



# MINUTES

## SCHEDULED MEETING OF COUNCIL

Tuesday, 16 November 2021

Held at the Swan Hill Town Hall  
McCallum Street, Swan Hill  
Commenced at 2pm

### **COUNCIL:**

Cr J Benham – Mayor

Cr B Moar  
Cr A Young  
Cr LT McPhee  
Cr C Jeffery  
Cr S King  
Cr N McKay

Confirmed 21 December 2021

Chairperson.....

SECTION A – PROCEDURAL MATTERS .....3

SECTION B – REPORTS.....7

B.21.99 MAYORAL TERM OF OFFICE .....7

B.21.100 ELECTION OF MAYOR 2021/22..... 11

B.21.101 ELECTION OF DEPUTY MAYOR 2021/2022 ..... 14

B.21.102 COUNCIL SCHEDULED MEETING DATES, TIMES AND  
LOCATIONS ..... 16

B.21.104 ACTING CHIEF EXECUTIVE OFFICER ..... 19

B.21.105 DEBT COLLECTION POLICY .....21

B.21.106 DOMESTIC ANIMAL MANAGEMENT PLAN 2022-2025 .....33

B.21.107 LOCAL ROADS COMMUNITY INFRASTRUCTURE FUND  
ROUND 3 - PROPOSED PROJECTS .....84

B.21.108 LOCAL LAW SWAN HILL REGIONAL LIVESTOCK  
EXCHANGE.....94

SECTION C – DECISIONS WHICH NEED ACTION/RATIFICATION ..... 119

C.21.19 SIGN & SEAL REPORT ..... 119

C.21.20 COUNCILLOR ASSEMBLIES - RECORD OF ATTENDANCE  
AND AGENDA ITEMS ..... 121

SECTION D – NOTICES OF MOTION.....126

D.21.13 PUBLIC HEALTH AND WELLBEING AMENDMENT  
(PANDEMIC MANAGEMENT) BILL 2021 ..... 126

SECTION E – FORESHADOWED ITEMS ..... 129

SECTION F – URGENT ITEMS NOT INCLUDED IN AGENDA .....129

SECTION G – TO CONSIDER & ORDER ON COUNCILLOR REPORTS..... 129

SECTION H – IN CAMERA ITEMS ..... 130

B.21.109 IN CAMERA CONSIDERATION OF CONFIDENTIAL REPORT .....130

B.21.110 IN CAMERA CONSIDERATION OF CONFIDENTIAL REPORT ..... 130

SECTION I – DECISIONS MADE IN CAMERA..... 131

B.21.109 WASTE MANAGEMENT SERVICES CONTRACT –  
LANDFILLS AND TRANSFER STATIONS..... 131

THE MOTION WAS PUT AND CARRIED ..... 131

B.21.110 WASTE MANAGEMENT SERVICES CONTRACT –  
KERBSIDE WASTE COLLECTION AND DISPOSAL SERVICES ..... 131

THE MOTION WAS PUT AND CARRIED ..... 131

## **SECTION A – PROCEDURAL MATTERS**

- **Welcome**

The Mayor, Cr Bill Moar assumed the chair and declared the meeting open at 2pm.

- **Acknowledgement of Country**

The Mayor, Cr Bill Moar read the Acknowledgement of Country.

- **Prayer**

Cr Ann Young read the prayer.

- **Apologies/Leaves of Absence**

Nil

### **Recommendations**

**That the apologies be accepted.**

- **Directors/Officers Present**

Heather Green, Acting Chief Executive Officer  
Bruce Myers, Director Community and Cultural Services  
Joel Lieschke, Director Corporate Services  
Kate Jewell, Acting Director Development and Planning  
Sharon Lindsay, Executive Assistant

- **Confirmation of Minutes**

- 1) Scheduled Meeting Of Council held on 19 October 2021 (2pm)
- 2) Unscheduled Meeting Of Council held on 26 October 2021 (noon)
- 2) Unscheduled Meeting of Council held on 26 October 2021 (5pm)
- 3) Unscheduled Meeting of Council held on 4 November 2021 (9am)

### **147/21 Motion**

**MOVED Cr Benham**

**That the minutes of the Scheduled and Unscheduled Meetings of Council held:**

- **Scheduled Meeting Of Council held on 19 October 2021 (2pm)**
- **Unscheduled Meeting Of Council held on 26 October 2021 (noon)**
- **Unscheduled Meeting of Council held on 26 October 2021 (5pm)**
- **Unscheduled Meeting of Council held on 4 November 2021 (9am)**

**be confirmed.**

**SECONDED Cr Jeffery**

**The Motion was put and CARRIED**

- **Disclosures of Conflict of Interest**

Nil

- **Joint Letters and Reading of Petitions**

Nil

#### **148/21 Motion**

**MOVED Cr McPhee**

**That standing orders be suspended at 2.02pm.**

**SECONDED Cr McKay**

**The Motion was put and CARRIED**

- **Public Question Time**

#### **Question 1- Alison Black**

**Council meeting of 19th October 2021 Item B.21.91 Quarterly Review of Financial Performance and Financial Position to 30 September 2021 S42-20-00 Underspend - The Statement of Income and Expenditure shows an underspend of \$4.048 million to the three months to 30 September 2021 for Capital works/asset purchases. This represents a 61% underspend against budget. Note 12 outlines the issues causing this underspend. The issues are compounding. It is surprising that this significant underspend was not highlighted in the narrative of the report. What actions does Council intend to take to achieve the budget spend? Which projects will not be completed as planned?**

The Acting Chief Executive Officer Heather Green replied “Councils newly created Project Management Office is currently managing Councils Capital works and asset purchase program. I advise that with the exception of delays to the “Our Place” project (which accounts for \$10 million of the budget total) due to the pending hearing relating to its heritage status all other project items are tracking to either be completed, or underway this financial year.”

#### **Question 2 - Alison Black**

**Item B.21.91 Quarterly Review of Financial Performance and Financial Position to 30 September 2021 S42-20-00 Shade sails for Robinvale IGA supermarket car park. Given the expected underspend in Capital works/ asset purchases is Council able to subcontract to Faren Pty Ltd and/or Ritchies Super Markets and Liquor Stores for the construction of the shade sails for the entire IGA supermarket car park? Council funds would be expended, reducing the expected significant underspend for the year and project management would be outsourced, reducing the load on Council employees. It would also be**

**sensible for the installation of the shade sails to be managed by a single project manager. It is acknowledged there would be a project management fee but it but it would get the job done.**

The Acting Chief Executive Officer Heather Green replied “In August the CEO advised that Council had received a response from Ritchies IGA stating that the project is not viable for the supermarket and the solar panels will be installed on the roof of the supermarket. He also advised that Ritchies are sourcing quotes for ordinary shade sails and will provide Council with the portion of the quote covering Councils carparking area.

I can advise that On 8 Nov, Ritchie’s IGA rep informed the Council that they have sourced one quote but still waiting for the 2nd, they will inform the Council as soon as they receive the second quote.”

**Question 3 - Alison Black**

**Council meeting of 21 September 2021 - Shade sails for the pool. In response to a question raised in public question time the Chief Executive Officer advised a purchase order had been placed with a Mildura based firm for supply and installation of the shade sales over the toddlers pool, that they have been informed of the pool opening date and they have advised that they will do everything possible to meet this deadline. As at 14 November 2021 shade sails have not been installed over the toddlers’ pool. The issue of shade sails for the pool area has been under discussion since November 2020 and through the 2020/21 swimming season. Can Council advise the date on which the purchase order was provided to the Mildura based company? When can the community expect shade sails to be installed over the toddlers’ pool and also when will the replacement shade sail be installed on the hill area?**

The Acting Chief Executive Officer Heather Green replied “Council has been advised that the installation of the sails will occur this week or next subject to weather conditions. This includes three sails over the toddler pool, a replacement shade sail for the hill and the maintenance of the existing hill sail.”

**Question 4 - Alison Black**

**Robinvale Levee Bank Council has advised the construction phase of the levee bank is complete. Can Council confirm the surface of the crest of the bank will be covered by 100 mm of crushed gravel or similar and compacted, that vegetation will be seeded on the sides of the levee bank to establish growth, that the width of the crest of the bank meets the specification of no less than 3.0 m wide and that footpaths, concrete or paved, are still to be constructed? Also can Council advise when the drainage component of the levee will be completed?**

The Acting Chief Executive Officer Heather Green replied “Due to the requirements of state Government stakeholders, the originally proposed layer of crushed rock has been substituted by a 100mm layer of topsoil, to align with DELWP’s Levee

Management Guidelines. Topsoil will remain loose (natural compaction) to accommodate seeds sprouting / vegetation growth. Topsoil coverage does allow for the occasional foot traffic across the levee and along the crest.

Artificial seeding is not permitted as the levee is located within an area that is of environmental sensitivity. However, with mild weather and native seeds being trapped in loose topsoil we anticipate the levee will get some vegetative cover over the next few months.

Footpath construction or a provision for a future footpath has not been part of the Robinvale Levee Upgrade project. While we can confirm that the levee crest width is no less than 3m, converting the crest into a paved public footpath will require planning and other approvals, new design and additional earthworks (the levee is located in an environmentally and culturally sensitive area which provides habitat for a number of protected species and scar trees

All of the required drainage through the levee has been installed / completed. However, if this refers to the new Wetland along the Smythe Road this project is scheduled to be operational in 42 month's time."

**149/21 Motion**

**MOVED Cr King**

**That standing orders be resumed at 2.10pm.**

**SECONDED Cr Benham**

**The Motion was put and CARRIED**

• **Open Forum**

Nil

## **SECTION B – REPORTS**

### **B.21.99 MAYORAL TERM OF OFFICE**

**Responsible Officer:** Chief Executive Officer  
**File Number:** 24-19-00  
**Attachments:** Nil.

#### **Declarations of Interest:**

Heather Green - as the responsible officer, I declare that I have no disclosable interests in this matter.

#### **Summary**

Council must determine if the Mayoral term is for one year or two years.

#### **Discussion**

In accordance with Local Government Act 2020 Section 25 and 26:

1. At a meeting of the Council that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.
2. Before a Mayor is elected under this section, the Council may resolve to elect a Mayor for a 1 year or 2 year term.
3. The Mayor is to be elected –
  - a. No later than one month after the date of a general election.
  - b. If the Mayor is elected for a 1 year or two year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 1 year or two year term as is reasonably practicable.
  - c. A Mayor is to be elected within one month after any vacancy in the office of Mayor occurs

#### **Financial Implications**

Costs associated with Mayoral allowances and ancillary costs are included in the budget each year.

Mayors and Councillors are entitled to receive an allowance while performing their duty as an elected official. The Victorian Government sets the upper and lower levels for allowances paid to Councillors.

The Local Government Act 2020 has transferred responsibility for determining Mayoral and Councillor allowances to the Victorian Independent Remuneration Tribunal (Tribunal). The first determination will become effective on 18 December – 6 months from the day the Tribunal received the Minister for Local Government's request to make the first determination.

Councils are divided into three categories based on the income and population of each Council – Swan Hill is in Category 2.

Currently the Mayoral allowance is \$67,563 p.a. plus 10% superannuation (the allowed upper range limit is \$81,204 p.a.). The Councillor allowance is \$25,466 p.a. plus 10% superannuation (upper range limit is \$26,245 p.a.).

### **Council Plan Strategy Addressed**

***Effective and efficient utilisation of resources.*** - Community leadership through effective strategic planning.

### **Options**

Council may elect the Mayor for either a one year or two year term.

### **Recommendation**

**That Council Elect a Mayor for a term of one year and the CEO conduct the Mayoral Election.**

### **150/21 Motion**

#### **MOVED Cr Jeffery**

**That Council Elect a Mayor for a term of one year and the CEO conduct the Mayoral Election.**

#### **SECONDED Cr McPhee**

**The Motion was put and CARRIED**

The Mayor Cr Bill Moar vacated the Chair at 2.11pm.



## **151/21 Motion**

### **MOVED Cr Young**

**That standing orders be suspended at 2.13pm for the out-going Mayor's speech.**

### **SECONDED Cr Benham**

**The Motion was put and CARRIED**

My time as Mayor has been one of the most challenging times our municipality has seen. The pandemic has brought with it some of the toughest times the world has seen, yet our community spirit has displayed the best that human nature has to offer – we should be really proud of this, I know I certainly am.

It has been an absolute privilege to walk alongside and serve the people of our municipality as mayor during this time.

A year ago, our community elected this new Council and it has been fantastic working with you, forming a unified team and leading this organisation.

Our group of Councillors represents a good cross section of our community with skills in agriculture, public service, health, community service and business. Each of you has been willing to take on roles to serve the whole of this fantastic municipality. Working with Council's executive and staff, we have kicked some goals over the past year.

Major projects are often a way the community measures our success, and there have been some highlights this year.

The commencement of upgrades to the Swan Hill Aerodrome, an off-leash dog park in Swan Hill, the completion of the new Robinvale Learning and Community Hub and the much anticipated installation of new toilets in George Lay Park. Not to mention new residential developments, tenth anniversary celebrations for the popular L2P program and over \$110,000 to boost community groups, local events, hospitality and the local entertainment industry.

We have also started seeing our small town enhancement project, Vibrant Villages commence for the communities of Woorinen, Ultima, Manangatang, Lake Boga, Boundary Bend, Piangil, Beverford, Nyah and Nyah West. This project is improving infrastructure in public places through beautification, public infrastructure, recreation and public art – and we are already starting to see how great they look.

While COVID-19 has continued to take a significant toll on businesses in the region – economic development has continued and is showing promise in our region. It has been comforting to see how well this sector is beginning to recover.

This is all on top of delivering excellent aged care, family services and cultural services; and continuous improvement in the three Rs – roads, rates and rubbish.

**REPORTS**

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16 November 2021

In the year ahead and beyond we have some major projects to complete – each with their own unique challenges and benefits.

We must also continue working to improve the way we deliver services to our community, balancing the need for extra funding within the State Government's rate cap.

As this mayoral term ends, I want to thank each of the Councillors for their dedication to our Council and community over the past year, I want to thank Cr Benham for being deputy and I want to thank the executive and staff of Council for your service.

**152/21 Motion**

**MOVED Cr Jeffery**

**That Standing Orders be resumed at 2.17pm.**

**SECONDED Cr Benham**

**The Motion was put and CARRIED**

## **B.21.100 ELECTION OF MAYOR 2021/22**

**Responsible Officer:** Chief Executive Officer  
**File Number:** 24-19-00  
**Attachments:** Nil.

### **Declarations of Interest:**

Heather Green - as the responsible officer, I declare that I have no disclosable interests in this matter.

### **Summary**

This report outlines the process and statutory requirements for the election of Mayor. The election of the Mayor will take place as part of this report.

### **Election of Mayor**

The Chief Executive Officer must conduct the election of the Mayor in accordance with the Local Government Act and Council's Governance Rules 2020.

### **Discussion**

Under section 25 of the Local Government Act 2020, the Councillors must elect a Councillor to be the Mayor of the Council.

Section 18 of the Local Government Act 2020 states that the Mayor of a Council takes precedence at all municipal proceedings within the municipal district and that the Mayor must take the chair at all meetings of the Council at which he or she is present.

The Mayor should lead the Council in relation to policy making and the setting of Council priorities.

The role of the Mayor is to:

- Chair Council meetings; and
- Be the principal spokesperson for the Council; and
- Lead engagement with the municipal community on the development of the Council Plan; and
- Report to the municipal community, at least once a year, on the implementation of the Council Plan; and
- Promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct; and
- Assist Councillors to understand their role; and
- Take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer; and
- Provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings; and

- Perform civic and ceremonial duties on behalf of Council.

Prior to the election of the Mayor it is customary to allow the outgoing Mayor the opportunity to speak of their time in the role.

The process to Elect a Mayor will be conducted by the CEO in accordance with the Local Government Act 2020 and the Swan Hill Rural City Council's Governance Rules 2020.

### **Relevant Legislation**

Governance Rules 2020  
Local Government Act 2020

### **Council Plan Strategy Addressed**

***Positive community engagement through appropriate and constructive consultation.*** - Effective partnerships and relationships with key stakeholders.

### **Recommendations**

**That Council, following the election of the Mayor, suspend standing orders to robe the Mayor.**

Cr Ann Young nominated Cr Jade Benham, Cr Jade Benham accepted the nomination. There being no further nominations Cr Jade Benham was elected Mayor.

The Mayor Cr Jade Benham was then invited to speak.

The Mayor Cr Jade Benham thanked Cr Bill Moar for succeeding during a very trying pressure cooker Mayorship for the last 2 years. It was an unprecedented time and I hope that no one has to do it again. I hope that it's smooth sailing for the next 12 months. Well done Bill you have handled it with elegance, grace and have been a great mentor to me – and I thank you for that.

I would also like to thank Cr Young for not only nominating me but for also being a mother figure and mentor to me for almost my entire life and the reason that I wanted to be a Councillor, she has been a huge support to me throughout my time.

I would also like to also thank other previous women Councillors and Mayors, I am not a feminist but I'm a womanist and I remember seeing Maren Chandler when I was young and thinking wow look at that we have a female Mayor how cool is Swan Hill and that's where my aspirations started.

**REPORTS**

16 November 2021

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I hope to continue the hard work started by this Council. It is a great group of Councillors in this chamber and I am thankful for each and everyone of you and I hope to continue to get things done and focus our attention on practical changes on the ground for our municipality.

