out the basic rights, freedoms, and responsibilities of all Victorians. The Charter protects 20 fundamental human rights, including the right to recognition and equality before the law. These basic rights form the foundation of a democratic and inclusive society that values human dignity, equality, and freedom.

Councillors are a public authority under the Charter, and it is unlawful for a Councillor to act in a way that is incompatible with a human right or, in making a decision, to fail to give proper consideration to a human right. Councillors should familiarise themselves with the Charter of Human Rights and Responsibilities and seek advice on whether a human right has been engaged if unsure.

The Commission helps people to resolve complaints by mutual agreement. It does not prosecute, make judgements for or against either side, nor can it award compensation.

You can read more about local government's obligations under the Charter. For more information and contact details, see the [Commissioner's website](#) (external link).

Human rights may also be raised in complaints to other relevant complaint-handling bodies. For example, the Disability Services Commissioner, the Health Services Commissioner or the Public Transport Ombudsman.

Complaints made under federal laws such as the **Racial Discrimination Act 1975**, the **Sex Discrimination Act 1984** and the **Disability Discrimination Act 2006** must be lodged with the Australian Human Rights Commission.



Government  
Services

## **8.2 Community Wellbeing**

Nil Reports

## **8.3 Office of the CEO**

Nil Reports

## **8.4 Infrastructure Assets and Planning**

Nil Reports

## **9 Councillor Reports and General Business**

## 10 Notices of Motion

### 10.1 Carisbrook Railway Station

**Councillor:** Cr Anna De Villiers

The following motion was received as a notice of motion in accordance with Central Goldfields Shire Council Governance Rules: *S23 Councillors May Propose Notices of Motion* and *S24 Notice of Motion*.

The Carisbrook Railway Station is a historically significant site with considerable potential for adaptive use.

The goods shed and office building can serve as essential spaces for a community hub that promotes local history, cultural activities, and regional connectivity.

This initiative aligns council priorities to:

- Preserve heritage assets
- Foster community engagement and well-being
- Support tourism and economic development.

The proposed use of these facilities will benefit the community in multiple ways.

#### **RECOMMENDATION**

That Council;

1. requests the CEO investigate the feasibility of a lease agreement with Vic Track, for the Carisbrook Railway Station and;
2. Present a report to Council regarding the intention of repurposing the spaces as a Community Hub, including all associated financial impacts and funding opportunities

**11 Urgent Business**

Nil

**12 Confidential Business**

Nil

**13 Meeting Closure**