I look forward to communicating Council's plans and action, because that's what I do best. I also invite conversations with me and other Councillors and any member of Council which lead to fruitful outcomes. Good things come out of simple conversations so I hope that members of our community find each and every one of us approachable (which I am sure they do) to start those conversations meaning that Council delivers much more than just roads, rates and rubbish.

I'll wrap up with a sports analogy because that's what I know and it is coming into cricket season, so "Life is like cricket, take infinite wickets and face the pace to win the race."

**153/21 Motion**

**MOVED Cr McKay**

**That Council, following the election of the Mayor, suspend standing orders to robe the Mayor at 2.20pm.**

**SECONDED Cr King**

**The Motion was put and CARRIED**

The Mayor Cr Jade Benham assumed the Chair.

**154/21 Motion**

**MOVED Cr Jeffery**

**That Standing Orders be resumed at 2.26pm.**

**SECONDED Cr King**

**The Motion was put and CARRIED**

**155/21 Motion**

**MOVED Cr McPhee**

**That Council do not have a deputy Mayor.**

**SECONDED Cr Young**

**The Motion was put and LOST**

**B.21.101 ELECTION OF DEPUTY MAYOR 2021/2022**

**Responsible Officer:** Chief Executive Officer

**File Number:** 24-19-02

**Attachments:** Nil

**Declarations of Interest:**

Heather Green - as the responsible officer, I declare that I have no disclosable interests in this matter.

**Summary**

The Local Government Act 2020 does not require Council to have a Deputy Mayor, however Council has previously resolved to have a Deputy to support the Mayor and Council.

**Discussion**

Council adopted a Deputy Mayor Position Policy (**POL/GOV006**) to support the position of Mayor and the operations of the Council in September 1999. This policy was last reviewed in June 2021.

The position of Deputy Mayor is necessary to facilitate the smooth and uninterrupted civic, statutory and policy-making functions of Council in the absence of the Mayor.

Swan Hill Rural City Council "Governance Rules 2020", Section 5.2 stipulates that the procedure for the election of Deputy Mayor shall be the same as that for the Mayor.

Division 3 20B of the Local Government Act provides that:

- If there is a vacancy in the office of Mayor or the Mayor is absent, incapable of acting or refusing to act, the Council must appoint one of the Councillors to be the acting Mayor.
- An acting Mayor may perform any function or exercise any power conferred on the Mayor.

It would be appropriate for the Deputy Mayor to act as Acting Mayor for the purposes of Division 3 20A, however Council may appoint any Councillor to be Acting Mayor.

The election of the Deputy Mayor will follow the same process as the election of the Mayor except that the Mayor will conduct the election.

### **Financial Implications**

There is no provision in the Act for a separate allowance for Deputy Mayor.

### **Council Plan Strategy Addressed**

***Governance and leadership*** - Effective and efficient utilisation of resources.

### **Options**

Council may or may not elect a Deputy Mayor.

### **Recommendation**

**That the Mayor conduct the election of Deputy Mayor.**

### **156/21 Motion**

#### **MOVED Cr Moar**

**That the Mayor conduct the election of Deputy Mayor.**

#### **SECONDED Cr Jeffery**

**The Motion was put and CARRIED**

Cr Les McPhee nominated Cr Nicole McKay, Cr Nicole McKay accepted the nomination.

Cr Chris Jeffery nominated Cr Bill Moar, Cr Bill Moar accepted the nomination.

Council then voted on the first nomination of Cr McKay (2 vote), Council then voted on the second nomination Cr Bill Moar (4 votes).

Cr Bill Moar was elected Deputy Mayor.

**B.21.102 COUNCIL SCHEDULED MEETING DATES, TIMES AND LOCATIONS**

**Responsible Officer:** Chief Executive Officer  
**File Number:** S16-05-01  
**Attachments:** Nil

**Declarations of Interest:**

Heather Green - as the responsible officer, I declare that I have no disclosable interests in this matter.

**Summary**

Each year Council determines, in advance, the locations and times for its Scheduled meetings.

Council meetings currently commence at 2pm usually on the third Tuesday of each month.

This report provides Council with the opportunity to set meeting dates, times and locations.

**Discussion**

Last year Council held its ordinary meetings on the third Tuesday of the month (unless otherwise indicated on the table below), commencing at 2pm.

The following table includes meeting locations for 2019 and 2020, and proposed meeting locations and times for 2021:

Council welcomes community participation in local democracy and shall encourage the community to attend Council meetings. Council will respond to the COVID-19 restrictions and will open meetings to the public as soon as restrictions allow.

Month	2020 3 <sup>rd</sup> Tuesday unless indicated.	2021 3 <sup>rd</sup> Tuesday unless indicated.	2022 3 <sup>rd</sup> Tuesday unless indicated.
January	No Meeting	No Meeting	No Meeting
February	Swan Hill 2pm	Swan Hill 2pm	Swan Hill 2pm
March	Swan Hill 2pm	Swan Hill 2pm	Swan Hill 2pm



**SECTION B - REPORTS**

16 November 2021

April	Swan Hill 2pm	Swan Hill 2pm	Swan Hill 2pm
May	Swan Hill 2pm	Swan Hill 2pm	Swan Hill 2pm
June	Swan Hill 2pm (2 <sup>nd</sup> Tuesday) Due to NGA	Swan Hill 2pm	Swan Hill 2pm (2 <sup>nd</sup> Tuesday) Due to NGA
July	Swan Hill 2pm	Swan Hill 2pm	Swan Hill 2pm
August	Swan Hill 2pm	Swan Hill 2pm	Swan Hill 2pm
September	Swan Hill 2pm	Swan Hill 2pm	Swan Hill 2pm
October	Swan Hill 2pm	Swan Hill 2pm	Swan Hill 2pm
November	Swan Hill 2pm	Swan Hill 2pm	Swan Hill 2pm
December	Swan Hill 2pm	Swan Hill 2pm	Swan Hill 2pm

In previous years, Council has held the June Meeting on the 4 Tuesday to avoid a clash of dates with the National General Assembly (NGA). It is unclear at this time if COVID-19 restrictions will allow a NGA and so it is proposed to hold the June meeting on the 2<sup>nd</sup> Tuesday. This can be altered if the NGA does not proceed.

The requirement for Council to livestream Council Meetings is a positive step. The practice has increased the communities' visibility of Councils democratic processes. The technology necessary for livestreaming is not easily portable and so it will be necessary for Council Meetings to be conducted in the Swan Hill Town Hall for the foreseeable future.

Council will, as part of its community engagement strategy create other opportunities to visit and engage with our various communities outside of the normal Council Meeting cycle.

**Consultation**

Not applicable.

### **Financial Implications**

Costs associated with conducting Council meetings are included in the budget each year.

### **Social Implications**

Not applicable.

### **Economic Implications**

Not applicable.

### **Environmental Implications**

Not applicable.

### **Risk Management Implications**

Not applicable.

### **Council Plan Strategy Addressed**

***Governance and leadership*** - Effective and efficient utilisation of resources.

### **Options**

1. Continue meeting on the third Tuesday of the month or another day.
2. Continue commencing meetings at 2.00pm or at another time.

### **Recommendation**

**That Council determines that the Scheduled Meetings for 2022 will be held at the locations, dates and times specified in the table in this report.**

### **157/21 Motion**

#### **MOVED Cr McPhee**

**That Council determines that the Scheduled Meetings for 2022 will be held at the locations, dates and times specified in the table in this report.**

#### **SECONDED Cr Moar**

**The Motion was put and CARRIED**

### **B.21.104 ACTING CHIEF EXECUTIVE OFFICER**

**Responsible Officer:** Director Corporate Services  
**File Number:** S18-14-05-001  
**Attachments:** Nil

#### **Declarations of Interest:**

Joel Lieschke - as the responsible officer, I declare that I have no disclosable interests in this matter.

#### **Summary**

Council's current Acting Chief Executive Officer (CEO) was appointed on a short term basis while an external Acting CEO is recruited. Council is now in a position to appoint a temporary Acting CEO.

#### **Discussion**

Council's current Acting CEO was appointed for a short term in order to give time to recruit an Acting CEO for a longer period, until a new permanent CEO is appointed. The recruitment of a permanent CEO is expected to take between three and six months.

Council contacted several recruiting firms and reviewed candidates provided for the Acting CEO role. Following that process Ms Rosanne Kava was nominated as the preferred candidate. Ms Kava was offered and accepted the position subject to a formal resolution of Council to appoint her to the position.

Ms Kava is a very experienced Local Government senior executive who has previously filled positions with Swan Hill Rural City Council including Director Infrastructure and Deputy CEO. Ms Kava was the CEO at a neighbouring council and has good knowledge of the region, municipality and organisation and is very well placed to fill the Acting CEO role. Ms Kava can commence duties on Monday 22 November 2021.

#### **Consultation**

Not appropriate for this item.

#### **Financial Implications**

The 2021/22 Budget allows for the salary of the CEO. Any variation in the amounts paid to the Acting CEO or new CEO will be managed within the overall 2021/22 Budget.

#### **Social Implications**

Not applicable.

### **Economic Implications**

Not applicable.

### **Environmental Implications**

Not applicable.

### **Risk Management Implications**

Ms Kava is currently an independent member of Councils Audit and Risk Committee. Ms Kava will be required to resign from this committee prior to her appointment as temporary CEO role.

### **Council Plan Strategy Addressed**

***Governance and leadership*** - Effective and efficient utilisation of resources.

### **Options**

Council can choose to appoint Ms Rosanna Kava or select another candidate.

### **Recommendation**

**That Council appoint Ms Rosanne Kava as Council's Acting Chief Executive Officer commencing on Monday 22 November 2021, until such time as an appointment for a permanent CEO is made.**

### **158/21 Motion**

#### **MOVED Cr McKay**

**That Council lay the report on the table.**

#### **SECONDED Cr King**

**The Motion was put and CARRIED**

Cr Les McPhee called for a division

**For:** Crs McKay, JB Benham, King and Young

**Against:** Crs LM McPhee, Jeffery and Moar

## **B.21.105 DEBT COLLECTION POLICY**

**Responsible Officer:** Director Corporate Services  
**File Number:** S15-14-03  
**Attachments:** 1 [↓](#) Debt Collection Policy

### **Declarations of Interest:**

Joel Lieschke - as the responsible officer, I declare that I have no disclosable interests in this matter.

### **Summary**

The Debt Collection Policy has been reviewed and is presented for the approval of Council. The review has resulted in some minor alterations to the policy.

### **Discussion**

Council has a range of policies that guide how Council operates to deliver services and its dealings with the community. These policies are periodically reviewed to ensure that they are still appropriate. The review has resulted in some minor changes.

The policy should be read in conjunction with the Financial Hardship policy.

### **Consultation**

No community consultation has been undertaken in relation to this policy. All members of the Executive Leadership Team, together with relevant staff, have reviewed the policy.

### **Financial Implications**

The policy ensures monies owed to Council are collected in a timely manner.

### **Social Implications**

The policy acknowledges that on occasion some flexibility is required to enable customers to pay amounts owed to Council.

### **Economic Implications**

Nil.

### **Environmental Implications**

Nil.

### **Risk Management Implications**

Mitigates against potential non-collection of debts.

**Council Plan Strategy Addressed**

***Governance and leadership*** - Effective and efficient utilisation of resources.

**Options**

Council may choose to adopt or amend the recommendation.

**Recommendations**

**That Council adopt the Debt Collection Policy as presented.**

**159/21 Motion**

**MOVED Cr McKay**

**That Council adopt the Debt Collection Policy as presented.**

**SECONDED Cr Jeffery**

**The Motion was put and CARRIED**

Date adopted	February 2001
Last review	September 2021
Next review	September 2024
Responsible Officer	Customer Services & Revenue Co-ordinator

Fully compliant with Victorian  
Charter of Human Rights and  
Responsibilities Act 2006



**POLICY TITLE      DEBT COLLECTION**

**POLICY NUMBER    CPOL/CORP204**

## 1. PURPOSE

The purpose of this policy is to establish a clear and concise framework in which to pursue outstanding debts owed to Swan Hill Rural City Council (Council), thereby ensuring reliability and fairness in revenue collection.

## 2. SCOPE

This policy applies to all Council employees with responsibility to ensure collection of monies on behalf of Council.

## 3. POLICY

Council will collect outstanding monies owed to it, using all possible legal means and having due regard to genuine applications for financial hardship.

Council will undertake legal action only once all other collection avenues have been exhausted.

Council will develop and implement procedures to ensure reliable revenue collection. Outstanding debts owed to Council shall be followed up in accordance with the Debt Collection Procedure PRO/CORP204.

The Debt Collection Procedure will:

- (a) Identify the debt collection methods to be utilised when collecting amounts owed
- (b) Establish and confirm timeframes and associated actions in pursuit of outstanding debts
- (c) Provide defined protocols when negotiating with Council clients on debt collection issues.

## 4. RELATED POLICIES/PROCEDURES/DOCUMENTS

POL/CORP227 Financial Hardship Policy

## 5. RELATED LEGISLATION

The Local Government Act 1989

The Local Government Act 2020

Debt Collection Policy CPOL/CORP204		
Version:	This document is uncontrolled when printed	Page 1 of 2

6. DOCUMENT HISTORY

Version Number	Issue Date	Description of Change

Signed: \_\_\_\_\_ Mayor      Date: \_\_\_\_\_



Date adopted	February 2001
Last review	September 2021
Next review	September 2024
Responsible Officer	Customer Services & Revenue Co-ordinator

Fully compliant with Victorian Charter of Human Rights and Responsibilities Act 2006



**PROCEDURE TITLE      DEBT COLLECTION**

**PROCEDURE NUMBER      PRO/CORP204**

**ENABLING POLICY**

Debt Collection Policy CPOL/CORP204

**ENABLING LEGISLATION**

The Local Government Act 1989  
 The Local Government Act 2020

**1. PURPOSE**

The purpose of this procedure is to establish a clear and concise framework by which collection of outstanding debts owed to Swan Hill Rural City Council (Council) can be maximised.

**2. SCOPE**

This procedure applies to all Council employees with responsibility to ensure collection of monies on behalf of Council.

**3. RESPONSIBILITIES**

This procedure seeks to maintain and enhance Council's integrity and standing in its dealings with its debtors. Therefore, in all dealings that Council staff have with Council's debtors it is expected that:

- All debtors are shown respect, courtesy, and diligence in all dealings.
- Maximum possible collection targets are sought by Council.
- Any negotiated arrangements conform to the documented guidelines stipulated in this procedure.
- High levels of ethics are adhered to, particularly when dealing with those clients regarded as in financial hardship.
- All debt collection arrangements are treated as strictly confidential.

Debt Collection Procedure PRO/CORP204		
Version:	This document is uncontrolled when printed	Page 1 of 8

## 4. PROCEDURE

### 4.1. Debt Groupings

Amounts owed to Council can be categorised into several broad based groups. The groupings are designated as follows:

- Rates, Service Charges and Levies.
- Special Rates and Charges (e.g., Private Schemes).
- Loans/Lease Agreements.
- Sundry Debtors – Community Care Services.
- Sundry Debtors – Child Care Services.
- Sundry Debtors – Other.

Each grouping, by its particular nature, requires distinct methods of debt collection. Each grouping is considered below.

### 4.2. Rates, Service Charges and Levies

#### 4.2.1. Standard Collection Procedure

##### 4.2.1.1. Issue of an Annual Notice

As per section 158 (4)(d) of the Local Government Act 1989, Council must allow a minimum of 14 days from the issue of an Annual Rate Notice to the first payment due date.

##### 4.2.1.2. Council Payment Dates

Council currently offers instalment payments by 30 September, 30 November, 28 February and 31 May each year. Council may also provide a discount on rates and service charges for payments made in full by 30 September, determined each year when the budget is being prepared. Statutory interest charges are raised in accordance with Section 172 of the Local Government Act 1989 for payments made after the specified dates. The rate of Penalty Interest is reviewed regularly by the Victorian Government and any changes to the rate are published in the Victorian Government Gazette.

##### 4.2.1.3. Payment options

###### (a) Negotiated Payment Arrangements

Ratepayers may negotiate a suitable repayment arrangement to clear their debt. Any such arrangement must clear the debt within a maximum 12 month period, while taking into account any current amounts that accrue during the repayment period. The repayment period may be lengthened on the approval of the Director Corporate Services.

Failure to adhere to an agreed repayment arrangement will result in a reminder letter being issued. Subsequently, if no contact is made within 10 clear business days, the next stage of collection procedures will be initiated.

Adherence to an agreed repayment arrangement, at this or any stage in the collection process, will immediately stay any collection legal proceedings. However, a stay of collection will only be allowed once for properties that are scheduled for rate recovery sale.

Debt Collection Procedure PRO/CORP204		
Version:	This document is uncontrolled when printed	Page 2 of 8

The Debt Collection contractor, on a weekly basis or, as repayment arrangement dictates, monitors the arrangement negotiated until the account is paid in full.

(b) Centrelink arrangements

At the initiation of the ratepayer, Council will accept Centrelink Centrepay deductions into its Bank Account for those ratepayers who are in arrears.

(c) Direct Debit

Fortnightly, monthly, and quarterly direct debit payments are available to all ratepayers.

(d) BPay

Negotiated regular payments can be made by ratepayers via the BPay payment facility.

**4.2.1.4. Reminder Notices**

Reminder Notices for all unpaid rates accounts will be forwarded by 15 June each year.

**4.2.1.5. Final Notices**

Preparation and forwarding, by Council's Debt Collection contractor, of Final Notices to all ratepayers with an outstanding rates balance of \$200 or above. Final Notices to be sent by 15 July each year.

Statutory interest charges will continue to be raised despite any repayment arrangement negotiated unless otherwise determined by the Director Corporate Services.

**4.2.1.6. Magistrates Court Actions**

Ratepayers who do not respond to a Final Notice are subject to the following formal collection processes:

- Attempted phone contact by Council's Debt Collection contractor. If no resolution is achieved a Solicitors Demand letter will be issued. Dependent upon the history and nature of the debt, additional phone contacts, and/or SMS contacts are made.
- If debt is not resolved, then a final attempted telephone contact is made by Council's Debt Collection contractor. If no resolution is achieved after 14 days, a Notice of Impending Summons is issued. If no resolution is achieved, a formal Summons of Complaint is issued.
- For Pension Concession holders, before a Summons of Complaint is issued, Council's Debt Collection contractor 'Extended Services' option should be used. This option incorporates intensive telephone follow-ups, negotiations of an automated repayment arrangement or field calls. This option should prevent the necessity to issue a Summons in some instances.
- If the debt is still not settled or negotiated, an Issue of Judgement Order is made.
- Issue of Rent Orders, Summons for Oral Examination, Attachment of Earnings Application, Bank Garnishee Report and/or Warrant to Seize Property.

Debt Collection Procedure PRO/CORP204		
Version:	This document is uncontrolled when printed	Page 3 of 8

The majority of the above actions incur the Magistrates Court Civil Procedures – Scale of Costs, all of which are recoverable from the debtor (property owner).

Due to the cost of issuing a Summons of Complaint, debts of less than \$1,000 will not be pursued through the courts without prior approval from the Director Corporate Services.

Discretion by the Senior Revenue Officer is exercised in proceeding with any of the above actions, dependent upon size of debt, length of debt accrual and past history of debtor. This discretion incorporates the formal resolution of Council of 8 February 2000, wherein:

*“that in the event of a sole proprietor of a property in Council’s municipal district dying in the rate year prior to the due date for payment of rates for that rating year, with rates owing on the property for that year, the estate of the deceased ratepayer will have an extension of up to 3 months from the due date for payment of rates for that rating year without penalty”.*

**4.2.2. Rate Recovery Sales**

As per s181(1) of the Local Government Act 1989 Council may sell land to recover unpaid rates or charges in respect of any rateable land that is more than 3 years overdue.

By the March Council meeting each year, the Senior Revenue Officer will prepare for the Chief Executive Officer’s approval, a report of properties proposed for sale to recover unpaid rates and charges.

Council will be kept informed by the Chief Executive Officer of any potential damage to its public image. This may include sensitive, contentious, staff owned or Councillor owned properties.

The report is to reflect those properties where all other measures to collect the debt have been unsuccessful and employees believe proceeding to a Rate Recovery Sale process is justified and worthwhile.

The report will be supported by a confidential listing of all required details for Council to make an informed determination on each individual debtor, including the debtor’s financial circumstances if known, debt history, debt collection costs, sale costs, expected proceeds and any other relevant matters.

Where the Capital Improved Value of the property is below \$10,000, the Director Corporate Services may choose to abandon the outstanding rates as the cost of recovery may make a Rate Recovery Sale not worthwhile.

If a property does proceed to sale then as per s181(8) of the Local Government Act 1989 after Council has recovered everything it is permitted to recover then Council must use the remaining funds to discharge, in their order of priority, any mortgages and other charges in respect of the land, whether registered or not, that it has notice of; and pay any amount remaining to each person who appears to have an estate or interest in the land.

If any person who is entitled to an amount cannot be found after reasonable efforts have been made to find her, him or it, the Council may use the amount for its general purposes as per s181(9) of the Local Government Act 1989.

Debt Collection Procedure PRO/CORP204		
Version:	This document is uncontrolled when printed	Page 4 of 8

### 4.3. Special rates and charges

#### 4.3.1. Council Payment Dates

Initial accounts, for special rates and charges, are forwarded once the special rate or charge has been formally declared. For those debtors who choose to pay the special rate or charge by instalments, accounts for such instalments are issued at the end of each quarter, being 30 September, 31 December, 31 March and 30 June.

#### 4.3.2. Reminder Notices

Reminder notices are forwarded via subsequent quarterly instalment notices where arrears amounts are shown.

#### 4.3.3. Telephone Contact

After 14 days, prior to issue of a Final Notice, debtor telephoned by Revenue Department staff to negotiate payment arrangement(s).

#### 4.3.4. Final Notices

Preparation and forwarding, by Debt Collection contractor, of Final Notices for special rates and charges debtors following non-payment of any arrears, is performed on a quarterly basis.

#### 4.3.5. Payment Methods

Negotiated payment arrangements, Centrelink arrangements, BPay and direct debits apply in the same manner as Rates, Service Charges and Levies.

#### 4.3.6. Formal Collection Procedures

Follow-up call after Final Notice, Magistrates Court Actions, Financial Hardship Provisions and Rate Recovery Sales are applicable to Special Rates and Charges in the same manner as the Rates, Service Charges and Levies.

### 4.4. Loans/Lease agreements

#### 4.4.1. Council Payment Dates

Council has loans or lease agreements with sporting and other community organisations. Repayments are identified in an agreement and a repayment schedule is provided. Notices for these debts are forwarded one month prior to the due dates.

#### 4.4.2. Reminder Notices

Due to the relatively small number of accounts of this type of debt, reminders to debtors are by correspondence.

#### 4.4.3. Final Notices

To be prepared and forwarded by Council's Debt Collection contractor at the direction of the Director Corporate Services. Where the outstanding debt rests with a community organisation, further correspondence is sent, sometimes with the option that access to facilities be refused until the debt has been cleared.

#### 4.4.4. Telephone Contact

Telephone contact made by Revenue and Finance department staff.

Debt Collection Procedure PRO/CORP204		
Version:	This document is uncontrolled when printed	Page 5 of 8

**4.4.5. Formal Collection Procedures**

Collection of payments for these types of debts will be enforced by application of a negotiated agreement between Council and the respective debtors followed by such action through the courts system as required. This action will be consistent with the form of security held by Council. Where a loan/lease is with a not-for-profit or community group, the matter will be referred to Council prior to legal action.

**4.5. Sundry debtors – Community Care Services****4.5.1. Council Payment Dates**

Account Statements are forwarded on a monthly basis. Accounts are due 30 days from statement date.

**4.5.2. Reminder Accounts**

Account Statements incorporating arrears outstanding will be sent in the following month.

**4.5.3. Telephone Contact**

After 14 days from issue of reminder Account Statements, the debtor will be telephoned by Community Care Services Department staff to negotiate payment arrangement(s).

**4.5.4. Payment Methods**

Negotiated payment arrangements, Centrelink Centrepay arrangements, BPay and direct debits apply in the same manner as Rates, Service Charges and Levies.

**4.5.5. Final Notices**

Correspondence will be sent accompanying Account Statements if in arrears of greater than 60 days.

**4.5.6. Formal Collection Procedures**

- Recommendation to the Director Corporate Services that the debt be written-off as uncollectible or formal collection processes commenced.
- Solicitors letter of demand sent from Council's Debt Collection contractor.
- Attempted telephone contact by Council's Debt Collection contractor.

**4.5.7. Magistrate Court actions**

- Issue a Summons of Complaint.
- Contact made by Debt Collection contractor on a weekly basis, or as repayment arrangements dictate.
- Issue of Judgement Order.
- Issue of Summons for Oral Examination or Attachment of Earnings Application.

Discretion by the Director Corporate Services is to be exercised in proceeding with any of the above actions, dependent upon size of debt, length of debt accrual and past history of debtor. Discretion is also exercised by the Director Corporate Services in any repayment arrangement negotiated.

Debt Collection Procedure PRO/CORP204		
Version:	This document is uncontrolled when printed	Page 6 of 8

#### 4.6. Sundry debtors – Child Care Services

##### 4.6.1. Council Payment Dates

Account Statements are forwarded on a weekly basis and are due for payment 7 days after issue.

##### 4.6.2. Reminder Accounts

Account Statements, incorporating arrears outstanding, will be sent in the following week. Initial notification of cancellation of service will occur, if not paid within 7 days.

##### 4.6.3. Telephone contact

Debtor telephoned and/or sent an SMS text by Child Care Services staff, if account is 28 days overdue.

##### 4.6.4. Final Notices

Endorsed Account Statements sent, if in arrears of greater than 30 days. This endorsement also notifies service withdrawal if not paid within 7 days.

##### 4.6.5. Formal Collection Procedures

- Recommendation by the Director Corporate Services that the debt be written-off as uncollectible or that formal collection processes commence.
- Solicitor's letter of demand sent from Council's Debt Collection contractor.
- Attempted telephone contact by Council's Debt Collection contractor.

##### 4.6.6. Magistrate Court Actions

- Issue of a Summons of Complaint.
- Contact made by Debt Collection contractor on a weekly basis, or as repayment arrangement dictates.
- Issue of Judgement Order.
- Issue of Summons for Oral Examination or Attachment of Earnings Application.

Discretion by the Director Corporate Services is to be exercised in proceeding with any of the above actions, dependent upon size of debt, length of debt accrual and past history of debtor. Discretion is also exercised by the Director Corporate Services in any repayment arrangement negotiated.

#### 4.7. Sundry debtors - Other

##### 4.7.1. Council Payment Dates

Account Statements are forwarded on a monthly basis and are due and payable at date of issue. Debtors are afforded 30 days for payment to be made.

##### 4.7.2. Reminder Accounts

Account Statements incorporating arrears outstanding will be sent in following month, accompanied by correspondence.

##### 4.7.3. Final Notices

If in arrears of greater than 60 days, a second item of correspondence accompanying Account Statements will be sent.

Debt Collection Procedure PRO/CORP204		
Version:	This document is uncontrolled when printed	Page 7 of 8

**4.7.4. Telephone Contact**

After 14 days from issue of final Account Statements, selected debtors telephoned by Revenue Department, or other associated department staff, to negotiate payment arrangements(s).

**4.7.5. Formal Collection Procedures**

- Recommendation to the Director Corporate Services that debt be written-off as uncollectible or that formal collection processes commence.
- Solicitor’s Letter of Demand sent from Council’s Debt Collection contractor.
- Attempted telephone contact by Council’s Debt Collection contractor.

**4.7.6. Magistrate Court Actions**

- Issue of a Summons of Complaint.
- Contact made by Debt Collection contractor on a weekly basis, or as repayment arrangement dictates.
- Issue of Judgement Order.
- Issue of Summons for Oral Examination or Attachment of Earnings Application.

Discretion by the Director Corporate Services is to be exercised in proceeding with any of the above actions, dependent upon size of debt, length of debt accrual and past history of debtor. Discretion is also exercised in any repayment arrangement negotiated.

**4.8. Financial hardship provision**

Council, upon application by a ratepayer, is able to waive or defer any debt, which would cause financial hardship to the applicant.

Applications of this nature are processed under the provisions of Council’s Financial Hardship Policy.

**5. RELATED POLICIES/PROCEDURES/DOCUMENTS**

POL/CORP227 Financial Hardship Policy

**7. DOCUMENT HISTORY**

Version Number	Issue Date	Description of Change

**Signed:** \_\_\_\_\_ **CEO** **Date:** \_\_\_\_\_

Debt Collection Procedure PRO/CORP204		
Version:	This document is uncontrolled when printed	Page 8 of 8



## **B.21.106 DOMESTIC ANIMAL MANAGEMENT PLAN 2022-2025**

<b>Responsible Officer:</b>	Director Development and Planning
<b>File Number:</b>	S24-24-01
<b>Attachments:</b>	1 <a href="#">↓</a> Domestic Animal Management Plan 2022-2025
	2 <a href="#">↓</a> DAMP 2021 Review

### **Declarations of Interest:**

Heather Green - as the responsible officer, I declare that I have no disclosable interests in this matter.

### **Summary**

The Domestic Animal Management Plan 2022-2025 was developed in accordance with section 68A of the Domestic Animal Management Act 1994. Council is required under the Act to review its Domestic Animal Management Plan (DAMP) every four years.

### **Discussion**

The aim of the Swan Hill Rural City Council 2022-2025 Domestic Animal Management Plan (DAMP) is to ensure the effective management of domestic animals. Council aims to provide a safe and harmonious environment for all whilst promoting responsible pet ownership across the municipality.

The plan identifies Council's responsibilities for education and compliance and provides a framework for Council on how it will effectively manage its statutory responsibilities associated with domestic animal management. This plan will be reviewed annually and implemented over a four-year period.

The format of the DAMP is based on a template provided by Animal Welfare Victoria. The content must include current programs, services and plans for;

- Training of authorised officers
- Responsible Pet Ownership programs
- Over population and high euthanasia
- Registration and identification
- Nuisance
- Dog attacks
- Dangerous, Menacing and Restricted Breed Dogs
- Domestic Animal Businesses
- Other animal matters
- Annual review of plan

### **New objectives**

- New procedure manuals – animal enforcement, cat traps, barking dogs, dangerous and declared dogs

- Increase education about 24-hour cat confinement, cat enclosures, desexing, on leash/off leash areas, domestic animal businesses, difference between microchipping and registration
- Multi lingual fact sheets to improve registration rates in Robinvale
- New registration packs and fact sheets
- Investigate funding opportunities to improve adoption rates
- Conduct community consultation to gain feedback on mandatory desexing and timed off leash areas
- Implement incentive program 'A free ride home' - Rangers to adopt a free ride home approach to registered and microchipped animals found wandering for the first time that have not caused a nuisance
- Develop online payments for animal registration payments
- Publicise the Swan Hill Neighbourhood House 'No Interest loans scheme' for animal registrations
- Research opportunities to increase registration and renewal levels and implement appropriate initiatives
- Conduct feasibility study on the benefits of rewarding those who have invested in their pets (desexing, obedience training etc.) to receive an even lower registration fee
- Purchase additional cat traps, cat carriers, dog waste bag dispensers, dog traps
- Investigate options of establishing off leash dog parks in other areas of the municipality
- Decrease dog attacks –
  - Educate dog owners that dogs can be destroyed if found in livestock paddocks and owners prosecute and potential claims for compensation of lost stock
  - Improve community awareness through media releases, social media and website of what a dog attack is and how to report it to Council
  - Develop an online reporting platform

## **Consultation**

Community consultation was conducted via Council's Let's Talk webpage.

### **Survey 25 June – 30 July 2021**

Prior to the development of the draft plan consultation was undertaken in June-July over a five-week period via an online survey. The survey was advertised on Council's website, social media and in local media. Hard copies were also available at Council's service centres and local veterinary clinics.

- 196 responses
- Overwhelming feedback for this plan should be aimed at addressing cat nuisance issues such as confinement and overpopulation, and the promotion of desexing and low cost desexing programs.
- Additional dog parks and off-leash areas throughout the municipality.

- More online resources about;
  - Responsibilities of dog owners when walking/exercising their dogs
  - The importance of desexing
  - Dog on leash/off leash areas and the rules
  - Cat curfews

The survey also identified 36% of respondents were not aware of the 24-hour cat confinement. An education campaign will be implemented to address this gap. A total of 63% of survey respondents also said they would support the introduction of timed off-leash sessions in some of the current on leash areas. We will seek further feedback from the community on preferred times and locations.

### **Community pop up sessions**

In addition to the survey three community pop up sessions were held in Swan Hill and one in Robinvale. The Robinvale session at the rotary market had a great response with 30 attendees. The Swan Hill sessions had an average of 8 surveys completed at each session.

The feedback from the online survey and community pop up sessions have been incorporated into the new objectives.

### **Online submissions for draft plan – 16 September – 15 October 2021**

Advertised on Council's website and social media. Also sent copies of the draft plan to RSPCA, Domestic Animal Businesses and rescue groups. Three submissions were received and all received a response.

### **Financial Implications**

The DAMP has been prepared so that the majority of the objectives can be completed within the operational budget and current resources. If additional funding is required, they will be subject to separate budget submissions.

### **Social Implications**

Council recognises that the DAMP must carefully balance the needs of pets, pet owners and those who do not own pets. The plan is designed to respond strategically to the needs of the community as a whole.

### **Economic Implications**

Not applicable.

### **Environmental Implications**

Not applicable.

### **Risk Management Implications**

Council is required to prepare and adopt a Domestic Animal Management Plan. Failure to do so would be in breach of the Domestic Animals Act 1994.

### **Council Plan Strategy Addressed**

***Community enrichment*** - Provide services and support initiatives that create a Healthy and Safe Community.

### **Options**

Council may choose to adopt or amend the recommendation.

### **Recommendations**

#### **That Council:**

- 1. Note the Domestic Animal Management Plan Review 2021.**
- 2. Council adopt the new Domestic Animal Management Plan 2022-2025 and provide a copy of the Plan to the Secretary of the Department of Jobs, Precincts and Regions.**

### **160/21 Motion**

#### **MOVED Cr Jeffery**

#### **That Council:**

- 1. Note the Domestic Animal Management Plan Review 2021.**
- 2. Council adopt the new Domestic Animal Management Plan 2022-2025 and provide a copy of the Plan to the Secretary of the Department of Jobs, Precincts and Regions.**
- 3. Investigate options for intensive cat trapping program within the municipality and report options back to Council.**

### **SECONDED Cr Moar**

**The Motion was put and CARRIED**





# Domestic Animal Management Plan

2022-25



## Contents

Contents.....	2
1.Introduction and context .....	3
1.5 Current programs and services.....	6
1.6 Domestic animal statistics.....	7
2.Training of Authorised Officers .....	9
3.Responsible Pet Ownership Programs .....	12
4. Over population and high euthanasia rates.....	15
5. Registration and identification.....	17
6. Nuisance .....	21
7. Dog attacks .....	24
8. Dangerous, Menacing and Restricted Breed Dogs .....	27
9. Domestic Animal Businesses.....	29
10. Other matters.....	31
11. Annual review of plan .....	32
Appendix 1 – Our Local Laws, Policies and Procedures.....	33
Appendix 2 – Training register.....	34

## 1. Introduction and context

### 1.1 Introduction

The aim of the Swan Hill Rural City Council 2022-2025 Domestic Animal Management Plan (DAMP) is to ensure the effective management of domestic animals. Council aims to provide a safe and harmonious environment for all whilst promoting responsible pet ownership across the municipality.

The plan identifies Council's responsibilities for education and compliance and provides a framework for Council on how it will effectively manage its statutory responsibilities associated with domestic animal management.

This plan will be reviewed annually and implemented over a four-year period.

### 1.2 Legislation

Under the provisions of the Domestic Animal Act 1994 all councils in Victoria are required to develop and implement a Domestic Animal Management Plan every four years.

The Act requires councils to show how they will address requirements relating to;

- evaluating the effectiveness of their animal management services;
- the promotion and encouragement of responsible pet ownership;
- the training of Authorised Officers;
- ensuring that people comply with the Act, the Domestic Animal Regulations 2015 (the Regulations) and any related legislation;
- minimising the risk of dog attacks;
- addressing any over-population and high euthanasia rates for dogs and cats;
- ensuring the registration and identification of dogs and cats;
- minimising the potential for dogs and cats to create a nuisance;
- effectively identifying all dangerous dogs, menacing dogs and restricted breed dogs within the municipality and to ensure that those dogs are kept in compliance with the Act and the regulations;
- the annual review and amendment of the DAMP where necessary;
- the review of policies, Council local laws and orders made under the Act; and
- to have plans in place in the event of an emergency.

### 1.3 Purpose of our plan

The overall purpose of the 2022-2025 DAMP is to create an environment where people and pets can peacefully and safely co-exist within the community and where pet owner's activities and those of their pets do not adversely affect the rest of the community or environment. By implementing this plan Council will endeavour to provide a service that meets both community expectations and addresses our statutory obligations by;

- Documenting current processes and practices in relation to our animal management responsibilities.
- Minimising non-compliance with the Domestic Animals Act 1994.
- Increasing pet owner's knowledge of the principles of responsible pet ownership, enhancing community safety and improving awareness of the benefits of annual registration.
- Supporting the Regulatory Services team to achieve the stated objectives of reducing the numbers of dogs and cats being impounded and euthanased.
- Maximising the numbers of dogs and cats that are registered.
- Ensuring Authorised Officers are suitably trained to carry out their duties effectively.



- Communicating to the broader community about the education and enforcement actions Council undertakes.
- Reducing the harmful effects of domestic animals on the population of native birds, mammals and reptiles.
- Consulting with the broader community and taking their views on animal management matters into account.
- Complying with the relevant provisions of the Domestic Animals Act 1994.

## 1.4 Development

This plan has been developed through consultation with the community and key stakeholders including veterinarians, animal businesses and other service providers. The objectives are also based on the outcomes and learnings from our two previous domestic animal management plans, as well as a review of our existing data in areas such as nuisance complaints, dog attacks, registrations and impounded animals.

### Community consultation

Prior to the development of the draft plan, community consultation was undertaken in June and July 2021 over a five-week period via an online survey. In addition to the survey, Council held four community information sessions.

The survey was advertised on Council's website, social media and in local media. Hard copies of the survey were also made available at Council's service centres, local veterinary clinics and at the community information sessions.

Council received 196 survey responses. The key issues identified were:

- Additional dog parks and off-leash areas throughout the municipality.
- Reducing the number of stray and wandering cats and nuisance complaints.
- Promotion of the importance of desexing and availability of low cost desexing programs.
- Increased promotion about responsible pet ownership and availability of educational material and online resources.

This community feedback helped Council form the draft Domestic Animal Management Plan and our objectives for the next four years.

Community consultation for the draft plan was undertaken over a four-week period in September-October 2021. Residents were encouraged to provide feedback on the plan and the proposed objectives. Advertisements were placed on Council's website, social media and local media. Residents were encouraged to provide a written submission or feedback via Council's website. Hard copies of the draft plan were also available at Council's service centres and veterinary clinics.



### 1.4 Demographic profile of the Swan Hill municipality

Swan Hill is located 339 kilometres northwest of Melbourne, on the south bank of the Murray River in Victoria.

Swan Hill Rural City Council has a population of 20,584 people according to the 2016 Australian Bureau of Statistics Census data. It is principally an agricultural and horticultural region of 6,116 km<sup>2</sup>, bordered by the Murray River which is the water source for irrigation, domestic, industry, and recreational pursuits. The municipality consists of two large service centres, being Swan Hill and Robinvale, and a number of smaller towns including Lake Boga, Manangatang, Beverford, Nyah, Nyah West, Piangil, Ultima, Woorinen and Woorinen South. The predominant employment sectors are agriculture, forestry and fishing and retail trade.

The local government area is culturally diverse with one quarter of residents born overseas. 24% of the population are from backgrounds where languages other than English are spoken. The most common languages other than English are Italian, Tongan and Vietnamese.



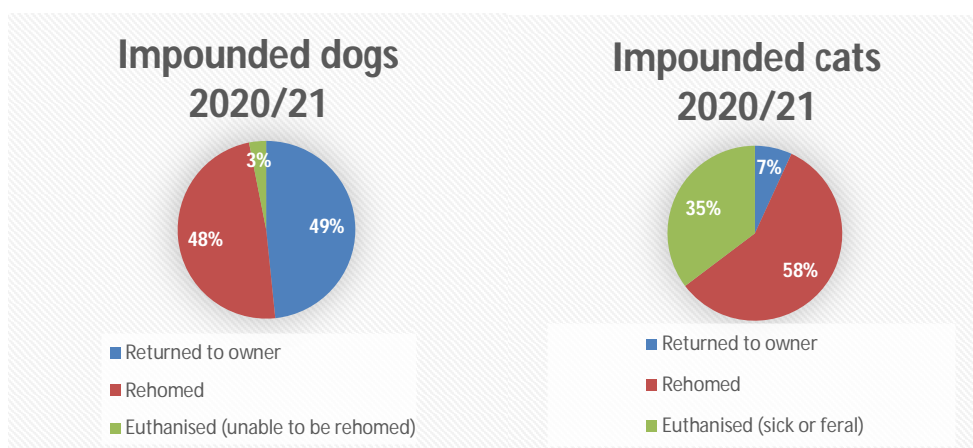
The municipality has experienced significant economic growth over the past decade, led by the expansion of horticultural and agricultural practices and supported by an innovative manufacturing sector. This success is depicted by the fact the region is Australia's largest producer of table grapes, pistachios and olives, responsible for one quarter of all carrots nationwide, a top contributor to the stone fruit industry and accounts for approximately 70 percent of Australia's almonds and olive oil production.

## 1.5 Current programs and services

Program/Service	Service Level
<b>Identification and Registration</b>	<p>Average of 2485 dogs and 447 cats registered per year.</p> <p>Annual registration renewal notices.</p> <p>Thorough follow up of unpaid registrations – average of 300 phone calls and 30 doorknocks per year.</p> <p>Annual free microchipping program in Swan Hill and Robinvale.</p> <p>Issue unregistered animal notifications as required.</p> <p>Mandatory microchipping and registration of all animals released from pound.</p> <p>Use of Council's website and social media to reunite lost pets with owners.</p> <p>Half price animal registrations from October – December.</p>
<b>Domestic animal complaints</b> (i.e. wandering dogs and cats)	<p>Attend to wandering cats or dogs as soon as possible – preferably within the hour.</p> <p>Other non-urgent complaints within 48 hours.</p>
<b>Animal nuisance complaints</b>	<p>Respond to complainant within 48 hours.</p> <p>Issue barking dog information pack within 3 days.</p> <p>Deliver cat trap within 7 days.</p>
<b>Dangerous dog complaints/dog attack</b>	<p>Immediate response if determined to be an emergency.</p> <p>Respond next business day if non-emergency.</p>
<b>Animal cruelty complaints</b>	<p>Respond within 24 hours and refer to RSPCA if required.</p> <p>Investigate referrals from RSPCA as required.</p>
<b>Routine street/park patrols</b>	50 patrols per month.
<b>Pound facilities</b>	<p>Two Council pound facilities - Swan Hill and Robinvale.</p> <p>Visits by appointment 8:30am – 5:00pm Monday to Friday.</p>
<b>Microchipping program/discounted desexing</b>	<p>Annual microchipping program in Swan Hill and Robinvale.</p> <p>Free microchip and first year (pro-rata) registration.</p> <p>Discounted desexing, microchip, vaccination and free first year (pro rata) registration for animals adopted from the pound.</p>
<b>Domestic Animal Business Inspections</b>	<p>Inspect and process new DAB applications within 10 days.</p> <p>Conduct annual audits and issue registration certificates.</p> <p>Investigate complaints within 48 hours.</p>
<b>Declared dogs</b>	<p>Registration and identification of all menacing, dangerous and restricted breed dogs.</p> <p>Annual property inspections to ensure compliance.</p> <p>Respond to and investigate complaints within 24 hours.</p>
<b>After hours emergency service</b>	External contractor for after-hours service for animal emergencies such as dog attacks and livestock on roads.

## 1.6 Domestic animal statistics

	2017/18	2018/19	2019/20	2020/21
<b>DOGS</b>				
Registered dogs	2547	2421	2499	2476
Dogs impounded	191	176	176	126
Dogs returned to owner	80	80	70	61
Dogs rehomed	100	88	97	61
Dogs euthanased (unable to be rehomed)	11	8	9	4
Dogs surrendered to Council	20	25	42	16
Declared dogs – Dangerous	5	3	3	3
Declared dogs - Menacing	3	4	10	12
<b>CATS</b>				
Registered cats	434	464	454	438
Cats impounded	160	240	200	204
Cats returned to owner	11	11	8	14
Cats rehomed	76	121	133	118
Cats euthanased (sick or feral)	73	108	59	72
Cats surrendered	5	12	19	4
<b>Domestic Animal Businesses</b>				
	5	6	4	4



### Animal management related requests

The table below demonstrates there has been a significant increase in animal related requests from 2017/18 to 2020/21. This is due to a number of factors such as;

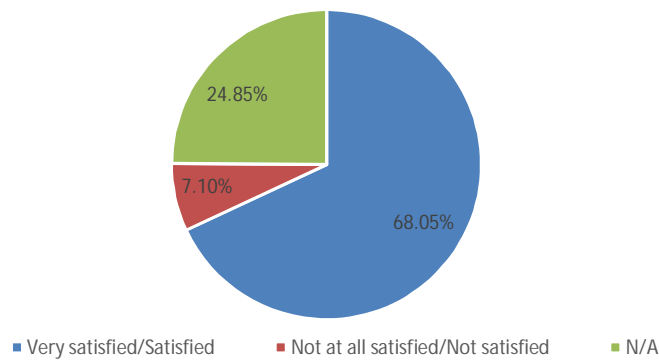
- improvements to our records management system;
- improved ability for the community to lodge requests via Snap, Send and Solve and Council's website;
- increased community education and awareness campaigns on the importance of reporting animal issues to Council; and
- increased complaints lodged in the Robinvale area due to staff changes.

2017/18	2018/19	2019/20	2020/21
1272	2135	2232	2162

### Customer service

The Regulatory Services team prides itself on their customer service and response times. As stated above, all animal related requests are actioned within 1-2 business days. The community survey responses below confirm that most people are satisfied with the service they have received from Council's animal management staff.

Overall level of satisfaction



## 2. Training of Authorised Officers

Section 68(A)(2)(b) of the Domestic Animals Act 1994 requires Councils to outline their programs for the training of Authorised Officers to ensure they can properly administer and enforce the requirements of the Act.

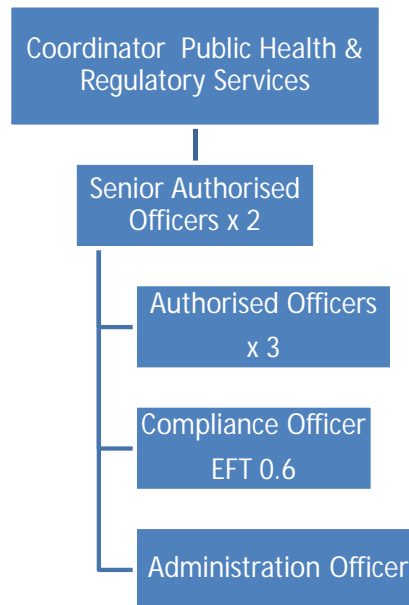
### 2.1 Context and current situation

Council's Animal Management Services sits under the responsibility of Regulatory Services which forms part of the Development and Planning Department.

There are currently five full time Authorised Officers in the Regulatory Services team that are skilled and trained to work in a multi-disciplinary role involving domestic animal management, Local Laws, parking enforcement, fire prevention and livestock control as part of their duties. The Authorised Officers are supported by the Public Health and Regulatory Services Coordinator, full time Administration Officer and part time Compliance Officer.

Animal management services are provided from 8.30am to 5.00pm Monday to Friday. An emergency after-hours service is provided by an external contractor to respond to animal emergencies such as dog attacks and livestock on roads. All after-hours calls that are not deemed as an emergency are logged by an external call centre for Authorised Officers to follow up during normal hours of operation.

### Regulatory Services team structure



## 2.2 Current and planned training for Authorised Officers

Due to the varied roles and activities undertaken by the Regulatory Services team, it is vital that all staff involved in animal management have the necessary skills, knowledge and equipment to perform their duties safely and effectively and have the required legislative authorisations and delegations.

Swan Hill Rural City Council is committed to the ongoing training and development of all animal management staff. Authorised Officers are required to obtain a Certificate IV Animal Control and Compliance and/or Certificate IV in Government (Statutory Compliance). Three officers have obtained these qualifications and two are currently undertaking studies.

Each officer completes training in customer service, occupational health and safety, first aid, and prosecutions, including the collection of evidence for court proceedings. Staff are also encouraged to attend industry related information sessions and seminars for networking opportunities and to keep up with latest trends and innovations.

A training register is maintained which details qualifications and training courses completed by each Authorised Officer and identifies areas for future training. Training requirements are identified through annual performance reviews. New staff are required to undertake a detailed departmental induction program with Senior Officers.

Council's Authorised Officer training and development activities are designed to ensure that all officers have the necessary skills and knowledge to undertake their duties. Training activities include:

- Formalised training through accredited registered training organisations.
- Short course refresher training.
- Industry forums and training sessions.
- On-the-job training and ongoing coaching.

Appendix 2 outlines the qualifications of staff and their ongoing training and education schedule.

## 2.3 Our plans for training

### Objective 1

Maintain training register that clearly identifies minimum training requirements and any additional training that should be completed by Authorised Officers

Activity	When	Evaluation
Identify training requirements during annual staff performance reviews.	Annually – June and as required.	Add training to training register.
Maintain training register.	As required.	Update training register when new training has been identified and when Officers complete training.

## Objective 2

Review of internal processes with staff to ensure consistent application of investigation, compliance and enforcement processes

Activity	When	Evaluation
Develop and implement new Animal Enforcement Procedure manual.	2024	New procedure manual developed.
Review investigation, compliance and enforcement policies and procedures to accommodate legal and other changes to ensure operational and service consistency and legislative requirements are met.	Annually – July and as required.	Policies, procedures and processes updated and approved training undertaken and officers competent.

## Objective 3

Ensure new Authorised Officers have the skills necessary to support the community and effectively perform their regulatory role

Activity	When	Evaluation
Ensure all new Authorised Officers undertake a detailed induction program with Senior Authorised Officers.	Upon appointment of new staff.	Complete induction documents and evaluate at 3-month induction review .
Identify minimum training requirements for new officers and ensure completion within 12 months of appointment.	Within 12 months of appointment.	Evaluate at 3/6 month induction reviews and annual performance review.



### 3. Responsible Pet Ownership Programs

This section outlines Council's programs, services and strategies to promote responsible pet ownership to comply with the requirements of the Domestic Animals Act 1994.

#### 3.1 Context and current situation

Council undertakes a number of activities that promotes and encourages responsible pet ownership which reduces the need for enforcement.

Education material is available on our website and information brochures are displayed at service centres. Responsible pet ownership is promoted via social media and there are dedicated campaigns to encourage the community to register and microchip their animals.

The municipality is culturally diverse with one quarter of the population from backgrounds where languages other than English are spoken. The most common languages other than English are Italian, Tongan and Vietnamese. Multi lingual education materials will be made available.

During community consultation 36% of survey respondents said they weren't aware of the 24-hour cat confinement requirement. An education campaign will be implemented to address this gap.

In the online survey the community also told us they would like to see more information online about:

- Responsibilities of dog owners when walking/exercising their dogs.
- The importance of desexing.
- Dog on leash/off leash areas and the rules.
- Cat curfews.

As shown on the table below the majority of Penalty Infringement Notices issued over the last four years relate to failing to renew registration (44%) and failing to register (27%). Many of the penalties for failure to renew are repeat offenders.

Clear key messaging around the benefits of pet registration and what the fee covers is important to improve registration rates and reduce the need for enforcement action.

#### Penalty Infringement Notices issued

Offence	2017/18	2018/19	2019/20	2020/21	TOTAL
<b>Failure to register</b>	25	36	42	32	<b>135</b>
<b>Failure to renew registration</b>	43	50	46	82	<b>221</b>
<b>Dog at large – daytime</b>	10	18	30	26	<b>84</b>
<b>Dog at large – night time</b>	0	1	0	4	<b>5</b>
<b>Cat at large in a restricted district</b>	0	0	0	6	<b>6</b>
<b>Non serious injury caused by dog attack</b>	2	4	6	8	<b>20</b>
<b>Rushing dog</b>	2	8	6	2	<b>18</b>
<b>Nuisance dog/cat</b>	0	0	0	1	<b>1</b>
<b>Not muzzling or controlling menacing dog</b>	0	2	0	0	<b>2</b>
<b>Dog/cat not wearing ID marker</b>	0	0	0	4	<b>4</b>
<b>TOTAL</b>	<b>82</b>	<b>73</b>	<b>176</b>	<b>165</b>	<b>496</b>

### 3.2 Our current education and promotion activities

- Use of local media, website and social media to promote responsible pet ownership and the benefits of microchipping and desexing.
- Availability of a range of information brochures and education material for the community – displayed at Council's service centres and issued to the community as required.
- Education campaign via social media, Council newsletter, on-hold phone messages and paid advertising in the lead up to when renewals are due on 10 April each year.
- Annual registration renewal notices, reminder notices, SMS notifications, follow up phone calls and doorknocking for unpaid registrations.
- Providing dog waste bag dispensers and signage in 12 parks and reserves to encourage people to clean up after their pets. Locations are advertised in brochures and Council's website.
- Dog on leash signage in parks and public areas to remind residents about keeping their dogs on a lead at all times.
- Community education campaigns about the importance of reporting dog attacks and owner's responsibilities relating to aggressive, menacing and attacking animals.
- Links on website to other organisations that encourage responsible pet ownership such as The Department of Economics Development, Jobs, Transport and Resources, Domestic Animals Branch (DEDJTR) and RSPCA Victoria.
- Issuing of Unregistered Animal Notifications for unregistered animals to educate and ensure compliance.
- Placement of all unclaimed animals on Council's Lost and Found webpage and local community Facebook pages.

### 3.3 Our plans to promote responsible pet ownership

#### Objective 1

Promote 'Safe Cat, Safe Wildlife' messaging among residents

Activity	When	Evaluation
Circulate 'Safe Cat, Safe Wildlife' education material throughout the municipality and promote via social media.	March 2022 and then annually.	Decrease in reports of wandering/nuisance cats.

#### Objective 2

Increase education about cat confinement rules

Activity	When	Evaluation
Increase education about 24-hour cat confinement requirement through media releases, social media, brochures, Council community newsletters.	March 2022 then annually.	Decrease in amount of complaints about cats being at large and reduction in cats trapped.

### Objective 3

Provide education materials in languages other than English

Activity	When	Evaluation
Develop multi-lingual education materials including registration requirements and the difference between registration and microchipping.	February 2022 then annually as required.	Increase in animal registrations, decrease in nuisance complaints.

### Objective 4

Increase number of new animal registrations and renewals through education and promotion campaigns

Activity	When	Evaluation
Develop engaging fact sheets on responsible pet ownership and registration requirements.	2022 and ongoing.	Increase in new registrations and renewals.
Create new registration packs and make available at vet clinics to be distributed when pets are microchipped.	June 2022 and ongoing.	Number of new animal registrations received via vet clinic.
Advertise animal registration renewals – website, radio, community newsletters, newspaper ads, social media and media releases. Follow up unpaid animal registration renewals.	Ongoing.	Record number of media releases, social media posts, ads and articles. Reduction in number of phone calls, doorknocks and infringement notices issued.

### Objective 5

Increase online materials and promotion

Activity	When	Evaluation
Increase online education material and promotion in the community about <ul style="list-style-type: none"> <li>Responsibilities of dog owners when walking/exercising their dogs.</li> <li>Dog on leash/off leash areas at the rules.</li> <li>Cat curfews.</li> <li>The importance of desexing.</li> </ul>	2022 and ongoing.	Material made available online and throughout the community.

## 4. Over population and high euthanasia rates

This section outlines Council's compliance and education programs to address over-population and high euthanasia rates in dogs and cats.

### 4.1 Context and current situation

Council makes every effort to reunite lost pets with their owners before taking animals to the pound. Current registration and up to date contact details on the pet's microchip records makes it much easier and contributes to a reduction in the numbers of animals that are impounded at Council's pound facilities in Swan Hill and Robinvale.

A promotion campaign is required to remind pet owners to update their pets microchip details. Unfortunately, owners of some lost microchipped animals cannot be contacted because phone numbers have been disconnected or the microchip is still under the breeder's or last owner's name.

Unidentified animals are impounded and advertised on Council's website for eight days. Animals that are claimed by owners are required to be registered and microchipped before they can be released from the pound. If animals are not claimed after eight days and are suitable to be rehomed they are either adopted locally or transferred to a rehoming organisation via a section 84Y agreement. Effective June 2021, Council has 58 agreements in place with approved animal rescue organisations.

Stray and feral cats continue to be an issue in the municipality. These cats create a serious problem of uncontrolled breeding as well as attacks on wildlife and damage to fauna. Council assists property owners with cat trapping to remove unwanted and unowned cats. Over 90% of cats impounded in 2020/21 were caught in a Council cat trap.

The overwhelming feedback from the online survey indicated our priorities for this plan should be aimed at addressing cat nuisance issues such as confinement and overpopulation, and the promotion of desexing and low cost desexing programs.

It is important that community members are educated and take responsibility for their cats by registering, microchipping, desexing and securely confining them to their property. 96% of cats impounded in 2020/21 were not desexed. Council will conduct community consultation through an online survey to gain feedback on the introduction of mandatory desexing of cats within the municipality.

In 2021 Council was successful in receiving grant funding from the State Government to commence a low cost cat desexing program, this will help address the high population rates of cats in the municipality. Council will continue to educate the community on the importance of desexing.

### Impounded animals

	2017/18	2018/19	2019/20	2020/21
<b>DOGS</b>				
<b>Dogs impounded</b>	191	176	176	126
<b>Dogs returned to owner</b>	80	80	70	61
<b>Dogs rehomed</b>	100	88	97	61
<b>Dogs euthanased</b> (unable to be rehomed)	11	8	9	4
<b>CATS</b>				
<b>Cats impounded</b>	160	240	200	204
<b>Cats returned to owner</b>	11	11	8	14
<b>Cats rehomed</b>	76	121	133	118
<b>Cats euthanased</b> (sick or feral)	73	108	59	72

In 2020/21 126 dogs were impounded. 48% of those dogs were released to their owners, 48% were rehomed and 4% were euthanased.

In 2020/21 204 cats were impounded. 7% of those cats were released to their owners, 58% were rehomed and 35% were euthanased.

Euthanasia is only used on incurably diseased, feral or uncontrollable cats and on dogs surrendered or seized because of a serious dog attack or suffering from incurable disease.

The euthanasia rates for cats is a lot higher than dogs because the majority of cats impounded are trapped and unable to be rehomed due to being feral or diseased.

## 4.2 Our plans to address over population and euthanasia

### Objective 1

Reduce the euthanasia rates of cats by 5%

Activity	When	Evaluation
Continue to encourage desexing of animals and promote new low cost desexing program.	Ongoing.	Reduction in feral cats trapped and euthanased. Number of desexing vouchers redeemed.
Continuance of Section 84Y agreements with approved animal rescue organisations.	Ongoing.	Reduction in cats euthanased.
Develop and distribute education material about cat enclosures and nuisance issues to cat owners.	July 2022 and ongoing.	Reduction in cats euthanased.
Circulate 'Safe Cat, Safe Wildlife' education material throughout the municipality and promote via social media.	March 2022 and then annually.	Decrease in reports of wandering/nuisance cats.
Investigate funding opportunities to improve cat adoption rates within the municipality i.e. funding to contribute to desexing, bedding costs.	2022	Increase in animals adopted within the municipality.
Conduct community consultation through an online survey to gain feedback on the introduction of mandatory desexing of cats in the municipality.	2023	Community feedback received, report to Council.

### Objective 2

Educate pet owners to keep microchip and registration details up to date

Activity	When	Evaluation
Promotion campaign to remind pet owners to keep contact details up to date and change of ownership for microchips.	2022 and ongoing.	Increase in animals being reunited with owners before being impounded.
Include information on how to update animal owner details on the website, renewal notices, SMS notifications.	2022 and ongoing.	Increase in animals being reunited with owners before being impounded.

## 5. Registration and identification

This section outlines Council's programs, services and strategies to encourage the registration and identification of dogs and cats. It addresses the requirements of the Domestic Animals Act 1994.

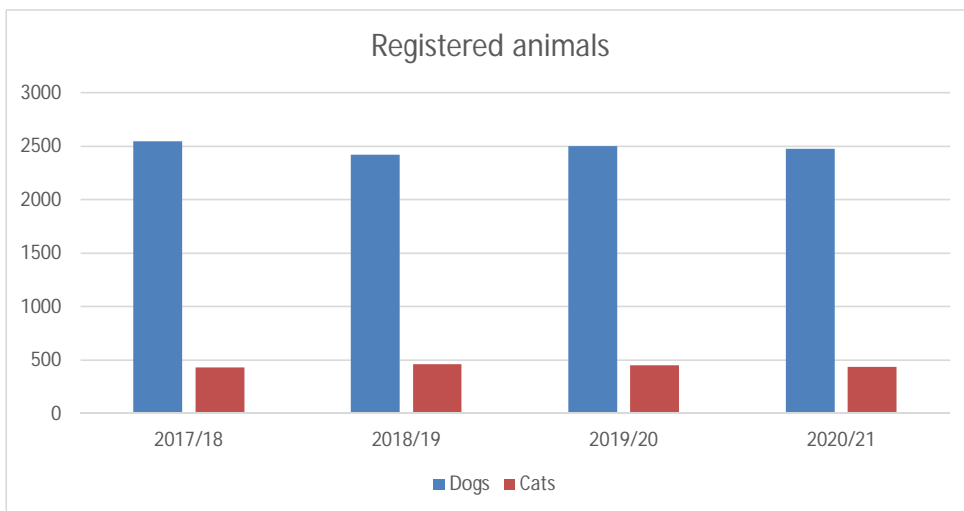
### 5.1 Context and current situation

Registration and identification of dogs and cats is the foundation of responsible pet ownership as it enables lost and found animals to be reunited with their owners as quickly as possible, reducing the stress on both owners and pets.

Animal registration fees help fund animal management services provided by Council, as well as State Government projects such as the Responsible Pet Ownership Program.

### Registration statistics

	2017/18	2018/19	2019/20	2020/21
<b>Dogs registered</b>	2547	2421	2499	2476
<b>Cats registered</b>	434	464	454	438



Registration figures for dogs and cats in the municipality have remained fairly consistent over the last four years. Currently there are 438 cats and 2476 dogs registered within the municipality. 63% of registered dogs and 95% of registered cats are desexed. Council does recognise that cat registration rates are low in comparison to dogs. This is an issue that will be addressed via a new education and awareness campaign.

## Dog and cat registration fees

The current fee set by Council to register a dog or cat is **\$132\*** per animal per year. If the animal meets one or more of the following criteria, the owner is eligible for a reduced fee:

If the animal is	The fee is reduced to
Desexed	\$44*
Over 10 years of age*	\$44*
Part of a domestic animal business or applicable organisation	\$44*
A dog that has undergone training	\$44*
A working dog	\$22
*Pensioner card holders receive a 50% discount	

## Offences for unregistered animals

Penalty Infringement Notices issued				
	2017/18	2018/19	2019/20	2020/21
Failure to register	25	36	42	32
Failure to renew	43	50	46	82

Prosecutions for unregistered animals				
	2017/18	2018/19	2019/20	2020/21
	51	26	23	26

## 5.2 Our current activities for registration and identification

- Issuing animal registration renewal notices via mail or email each year to currently registered animals.
- Thorough follow up of owners who fail to renew animal registrations including reminder notices, SMS reminders, phone calls, doorknocking and enforcement action.
- Mandatory microchipping and registration for all animals released from the pound.
- Use of Council's website and social media to reunite lost pets with their owners.
- Registration and identification of menacing, dangerous and restricted breed dogs.
- Annual free microchipping program in Swan Hill and Robinvale.
- Availability of microchipping at the Swan Hill Pound by Council's Authorised Officer whom is also an authorised microchip implanter.
- Half price animal registrations from 10 October to 31 December each year.
- Up to three months' free registration for new animal registrations received between 1 January and 10 April each year.
- Use of Council's website and social media to promote responsible pet ownership.
- Ensuring registration is checked as part of the process of dealing with animal complaints.
- Issuing of Unregistered Animal Notifications for unregistered animals to ensure compliance and enforcement action, if required.

- Regular audits of Council's animal registration database to ensure data is accurate i.e. dogs no longer living in the municipality are made departed.
- Monitoring advertisements in local newspapers and community Facebook groups relating to animals for sale and ensuring compliance with the Act i.e. microchip and source numbers are listed.
- Monitoring 84Y agreements ensuring all animals adopted from the pound are desexed and microchipped.
- Notifying the new Council to follow up registration of animals directly adopted from our pound.
- Ensuring animals adopted through other agencies such as the RSPCA and Lost Dogs Home into our municipality have been registered.
- Regular patrols of public places, such as streets, reserves and parks.
- Issuing official warnings and infringement notices for non-compliance with the Act.

## Summary

Our main priority is to increase the number of animal registrations across the municipality by promoting the benefits of registering animals with Council and educating the community about the difference between microchipping and registration. Multi lingual fact sheets will be developed and distributed in areas that are culturally diverse. Registration packs will be made available at local vet clinics and distributed when animal animals are microchipped.

To further increase registration and renewals Council will continue to research ways to simplify, automate and improve access to animal registration and renewals. We will also improve the accuracy of our pet registration database by ensuring all animals listed on the Central Animal Records microchip database are also correctly registered with Council.

Council will introduce a 'free ride home' approach for registered animals that are found at large for the first time. We will also explore other incentives for first time registrations and ways to reward those who have invested in their pets, such as having their animal desexed, to receive a lower registration fee.

## 5.3 Our plans for registration and identification

### Objective 1

Increase the amount of dog and cat registrations in the municipality by 5%

Activity	When	Evaluation
<p>Improve the accuracy of Council's pet registration database by contacting Central Animal Records on a quarterly basis and obtaining details of all pets microchipped in the municipality.</p> <p>Check that all animals are listed on Council's pet registration database and follow up non-compliance.</p>	January 2022 and ongoing	Record number of Unregistered Animal Notifications issued and increase in new animal registrations received.
<p>Implement incentive program 'A free ride home'.</p> <p>Rangers to adopt a free ride home approach to registered and microchipped animals found wandering for the first time that have not caused a nuisance.</p>	March 2022 and ongoing	<p>Promotion included in radio advertising, Council website and social media.</p> <p>Feedback received.</p> <p>Increase in new registrations.</p>
<p>Develop online animal registration payments capability through Council's website and link to animal registration database.</p>	January 2022 and ongoing	<p>Increase in new registrations.</p> <p>Community feedback received</p>



Advertise animal registration renewals – website, radio, community newsletters, newspaper ads, social media and media releases. Follow up unpaid animal registration renewals.	Ongoing	Record number of media releases, social media posts, ads and articles. Reduction in number of phone calls, doorknocks and infringement notices issued.
Ensure all impounded animals are microchipped and registered prior to release	Ongoing	Number of animals registered.
Issuing of Unregistered Animal Notifications for unregistered animals and enforcement action for non-compliance	Ongoing	Number of animals registered, infringements issued, prosecutions.
Annual free microchipping program	Ongoing	Number of new animal registrations.
Half price registrations 10 October-31 December	Ongoing	Number of new animal registrations.
Ensure animals adopted through other agencies such as the RSPCA and Lost Dogs Home into our municipality have been registered.	Ongoing	Number of new animal registrations.
Publicise the Swan Hill Neighbourhood House 'No Interest loans scheme' for animal registrations	2022 and ongoing	Number of vouchers redeemed and new animal registrations.
Research opportunities to increase registration and renewal levels and implement appropriate initiatives	2023	Number of new registrations.
Research ways to simplify, automate and improve access to animal registration and renewal.	2022 and ongoing	Number of new registrations and renewals.
Conduct feasibility study on the benefits of rewarding those who have invested in their pets (desexing, obedience training etc.) to receive an even lower registration fee.	2023	Number of new registrations and renewals.

## Objective 2

Educate the community about the importance of animal registration

Activity	When	Evaluation
Develop multi lingual fact sheets explaining the importance of registration and the difference between registration and microchipping.	February 2022 and ongoing.	Increase in new registrations, in particular in the Robinvale area.
Increase the distribution of information on Responsible Pet Ownership through media releases, website, social media, brochures, Council community newsletters.	2022 and ongoing.	Record number of media releases, visits to webpage, social media posts and articles in local media.
Create new registration packs and make available at vet clinics to be given out when pets are microchipped.	June 2022 and ongoing.	Number of new animal registrations received via vet clinic.

## 6. Nuisance

This section outlines Council's programs, services and strategies to minimise the potential for dogs and cats to create a nuisance.

### 6.1 Context and current situation

The most common complaints received by Council's Regulatory Services Department relate to roaming and/or stray dogs and cats.

Stray and feral cats continue to be an issue in the municipality. Council assists property owners with cat trapping to remove unwanted and unowned cats. Over 90% of cats impounded in 2020/21 were caught in a Council cat trap.

During our community consultation 36% of survey respondents said they weren't aware of the 24-hour cat confinement requirement. An education campaign will be implemented.

It is important that community members are educated and take responsibility for their cats by registering, microchipping, desexing and securely confining them to their property. 96% of cats impounded in 2020/21 were not desexed. In addition to promoting our low cost desexing program Council will conduct community consultation through another online survey to gain feedback on the introduction of mandatory desexing of cats in the municipality.

Wandering dogs and dogs off leash are also a nuisance to the community and hazard to motorists and people exercising. In August 2021 Council opened a new off leash dog park in Swan Hill. The fully fenced park provides the opportunity for owners to exercise and socialise their dogs and practice training techniques. Council will investigate options of establishing off leash dog parks in other areas of the municipality to address nuisance behaviours.

63% of survey respondents also said they would also support the introduction of timed off-leash sessions in some of the current on leash areas. Council will seek further feedback from the community on preferred times and locations.

In the online survey the community also expressed they would like to see more information online about:

- Responsibilities of dog owners when walking/exercising their dog.
- The importance of desexing.
- Dog on-leash/off leash areas and the rules.
- Cat curfews.

### Animal nuisance complaints

	2017/18	2018/19	2019/20	2020/21
<b>Stray/roaming animals</b>	365	413	408	347
<b>Barking dogs</b>	30	32	30	29
<b>Dog poo</b>	3	3	5	4
<b>Cat trap request/cat caught in trap</b>	196	282	272	196
<b>Excess animal complaints</b>	4	12	8	3
<b>Other dog/cat nuisance complaints</b>	5	2	5	5

## 6.2 Our current compliance and education activities

- Free cat trap hire service.
- Barking dog information booklets for owners and complainants.
- Impounding stray dogs and cats and mandatory microchip and registration prior to release.
- Providing dog waste bag dispensers and relevant signage in 12 parks and reserves. Locations are advertised in brochures and Council's website.
- Issuing Local Law notices to comply, infringement notices and prosecutions, where applicable.
- Signage in dog on-leash areas.
- Availability of brochures and educational material.
- Timely and thorough follow up of nuisance complaints.
- Random patrols of parks and other public areas.
- 24-hour cat confinement requirement.

## 6.3 Our plans for nuisance animals

### Objective 1

Reduce cat nuisance complaints by 5%

Activity	When	Evaluation
Increase education about 24-hour cat confinement requirement through media releases, social media, brochures, Council community newsletters.	March 2022 then annually	Decrease in amount of complaints about cats being at large and reduction in cats trapped.
Develop a cat trap hire procedure and promote the availability of cat traps.	February 2022 Ongoing	Procedure developed, requests for cat traps.
Conduct community consultation through online survey to gain feedback on the introduction of mandatory desexing of cats in the municipality.	2023	Community feedback received, report to Council.
Develop and distribute education material about cat enclosures and nuisance issues to cat owners	July 2022 and ongoing	Decrease in cat nuisance complaints.
Continue to encourage desexing of animals and promote low cost desexing program through website, local media and social media	Ongoing	Number of vouchers redeemed.
Purchase additional cat traps and cat carriers	2022	Traps purchased.

## Objective 2

Reduce dog nuisance complaints by 5%

Activity	When	Evaluation
Develop a procedure for barking dog complaints.	2022	Procedure developed. Decrease in need for enforcement action.
Continually look for opportunities to improve signage in areas where dogs must be on leash and in areas where dogs are prohibited (such as playgrounds) throughout the municipality and update as required.	Ongoing	Number of inspections, signage updated as required.
Monitor compliance at the off leash dog park in Swan Hill.	Ongoing	Compliance with dog park rules, reduction in complaints.
Investigate options and seek community feedback of establishing off leash dog parks in other areas of the municipality.	2022	Community consultation, report completed.
Investigate options and seek community feedback on establishing timed off leash sessions in areas throughout the municipality.	2022	Community consultation, report completed.
Educate the community through social media, website and local media about the requirement for owners to clean up after their dogs and availability of dog waste bags.	Ongoing	Decrease in amounts of complaints regarding dog faeces.
Inspect nature reserves throughout the municipality to determine if dogs should be banned in those areas.	2023	Community consultation. Report completed .
Educate the community through social media, website and local media about responsible dog ownership and ways to minimise dogs barking.	Ongoing	Decrease in amount of complaints regarding barking dogs.
Educate the community through social media, website and local media about required to keep dogs confined to their properties.	Ongoing	Decrease in amount of wandering dog complaints.
Increase information on the website about Local Law requirement - all dogs must be on a leash unless in a designated off-leash area and responsibilities of dog owners when walking /exercising their dogs.	2022	Decrease in complaints about dogs off-leash.
Purchase an additional dog waste bag dispensers for rural towns.	2022	Dispensers installed and reduction in complaints.
Purchase an additional dog trap for Robinvale.	2022	Trap purchased and nuisance dogs trapped.
Provide advice to owners of pets with behavioural issues.	Ongoing	Disputes/issued resolved.

## 7. Dog attacks

This section outlines Council’s programs, services and strategies to minimise the risk of attacks by dogs on people and animals.

### 7.1 Context and current situation

Swan Hill Rural City Council is committed to reducing the number of dog attacks in our community. Council provides a 24-hour service to immediately respond to dog attacks and our first priority is to protect the community by taking steps to prevent future attacks by the same dog. In most circumstances Authorised Officers seize and impound the alleged attacking dog until an investigation is complete.

Education is required to encourage the community to report all dog attacks regardless of the nature of the attack and level of injuries sustained. When investigating dog attacks Authorised Officers often find that the alleged attacking dog had attacked previously but it wasn’t reported to Council, this is most likely due to the minor nature of some attacks or because the victim is known to the animal owner. Had the initial attack(s) been reported to Council, the subsequent, often more serious, attack could have been avoided.

There have also been incidents in the last 12 months where farmers have destroyed dogs found in their paddocks with livestock. As per the Domestic Animals Act an owner of livestock is able to destroy dogs or cats found at large near their livestock. Community education and awareness is required to inform pet owners about the consequences if their pets are found near livestock.

The following table details the number of dog attacks and rushing dog reports received by Council over the past four years. It is important to note that most rushing dog complaints reported relate to a person being scared of the dog or the dog only barking at them. The majority of reported dog attacks were also of a minor nature with only five attacks resulting in infringement notices for non-serious injuries and four prosecutions for serious attacks against livestock. Authorised Officers still conduct a thorough investigation of all reported dog attacks and rushing dog complaints.

#### Number of dog attacks

	2017/18	2018/19	2019/20	2020/21
<b>Attacks on people</b>	11	8	9	7
<b>Attacks on livestock</b>	11	12	11	6
<b>Attacks on other animals</b>	15	25	23	27
<b>Rushing/Aggressive dog complaints</b>	18	27	45	28

Owners of dogs that have attacked and caused death or serious injury are usually prosecuted. The Domestic Animals Act is very specific in what constitutes a serious injury – *an injury requiring medical or veterinary attention in the nature of:*

- *a broken bone*
- *a laceration*
- *the total or partial loss of sensation or function in a part of the body*
- *an injury requiring cosmetic surgery.*

The Act also provides Councils with a number of enforcement options relating to dog attacks. These include declaring the dog either dangerous or menacing, issuing infringement notices, applying restrictions such as the confinement of the dog and requirement for it to be leashed and muzzled whilst in public.

Council has an internal procedure in relation to dog attacks. For serious dog attacks the investigating officer prepares a prosecution brief. The brief is reviewed by the Public Health and Regulatory Services Coordinator who then makes further recommendations to the Director/CEO who then determines the appropriate course of action. Infringements are usually given for minor attacks and in some circumstances, Council will, if considered appropriate, negotiate with the owner to surrender the dog in return for a reduction in penalties.

### Prosecutions for dog attacks

	2017/18	2018/19	2019/20	2020/21
<b>Serious dog attack</b>	2	0	2	0
<b>Non-serious dog attack (failure to pay PIN)</b>	0	2	1	2

### Number of dogs on Victorian Declared Dog Registry

	2017/18	2018/19	2019/20	2020/21
<b>Dangerous dogs</b>	5	3	3	3
<b>Menacing dogs</b>	3	4	10	12

## 7.2 Our current policies and procedures

- Dog attack response and investigation procedure
- Domestic animal collection and surrender procedure
- Euthanasia and disposal procedure
- Firearms procedure
- Preliminary Dog Attack Report
- Statement of No-Complaint Form
- Animal Surrender Form
- Seizure Notice
- Proceed to Prosecution Form

## 7.3 Our current compliance and education activities

- Immediate 24-hour response for reported dog attacks.
- Seizing and impounding alleged attacking dogs until an investigation is complete.
- Timely and thorough investigations of all reported dog attacks.
- Issuing notices to comply, infringement notices and official warnings where relevant.
- Declaring dogs determined to be dangerous, menacing or of a restricted breed, updating the VDDR and random property checks to ensure compliance with regulations.
- Prosecuting matters pursuant to the Act.
- Encourage local vet clinics to report dog attacks to Council.
- Community education about the importance of reporting dog attacks and responsible pet ownership.
- Promote and encourage the desexing of dogs to reduce incidents of wandering dogs.
- Timely response to all reports of dogs at large, uncontained dogs, aggressive and rushing dogs.
- Regular patrols of the municipality to collect dogs at large to reduce the potential for dog attacks.

## Summary

Dog attacks remain an issue for Council, in particular in rural areas where dogs attack sheep. Dog attacks are taken very seriously and officers will continue to respond to all dog attack reports promptly and take the necessary actions to protect the community. Council will continue to educate the community on ways to reduce the risk of dogs attacks and the importance of reporting all dog attacks.

## 7.4 Our plans to minimise dog attacks

### Objective 1

Conduct awareness campaign for both livestock owners and dog owners about the consequences for dogs found in livestock paddocks

Activity	When	Evaluation
Use media releases and social media to educate dog owners on the importance of confining dogs to their rural properties.  Inform dog owners that dogs can be destroyed if found near stock and owners can be prosecuted and potential claims for compensation of lost stock can apply .	March-May annually	Decrease in reports of dogs found in paddocks with livestock.

### Objective 2

Improve reporting of dog attacks

Activity	When	Evaluation
Improve community awareness through media releases, social media and website of what a dog attack is and how to report it to Council.	2022 and ongoing	Number of dog attacks reported.
Investigate and recommend alternatives for the community to report dog attacks i.e. The Dangerous Dog Hotline.	2022 and ongoing	Number of notifications from external agencies.
Improve information on Council website relating to dog attack investigations and reporting, and develop an online reporting platform.	2022 and ongoing	Online reporting tool developed and number of dog attacks reported.

### Objective 3

Reduce number of dog attacks

Activity	When	Evaluation
Publicise key dog attack prevention messages such as laws regarding registration, confinement of dogs to property, on leash in public areas through website, social media and community newsletter.	Ongoing	Decrease in number of dog attacks.
Improve community awareness of dog attacks and the consequences for owners if their dog attacks another animal or person.	Ongoing	Decrease in number of dog attacks.
Education campaign via social media and website regarding dog behaviour and what powers Council has to enforce.	Ongoing	Decrease in number of dog attacks.
Increase patrols of high risk locations.	2022 and ongoing	Number of patrols.
Publicise dog attack prosecutions through media releases, social media and website articles.	Ongoing	Decrease in number of dog attacks.

## 8. Dangerous, Menacing and Restricted Breed Dogs

This section outlines Councils programs, services and strategies to effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in the municipality and ensure that those dogs are kept in accordance with the Domestic Animals Act and regulations

### 8.1 Context and current situation

Council has a number of declared dogs which have been determined to be either 'dangerous', 'menacing' or a restricted breed dog. Owners of declared dogs must comply with a range of requirements for their dogs relating to housing, microchipping, desexing, identification and Council registration. Where non-compliance is determined Council undertakes enforcement action as per the provisions of the Act.

#### Number of dogs on Victorian Declared Dog Registry

	2017/18	2018/19	2019/20	2020/21
<b>Dangerous dogs (Attack)</b>	5	3	3	3
<b>Dangerous dogs (Guard Dog)</b>	0	0	0	0
<b>Dangerous dogs (Attack trained)</b>	0	0	0	0
<b>Menacing dogs</b>	3	4	10	12
<b>Restricted breed dogs</b>	0	0	0	0

#### Restricted breed dogs

Restricted breed dogs are considered a higher risk to community safety than other breeds of dogs. The Domestic Animals Act defines restricted breed dogs as any one of the following breeds (pure or cross breed):

- American Pit Bull Terriers (or Pit Bull Terriers)
- Perro de Presa Canarios (or Presa Canario)
- Dogo Argentinos
- Japanese Tosas
- Fila Brasileiros

Council's Authorised Officers are trained to identify and declare restricted breed dogs. Effective June 2021, there are no known restricted breed dogs in the municipality.

#### Menacing dogs

Under the Act, Council may declare a dog to be a menacing dog if the dog causes a non-serious bite injury to a person or animal, or if it rushes at or chases a person.

'Rush at' means that the dog has approached a person within 3 metres, displaying aggressive behaviour such as snarling, growling, barking or raising the hackles.

The owner of a declared menacing dog must comply with requirements to prevent the dog from attacking (or causing serious injury) in future. A menacing dog declaration can be upgraded to a dangerous dog declaration if the owner has been issued with two infringement notices for failing to comply with requirements such as leashing or muzzling their dog in public.

Effective June 2021, there are 12 dogs that have been declared menacing in the municipality. Six of these dogs have bitten other dogs, one has bitten a person, four rushed at a person and one rushed at another dog while it was being walked by the owner.



## Dangerous dogs

A dangerous dog is one that Council has declared to be dangerous because it has bitten or attacked a person or animal, causing serious injury or death.

The Act empowers councils to declare a dog to be 'dangerous' if:

- the dog has caused serious injury or death to a person or animal; or
- the dog is a menacing dog and its owner has received at least two infringement notices for failing to comply with restraint requirements; or
- the dog has been declared dangerous under corresponding legislation in another state or territory; or
- for any other reason prescribed.

Owners of dangerous dogs have a series of obligations imposed on them to make sure that members of the public are not attacked by their dog.

Effective June 2021, there are three declared dangerous dogs in the municipality. One of these dogs attacked and bit a person causing serious injury, one attacked and killed livestock and one attacked and killed a cat.

## 8.2 Our current education and compliance activities

- Declaration of dogs where appropriate.
- Prompt response to complaints about suspected declared dogs.
- Annual and random audits of properties housing declared dogs.
- Ensure compliance with requirements of keeping dangerous dogs.
- Seizure of dogs suspected of being a restricted breed.
- Educating owners of dogs in relation to the laws about keeping declared dogs.
- Ensure all declared dogs are listed on the Victorian Declared Dog Registry.
- Information regarding restricted breed dogs and declared dogs on Council website.
- Brochures displayed at Council service centres.

## 8.3 Plans for Dangerous, Menacing & Restricted Breed Dogs

### Objective 1

Ensure declared dogs are compliant with relevant legislation and regulations

Activity	When	Evaluation
Conduct random property inspections of declared dogs to ensure compliance.	Bi-Annually	Record number of inspections. Compliance with requirements.
Enforcement of non-compliance of declared dogs.	As required	Prosecutions undertaken as required.
Continue to declare dogs as Restricted Breed, Dangerous or Menacing in accordance with legislation.	Ongoing	Number of dogs declared.
Investigate complaints about Menacing, Dangerous or Restricted Breed Dogs	Ongoing	Number of complaints investigated.

### Objective 2

Ensure Authorised Officers work consistently and fairly when deciding whether or not to declare a dog dangerous, menacing or restricted breed,

Activity	When	Evaluation
Develop a procedure relating to dealing with dangerous and declared dogs.	2022	Procedure developed.
Authorised Officers to undertake training to identify Restricted Breed dogs.	When available	Training completed.

## 9. Domestic Animal Businesses

This section outlines programs, services and strategies which Council intends to pursue in its municipal district to ensure that Domestic Animal Businesses (DABs) comply with the Act, regulations and any related legislation.

### 9.1 Context and current situation

There are currently six Domestic Animal Businesses (DABs) registered with Swan Hill Rural Council. These consist of three boarding establishments, one pet shop and two Council pound facilities. There is one pound located in Swan Hill and the other one is in Robinvale. There are no breeding or dog training establishments currently registered.

Domestic Animal Business	2017/18	2018/19	2019/20	2020/21
<b>Council pound</b>	2	2	2	2
<b>Boarding establishment</b>	3	3	3	3
<b>Pet Shop</b>	2	2	1	1
<b>Dog training establishment</b>	0	0	0	0
<b>Breeding establishment</b>	0	0	0	0

### 9.2 Current activities for Domestic Animal Businesses

- Annual registration and renewal of Domestic Animals Businesses.
- Regular audits of Domestic Animal Businesses to ensure compliance with regulations and relevant Codes of Practice.
- Provide information and guidance to registered Domestic Animal Businesses.
- Investigations of complaints lodged regarding the operation of a Domestic Animal Businesses and/or properties identified with excess animals.
- Liaison with Council's Planning Department over suspected illegal Domestic Animal Businesses.



## 9.3 Our plans for Domestic Animal Businesses

### Objective 1

Identify unregistered Domestic Animal Business operators

Activity	When	Evaluation
Improve public awareness of what a Domestic Animal Business is via social media and website.	2022 and annually	Number of social media posts and website updates.
Follow up possible Domestic Animal Businesses identified during property inspections and/or notifications from public.	Ongoing	Investigations completed.
Investigate all businesses that should be registered as a Domestic Animal Business – check media sources/social media for advertisements.	Ongoing	Investigation completed and business registered, if applicable.
Liaise with Planning Department to ensure all new planning enquires for animal related businesses are flagged with Regulatory Services.	Ongoing	Number of businesses referred.
Inspect properties with excess animal permits to ensure they don't have more than 3 fertile female dogs.	Ongoing	Number of inspections.

### Objective 2

Ensure all Domestic Animal Businesses are registered and compliant with legislation

Activity	When	Evaluation
Conduct annual audits of Domestic Animal Businesses to ensure compliance with legislation and relevant Code of Practice.	Annually	Audits completed and compliance achieved.
Ensure Council pound processes reflect best practice standards.	Annually	Review pound policy and procedures.
Review Health Management Plan for Swan Hill and Robinvale animal pounds.	Annually	Review plan and update as required.

## 10. Other matters

This section provides for the review of any other matters related to the management of dogs and cats in our municipal district.

### 10.1 Emergency Management

Council's Municipal Emergency Management Plan (MEMP) includes a section on response and relief of animal management in an emergency. The MEMP was endorsed by Council in October 2017 and reviewed in 2020.

Over the years the municipality has experienced a relatively low number of emergencies of consequence. Those with the most widespread impact have been either wind/hail storms or flood. That impact has primarily involved property damage. Stock and crop losses were experienced, but there have been minimal threats to residences and domestic animals.

The Department of Jobs, Precincts and Regions (DJPR) is the lead agency in relation to animal welfare during an emergency. The Council pound facilities in Swan Hill and Robinvale are available to house displaced, lost or stray dogs and cats, if required.

### 10.2 Our plans for Emergency Management

#### Objective 1

Ensure consideration is given to the management of domestic animals in an emergency

Activity	When	Evaluation
Review animal management functions in the MEMP, including contact lists.	Annually	Review and submit report to Emergency Management Planning Committee.
Provide information via website and social media to assist pet owners in an emergency.	As required	Website updated and social media posts.
Ensure Authorised Officers are trained to manage domestic animals in an emergency.	When available	Training completed.

## 11. Annual review of plan

Under section 68A(3) of the Domestic Animals Act, every Council will review its Domestic Animal Management Plan annually and, if appropriate, amend the plan.

Council will review our Domestic Animal Management Plan annually. Any changes to our plan will be provided to the Department of Economic Development, Jobs, Transport and Resources Secretary. Council will publish an evaluation of the plan in the annual report.

### 11.1 Evaluation of implementation of the Domestic Animal Management Plan

The monitoring of the performance of the plan will be undertaken in accordance with the requirements of the Act. In addition, Council will continue to conduct its monthly monitoring of the performance of the animal management team.

The key performance measures within this plan are to be monitored on a monthly basis by the Public Health and Regulatory Services Coordinator, in conjunction with the Regulatory Services team.

The results of this monthly monitoring will enable Council to adjust the plan ahead of the annual review. The results are also reported to Council's Executive Leadership Team meetings, which are conducted on a weekly basis.

A review of performance under the plan is required to be included in Council's annual report. Measurements should relate to activities and targets in this plan and should include educational programs, increased registration of domestic animals, reduction of animals at large, decreased numbers of dog attacks, and increases in compliance and levels of community satisfaction as a measure of success.

It should be noted that if performance under the plan is not sufficient, further revision of the action plan and its methods may be required and should be recommended.



## Appendix 1 – Our Local Laws, Policies and Procedures

### Local Laws

#### Community Local Law No. 2 – Part 7 Animals

- Section 71 – Keeping animals in the municipal district sets out the number of animals that may be kept without a permit.
- Section 72 – requires owners to ensure they have adequate fencing to prevent animals escaping.
- Section 74 – requires owners to ensure their animals do not create a nuisance and all animal litter must be disposed of.
- Section 75 – requires a person to remove and dispose of their dog's excrement.
- Section 76 – requires all dogs and cats to be on a leash unless in a designated off leash area.

#### Prescribed off-leash area

Swan Hill Off-Leash Dog Park

### Policies and Procedures

- Domestic animal collection and surrender procedure
- Animal registration forms and annual renewal notices including fixed fees
- Dog attack response and investigation procedure
- Euthanasia and disposal procedure
- Firearms procedure
- Preliminary Dog Attack Report
- Statement of No-Complaint Form
- Animal Surrender Form
- Seizure Notice
- Proceed to Prosecution Form

## Appendix 2 – Training Register

Authorised Officer Training	Completed	Planned
Certificate IV Animal Control and Regulation	√ 3 officers, 2 in progress	
Certificate IV in Statutory Compliance	√ 3 officers, 2 in progress	
Advanced safe dog handling, apprehension and bite prevention workshop	√	As offered
Firearms training	√	Every two years
Understanding and working safely with dogs		2022
Animal Welfare Victoria – Animal management information webinar	√	As offered
Prosecutions training	√	Refresher training when available
First Aid Level II	√	Refresher training when available
CPR Update	√	Refresher training when available
Freedom of information	√	As required by Council
Occupational Health and Safety	√	As required by Council
Personal Protective Equipment	√	As required by Council
Manual handling	√	As required by Council
Dealing with aggressive customers	√	As required by Council
Conflict resolution	√	As required by Council
Council policies and procedures	√	As required by Council
Other Animal Welfare Victoria training and information seminars		As offered
Municipal Association of Victoria and local government professionals		As offered
Australian Institute of Animal Management seminars/conferences		As offered

**Swan Hill Rural City Council**  
**Domestic Animal Management Plan Review 2021**

**Objective 3.1:** Develop a training policy that clearly identifies minimum training requirements

Activity	When	Evaluation	Comments	Next Step
3.1.1 - Identify minimum training requirements by consultation with management and staff.	Current and Ongoing	To be incorporated into officers' performance review and recorded on the Departmental Training Report.	<p><b>2021 Training Completed</b></p> <ul style="list-style-type: none"> <li>• First Aid and CPR Training Refresher</li> <li>• Animal Behaviour Training</li> <li>• Firearms Safety Training</li> <li>• Dealing with Conflict in the Workplace</li> <li>• Child Safe Training</li> <li>• Culture at Work Training</li> <li>• Emotional Intelligence Training</li> <li>• Animal-3Rs Recognise Respond and Refer</li> <li>• Disclosures of Family Violence</li> <li>• Implementation of Microchip device for cats and dogs</li> <li>• One officers are currently undertaking the Certificate IV in Local Government Animal Control</li> </ul>	<p>Professional development of Authorised Officers will continue in 2022</p> <p>The proposed 2022 training will include:</p> <ul style="list-style-type: none"> <li>• Animal Behaviour Training</li> <li>• Body Worn Camera Training</li> </ul>
3.1.2 - Identify additional training opportunities by consultation with management and staff including issues related to domestic violence.	Current and Ongoing	To be incorporated into officers' performance review and recorded on the Departmental Training Report.	<p>Officers undertook the Animal-3Rs training, which is a family violence awareness training from Eastern Domestic Violence Service (EDVOS) for Local Laws/Animal Management officers to understand the link between animal abuse and family violence.</p> <p>All staff have undertaken the online Child Safe training that outlines mandatory reporting requirements if an officer sees or suspects an issue.</p>	Officers will build on the family violence awareness training that was undertaken 2020 and further develop awareness and understanding around domestic violence.

1



**Objective 3.2:** Be aware of current trends and changes in animal management legislation and best practice.

Activity	When	Evaluation	Comments	Next Step
3.2.1 - Officers to attend a relevant conference conducted by peak bodies per annum.	Annually	Attendance at conference and feedback to Regulatory Services Unit.	<p>Due to COVID Animal Welfare, Victoria conducted animal management webinars for councils involved in animal management.</p> <p>This year's focus was on Prosecution Services where the training involves the role of the prosecutor, criminal procedure, brief preparation, statements, interviewing, evidence and warrants.</p> <p>All Authorised Officers attended webinars. Animal Information Webinar being held in December 2020.</p>	Continue to attend Animal Welfare Victoria training and investigate relevant conferences for Authorised Officers Regulatory Services Officers to attend in 2022.
3.2.2 - Officers to utilise social media and websites to ensure they are up to date with current information.	Monthly	Demonstrated improved knowledge of current trends and changes in legislation reflected in practice.	<p>February 2021 the Animal Management section of Council's website content was reviewed and will be updated on the launch of a new Council website.</p> <p>Active surveillance of the Swan Hill, Robinvale and Manangatang Lost and Found Pets Facebook Posts is carried out to see if lost animals are in one of Councils pound.</p> <p>The online animal registration form has been received well with COVID19 restrictions continuing into 2021.</p>	<p>Regulatory Services to continue reviewing online information and update as required.</p> <p>Website information to be reviewed upon commencement of the new Council website.</p> <p>Review all forms and documents and investigate providing online applications.</p> <p>IT currently investigating for online payments can be made as part of the online registration process.</p>

**Objective 3.3:** Conduct review of internal processes.

Activity	When	Evaluation	Comments	Next Step
3.3.1 Review internal policies and procedures relating to investigation, compliance and enforcement processes to accommodate legal and other changes and ensure consistent application by Authorised Officers.	Annually	Procedures and other related documents are updated and approved, officers are trained and competent.	Policies and Procedures updated as required. The Cat Trap procedure and animal rehoming procedure are in draft form and will be presented to ELT early 2022.	Collate all Animal Management Policies and procedures into a Manual in 2022.

**Objective 4.1:** To increase animal registration numbers

Activity	When	Evaluation	Comments	Next Step
4.1.1 - Ensure all seized and impounded animals are registered to their owner prior to release.	Prior to every release	Review annual increase in registration numbers.  Review number of dogs and cats being seized & impounded that are not registered to their owner.	All animals that are released from Council's pound facility are required to be microchipped and registered before they are to be returned to their owner or rehomed as per the Domestic Animals Act 1994. 122 dogs were released by Council in 2020/21.  In 2020/21 2476 Dogs and 428 Cats were registered with Council. This is a decrease of 23 dogs and a decrease of 16 cats from the previous financial year.  Authorised Officers are to ensure that all animals that they see during investigations are registered	Promote the benefits of animal registration to community.

<p>4.1.2 - Continue to provide at least one annual free micro-chipping day.</p>	<p>Annually</p>	<p>Undertake a cost benefit analysis to ascertain if the income generated is reflective of the cost output.</p>	<p>with Council. This has resulted in 39 Unregistered Animal Notifications issued and followed up in 2021. An unregistered animal notice category was created in our service system - sysaid. In 2020, the annual November Swan Hill free microchipping day resulted in fifteen new animal registrations with only one animal not reregistering, one being rehomed and another being advised as deceased from the free microchipping program. There were 50 microchips provided as part of this program. In 2021, the annual Robinvale free microchipping day saw only one animal registration from the free microchipping program. There were 20 microchips provided as part of this program. Both programs are promoted via media releases in the paper, social media and the radio in the lead up to the microchipping programs. The annual free microchipping days are now being undertaken from the Swan Hill and Robinvale Pound facilities due to Authorised Officer Adam Hunter being a certified microchip implanter.</p>	<p>Free microchipping and registration will be offered in Robinvale and Swan Hill in 2021. Review the cost benefit analysis to determine if the program is feasible in future due to low uptake. An online booking system will be investigated to streamline the ability for potential customers who are unable to attend the office or in the event of COVID restrictions.</p>
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## Objective 5.1: To reduce the number of animals at large in particular cats/wildcats

Activity	When	Evaluation	Comments	Next Step
5.1.1 Purchase additional traps	June 2022	Review number of current cat traps and number of cat trap requests. Purchase additional cat traps to meet demand.	<p>Audit completed on number of cat traps, 30 in total. The traps are distributed between Swan Hill and Robinvale pounds.</p> <p>Due to COVID19 the cat trapping programs were suspended during multiple stage 4 lockdowns enforced in 2021 and resumed once stage 4 enforcements were eased. Customers were still able to request cat traps and were advised of the situation and the result of a waiting list.</p> <p>Until October 2021, 90 cat trap requests were received.</p> <p>An audit of the sysaid categories was undertaken to separate council cat traps from customer's personal cat trap requests to improve accuracy of statistics.</p>	Continue to provide cat traps to community members in an effort to reduce the wildcat population.
5.1.2 Investigate (and initiate if feasible) cat desexing funding	January 2022	Applications for funding submitted if available.	In 2021 funding was secured to provide in 2022 eligible pet owners the opportunity to apply to participate in a low cost desexing program.	<p>Promote the low cost desexing program to the public</p> <p>Continue to investigate feasible options to reduce wildcat population.</p>
5.1.3 Explore new partnerships with local veterinarians and community groups to address cat nuisance issues and other animal welfare matters in the region.	Ongoing	Establish community networks and collaboration with local veterinary practices, pet businesses, community groups and neighbouring Councils.	<p>Mildura based Benetook Veterinary visit Robinvale weekly, due to COVID19 they have ceased coming which has impacted on the cat trapping program as the feral cats are not able to be euthanised.</p> <p>Council has been able to source a travelling Vet to service the area until the Benetook service resumes.</p>	<p>Work with and assist where possible to advocate for Robinvale and surrounds to have access to Veterinary Services.</p>

5

				The Robinvale ranger has also been able to travel to Mildura to seek veterinary services.	
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**Objective 5.2:** Educate community about animal nuisances

Activity	When	Evaluation	Comments	Next Step
5.2.1. Review and update educational material regarding Dog and Cat nuisance issues on Council's website.	Ongoing	Material to be reviewed and updated annually.	Material reviewed and updated at customer service centres and content updated on Council's website.	Continue to promote and provide educational material by a range of media sources including traditional print media and online and/or social media.
5.2.2 –Update links on website to provide information about wildcats	Annually	Information available on website.	Information on wildcats added to Councils website. Website includes how to 'Request a Cat Trap' form.	Review information annually to ensure currency.

**Objective 6.1:** To reduce the number of dog attacks across the municipality

Activity	When	Evaluation	Comments	Next Step
6.1.1 - Undertake routine patrols across the municipality with a focus on dogs at large.	Ongoing	Record to be kept of location of patrols in Sysaid when investigating complaints.	<p>Authorised Officers continue the increased patrols in the river front Swan Hill and Robinvale areas.</p> <p><b>2020/2021 Fines Issued:</b>                      26 - dogs at large daytime                      4 - dogs at large during night time                      8 - non-serious dog attacks                      2 - allowing dog to rush                      32 – not registering animal                      82 – not renewing animal registration</p>	Authorised Officers will continue to patrol popular walking locations and promote the message of responsible pet ownership.
6.1.2- Publicise key dog attack prevention messages.	Ongoing	Backyard containment material produced. Checklist developed and available on website, through mail outs and Customer Service Centres.	Media releases published around dog attack prevention and articles printed in the Guardian and Sentinel Newspapers to raise awareness.	Website and printed information reviewed and updated annually and/or as required.
6.1.3 - Awareness campaign for both property/stock owner and animal owner re: potential destruction of dog found in paddock with stock.	Ongoing	Record number of media releases.	Media releases published around livestock attacks and articles printed the Guardian and Sentinel Newspapers to raise awareness for the community.	Continue to provide written and verbal awareness campaigns as required.

**Objective 6.2:** To minimise the incidents of dog attacks in the community

Activity	When	Evaluation	Comments	Next Step
6.2.1 - Media release (newspaper, Facebook), Website.	Ongoing	Record number of media releases.	<p>2021 Media Releases include:</p> <ul style="list-style-type: none"> <li>• Domestic Animal Management Plan</li> <li>• Free Microchipping program</li> <li>• Off leash Dog Park</li> <li>• Pet registration reminder</li> </ul> <p>There were also socials posts which includes</p> <ul style="list-style-type: none"> <li>• 5 posts for the new dog park</li> <li>• 4 posts socials posts regarding animal registration renewals</li> <li>• 1 post for free microchip for Robinvale</li> <li>• 1 post sharing from Agriculture Victoria relating to a new dog disease</li> <li>• 3 posts relating to the Domestic Animal Management Plan</li> </ul>	Continue to provide updates on Council's website and through media releases.

**Objective 7.1:** To obtain a high of compliance from the owners of dangerous, dangerous or menacing or restricted breed dogs

Activity	When	Evaluation	Comments	Next Step
7.1.1 - Undertake inspections of all dangerous, menacing and restricted breed dogs with zero tolerance for non-compliance as detailed in the Domestic Animals Regulations 2005.	Annually	All properties audited and owners compliant with requirements.	<p>Properties are audited every year in line with Domestic Animals Regulations 2005 by Authorised Officers.</p> <p>Dogs are registered on the Victorian Dangerous Dog Register. The dogs and properties are also flagged on council's internal systems.</p> <p>Currently Council has 3 Dangerous Dogs and 12 Menacing Dogs declared through the Domestic Animal Act.</p>	<p>Review Victorian Dangerous Dog Registry and Councils internal systems annually to ensure information recorded is up to date.</p> <p>Undertake an audit of all properties with declared animals annually.</p>
7.1.2 - Continue community messaging with regard to dangerous,	Ongoing	Record number of media releases.	Awareness campaign completed by officers with verbal and written information provided to all people with a declared menacing or dangerous dog.	Continue education with the owners of declared menacing

menacing and restricted breed dogs. Includes scheduled and ad-hoc topics across the year via social media, media releases, website.				and dangerous dogs within the LGA.
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**Objective 7.2:** Increase officer awareness of location of declared dangerous or menacing dogs to promote safety when attending premises

Activity	When	Evaluation	Comments	Next Step
7.2.1 - All locations where declared dangerous dogs are kept will be identified on Council's mapping system.	Ongoing	Council's mapping system to be updated to record the properties where declared dangerous dogs are kept.	Council's GIS Officer has ensured the dangerous dog locations are identified on the SSA mapping system.	Continue to work the GIS officer to ensure any changes are mapped and up to date.

**Objective 8.1:** To continue encouraging de-sexing of animals within the municipality

Activity	When	Evaluation	Comments	Next Step
8.1.1 - Discount registration fees for cats and dogs that are both de-sexed and micro-chipped.	Annually	Number of new animals registered in this category yearly.	Discounted registration fees are currently being offered to all pet owners that have their animals desexed and microchipped prices range from \$22-\$44. Full registration fee is \$132.  434 new animal registrations were received during 2020/21. Of these 10 have been notified as deceased and 29 have been advised as being departed. Of the 434 new registrations: <ul style="list-style-type: none"> <li>• 54 received the entire pension discount</li> <li>• 164 received the desexed discount</li> </ul>	Continue to offer annual discounted registration program annually.  Continue to provide half price registrations from 10 October to 31 December.  Continue to provide registration until 10 April the following year



			<ul style="list-style-type: none"> <li>• 46 received desexed/pension</li> <li>• 14 were working dogs</li> <li>• 1 Dangerous dog</li> <li>• 1 Menacing dog</li> <li>• 6 member of an applicable organisation discount</li> </ul> <p>Half price new animal registrations are provided from 10 October until 31 December yearly. During 2020/21, 98 were provided with half price registration.</p> <p>Animals registered from 1 January are provided with registration until 10 April the following year. During 2020/21, 130 were provided with extended registration.</p>	<p>for new animals registered from 1 January.</p>
<p>8.1.2- Media campaigns promoting the benefits of de-sexing.</p>	<p>Annually</p>	<p>Record number of media releases.</p>	<p>Responsible Pet Ownership brochures distributed at veterinary clinics, council websites, social media and public locations. Vets include this information in their puppy school classes as well.</p>	<p>Continue promoting the Responsible Pet Ownership information in local media and social media.</p>
<p>8.1.3 - Seek funding opportunities at a regional level to support reducing the costs of desexing programs.</p>	<p>Annually</p>	<p>Identification of opportunities for a regional desexing program with neighbouring Councils and seek funding opportunities with State Government bodies.</p>	<p>Will continue to investigate and participate in National and Statewide programs.</p>	<p>Funding for the desexing program to be allocated in the 2020/21 financial year budget to undertake desexing program.</p>

**Objective 8.2:** Continuance of Section 84Y agreement/s with approved animal rescue organisations

Activity	When	Evaluation	Comments	Next Step
8.2.1 - Maintain current 84Y agreements.	Annually	Agreements renewed.	Council have 57 current Section 84y agreements as of October 2021. Regulatory Services is working with IT to develop a new pound register, which will be able to maintain the agreements.	Continue to monitor agreements and create foster partnerships with rescue groups.
8.2.2 - Investigate and instigate additional 84Y agreements.	Annually	Suitable agreements implemented.	Of the 57 agreements, 2 agreements are with new rescue groups that have not previously had a Section 84y agreement with Council.	Upgrades to Councils pound register will provide better reporting capabilities and auditing in regards to monitoring 84Y agreements.

**Objective 9.1:** Identify unregistered domestic animal business owners and operators

Activity	When	Evaluation	Comments	Next Step
9.1.1 - Follow up possible DAB's identified during property inspections and complaint/notifications from public.	Annually	Identified DAB's registered with Council	A review was undertaken to determine if any new businesses were operating. No additional businesses have been identified. Council currently has 6 Domestic Animal Businesses (DAB) registered, including the Council's Swan Hill and Robinvale Pounds.	Ongoing monitoring of Domestic Animal Businesses, including potential unregistered businesses, annually.
9.1.2 - Check media sources / social media for advertisements.	Annually	Data entered to sysaid & reviewed quarterly.	Regular checks in place and if identified investigation is to be undertaken. There have been no unregistered domestic animal businesses identified during 2020/2021.	Continue to monitor and investigate.

9.2.3 – Ensure Council pound processes reflect best practice standards	Annually	Review current pound policy and procedures.	Current policies and procedures reviewed and updated. Council's Health Management Plan for Swan Hill and Robinvale animal pounds 2017 has been reviewed and updated.	Continue to review and update as required.
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**Objective 10.1:** To conduct an annual review of Emergency Animal Management Plan (EAMP)

<b>Activity</b>	<b>When</b>	<b>Evaluation</b>	<b>Comments</b>	<b>Next Step</b>
10.1.1 – Review Animal Management functions in the Municipal Emergency Management Plan to ensure current and up to date.	Annually for life of plan	Reviewed animal management section submitted to Municipal Emergency Management Planning Committee.	Reviewed Animal Management section of the MEMP. All information is up to date.	Continue to annually review and refine processes.

## **B.21.107 LOCAL ROADS COMMUNITY INFRASTRUCTURE FUND ROUND 3 - PROPOSED PROJECTS**

**Responsible Officer:** Director Development and Planning  
**File Number:** S17-02-01  
**Attachments:** 1 [↓](#) 'The Farmer' – Public Sculpture

### **Declarations of Interest:**

Heather Green - as the responsible officer, I declare that I have no disclosable interests in this matter.

### **Summary**

This report seeks to inform Council on a range of project options for the Local Roads and Community Infrastructure Fund Round 3. The value of the fund is \$2,868,316.

### **Discussion**

A series of projects are proposed as part of this funding allocation. Some of these projects have come from the Major Projects Plan, or they have been identified independently as opportunities to improve/renew infrastructure and benefit community.

Each of the eleven projects have been included in the Draft, Ten Year Major Projects Plan. The total project value for the proposed eleven projects is \$5,150,000. Eight projects are recommended for funding from this grant. The remaining three projects are proposed to be funded through rates.

Stage 3 of the LRCI Program will run from 1 January 2022 to 30 June 2023. Consequently, a series of the projects will be 100% funded – enabling these projects to get underway quickly. Project construction can commence once Work Schedules are approved by the responsible Department (Department of Infrastructure, Transport, Regional Development and Communications) with all projects required to be physically completed by 30 June 2023.

The guidelines for Round 3 have been finalised by the Department. The following types of projects are eligible for funding:

#### Local Roads Projects

Eligible Local Road Projects are projects that involve the construction or maintenance of roads managed by local governments. Local governments are encouraged to consider works that support improved road safety outcomes. This could include projects involving any of the following associated with a road:

- traffic signs
- traffic control equipment
- street lighting equipment
- a bridge or tunnel
- a facility off the road used by heavy vehicles in connection with travel on the road ie: a rest area or weigh station
- facilities off the road that support the visitor economy
- road and footpath maintenance that may be in addition to the normal capital works schedules

### Community Infrastructure Projects

Eligible Community Infrastructure Projects are projects that involve the construction, maintenance and/or improvements to council-owned assets (including natural assets) that are generally accessible to the public.

'Generally accessible to the public' means that the project, or the amenity provided by the project, is generally accessible to the public at large. Some areas are clearly publicly accessible as they are areas that are open to all members of the public such as parks, playgrounds, footpaths and roads.

Projects will also be considered generally publically accessible if they are in a location that is:

- generally publically accessible to the wider public undertaking a specific activity (for example council operated sporting fields)
- generally publically accessible for a limited age group of the Community as a whole ie: a kindergarten building
- used for the provision of an essential service or community service, as determined by the Department and the amenity of the asset is publicly accessible and benefits the community

All projects, whether carried out on council owned land, or another type of public land, must deliver benefits to the community, such as improved accessibility, visual amenity, and/or safety.

Examples include:

- closed circuit TV (CCTV);
- bicycle and walking paths;
- painting or improvements to community facilities;
- repairing and replacing fencing;
- improved accessibility of community facilities and areas;
- landscaping improvements, such as tree planting and beautification of roundabouts;
- picnic shelters or barbeque facilities at community parks;
- community/public art associated with an Eligible Project ( Eligible Funding Recipients are required to provide a clear description of the conceptual basis of the artwork);
- playgrounds and skate parks (including all ability playgrounds);
- noise and vibration mitigation measures; and
- off-road car parks (such as those at sporting grounds or parks).

### **Projects considered for Round 3 of the LRCI fund**

1. Robinvale Leisure Centre Carpark

**Scope:** The current access to the Robinvale Leisure Centre is via sealed road. This area will be complimented with a new sealed entry to the Recreation Reserve and compliment the overall expansion to the Leisure Centre.

**Proposed Budget:** \$275,000

Concept design has been carried out. Proposed budget includes the cost of detailed design and project management.

**Major Projects Plan:** Access to Recreation Reserve (Stage 1)

2. Missing Links Footpaths

**Scope:** Three x footpath projects from the missing links strategy. Includes Watkins Street, Robinvale and Leonora to George Streets.

**Proposed Budget:** \$550,000

Proposed budget to include all project management and design costs.

**Major Projects Plan:** Footpath Renewal (ongoing)

3. Nyah West Community Toilet Block

**Scope:** There are two end of life assets in the Median/Road Reserve opposite the main street along Monash Avenue, the former Maternal Child Health Centre and a toilet block built in 1964. The project is to remove the existing assets and replace with a DDA compliant toilet block. The toilet block will have two to three cubicles in total.

**Proposed Budget:** \$165,000

Proposed budget to include all project management and design costs.

**Major Projects Plan:** Year 4 Implementation of Public Toilet Strategy

\*Note – the local community has expressed the need for a suitable public performance and events space in this area. Officers will investigate the feasibility of a performance space as part of a broader landscaping plan for this zone. The landscaping plan will take into account existing assets, current and future usage and the appropriate positioning for new and/or renovated/built-on assets.

4. The Farmer - Swan Hill

**Scope:** Repairs to iconic public art sculpture by well known artist Deborah Halpern. The sculpture has been damaged but is considered repairable by the artist (see Attachment for more detail).

**Proposed Budget:** \$120,000

Proposed budget to include transportation, artist and materials costs.

**Major Projects Plan:** No

5. Swan Hill Leisure Centre – Swimming Pool - Heated Water Supply and Pool Plant Renewal

**Scope:** With the construction of the new Gym, came changes associated with the positioning of the existing indoor heated pool equipment. The LPG operated RADEC Boiler installed in 2011 is not functioning effectively due to plaque/soot build up.

With the new gym project advancing and after seeking advice from a consultant who specialises in pool plant/equipment, the intention is to replace the boiler with a suitable roof mounted LPG variety. Technology in boiler equipment has advanced considerably and units that are more efficient and effective are readily available, are smaller than the old RADEC unit and are much more reliable.

Replacement of a series of pool operations equipment will also be necessary as part of this project ie: the filter media tanks. The timing for the replacement intersects with end of life for much of this plant.

**Proposed Budget: \$275,000**

Proposed budget includes project management and design costs.

**Major Projects Plan:** No but compliments the Swan Hill Leisure Centre Dry Fitness Room Extension Project

6. McCallum Street Footpath

**Scope:** From Stradbroke Avenue to Woorinen South Road (Tower Hill). Includes 900m x 2.5m footpath, landscaping and lighting.

\$200,000 is already available for this project in the Major Projects plan.

**Proposed Budget \$715,000**

Concept design has been carried out. Proposed budget includes project management costs.

**Major Projects Plan - Yes**

7. Swan Hill Town Hall Exterior Refurbishment

**Scope:** The exterior of the Swan Hill Town Hall is in need of refurbishment. The rendering is cracking and the painted surface is faded and worn. The refurbishment will require a high level of risk control and formal contractor accreditations for all employees (ie: working safely at height). Colours and finishes will be subject to Heritage Advisor advice.

**Proposed Budget: \$440,000**

Proposed Budget to include all project management and any necessary design/planning costs.

**Major Projects Plan:** Years 1 – 9 Building Maintenance Capital Renewal – but insufficient funds in a single year to fund this project in its entirety.

8. Lake Boga Southern Entrance Beautification Project

**Scope:** CHMP approved and design completed. Works include irrigation, turf areas, bollards, VicRoads approvals and garden beds.

**Proposed Budget: \$660,000**

CHMP and Irrigation design has been carried out. Proposed budget includes the cost of project management, detailed landscaping design, permits and approvals.

**Major Projects Plan:** Irrigation Renewal (but not specific to this project)

9. Robinvale Leisure Centre – Internal Fit-out, Scoreboard and Moveable Seating

**Scope:** With the escalating costs associated with building construction, providing an additional contingency to the Robinvale Leisure Centre Expansion Project is helping to ensure the project can be delivered to meet community expectations. The additional funding will assist with fit-out and equipment, line-marking, fixed equipment and storage shelving.

**Proposed Budget: \$330,000**

Detailed design prepared as part of overall extension project. Proposed budget includes project management costs.

**Major Projects Plan:** Compliments an existing projec

10. Unsealed Roads

**Scope:** Greater investment in the Local Unsealed Road network. Includes works on Unsealed Roads in accordance with the Road Asset Management Plan and category standards ratings for roads.

**Proposed Budget:** \$550,000

Proposed Budget to include all project management and design costs.

**Major Projects Plan:** Yes ongoing works

11. Karinie Street Reconstruction

**Scope:** Replace kerb and channel and road pavement from Murlong Street to the Nyah Road round-about including the Saleyards road intersection and Saleyards entrance upgrade. The project will improve the safety for large truck and light vehicle entry/egress and assist with the overall road surface quality and safety standard.

**Proposed Budget:** \$935,000

Proposed Budget to include all project management and design costs.

**Major Projects Plan:** Sealed Roads (but not specific to this project)

<b>TABLE OF CONSIDERED PROJECTS</b>						
<b>Project No.</b>	<b>Project</b>	<b>Proposed Budget</b>	<b>Likelihood of alternative funding</b>	<b>Current Design</b>	<b>Major Projects Plan</b>	<b>Recommended Projects LRCI Round 3</b>
1	Robinvale Leisure Centre Carpark	\$275,000	Low	Concept	No	Yes
2	Missing Links Footpaths	\$550,000	Medium	No	Footpath Renewal Ongoing	Major Projects Plan
3	Nyah West Toilet Block Renewal	\$165,000	Low	No	Year 4 – Public Toilet Strategy	Yes
4	The Farmer – Swan Hill Art Gallery	\$120,000	Low	No	No	Yes
5	Swan Hill Leisure Centre – Swimming Pool - Heated Water Supply and Pool Plant Renewal	\$275,000	Low	No	No, but compliment existing project	Yes
6	McCallum Street Footpath	\$715,000	Medium	Concept	Yes	Yes
7	Swan Hill	\$440,000	Low	No	Building	Yes



**SECTION B - REPORTS**

16 November 2021

	Town Hall Exterior Refurbishment				Maintenance Ongoing	
<b>8</b>	Lake Boga Southern Entrance Beautification Project	\$660,000	Medium	Yes/Partial	Irrigation Renewal Ongoing	Yes/Partial supplemented by rates
<b>9</b>	Robinvale Leisure Centre Internal Fitout	\$330,000	Low	Yes	Yes	Yes
<b>10</b>	Unsealed Roads	\$550,000	Medium	No	Unsealed Roads Ongoing	Major Projects Plan
<b>11</b>	Karinie Street Reconstruction	\$935,000	Medium	No	Sealed Roads Ongoing	Major Projects Plan
<b>TOTAL</b>		\$5,150,000				

**Budget**

Officers propose to deliver the full list of projects supplemented by rates in 2022/23. The funds for LRCI Round 3 will not be released to Councils until January 2022. It is intended that all projects will be delivered by June 2023.

**Consultation**

Some of the proposed projects are unallocated in Council's Major Projects Plan but now form part of the Draft 2022/23 Ten Year Major Projects Plan. Others are to strengthen the outcomes of existing projects, some are difficult to find funding for yet have been long term desires/needs of the Community.

Consultation across Council Departments has also occurred to ensure there is a collaborative and empathetic approach to long term outstanding, difficult to fund works.

**Financial Implications**

Local Roads Community Infrastructure Fund Round 3 - \$2,868,316.

**Social Implications**

- Encouraging community connection and social inclusion
- Encourage active lifestyle
- Contributing to a community of which we can all be proud

**Economic Implications**

Not applicable.

**Environmental Implications**

Not applicable.

## **Risk Management Implications**

Eight projects represent a higher risk, of issues arising that may interfere with the deliverability of one or more of the listed projects. This in turn can affect the funding deadlines.

## **Council Plan Strategy Addressed**

*Infrastructure* - Infrastructure that appropriately services community needs.

## **Options**

Council may choose to adopt or amend the recommendation.

## **Recommendations**

**That Council submit to the funding body the tabled projects to be delivered as part of the Local Roads and Community Infrastructure Fund Round 3 to the total value of \$2,868,316.**

## **Recommended Projects**

<b>TABLE OF RECOMMENDED PROJECTS</b>		
<b>Project No.</b>	<b>Project</b>	<b>Proposed Budget</b>
<b>1</b>	Robinvale Leisure Centre Carpark	\$275,000
<b>2</b>	Nyah West Toilet Block Renewal	\$165,000
<b>3</b>	The Farmer – Swan Hill Art Gallery	\$120,000
<b>4</b>	Swan Hill Leisure Centre – Swimming Pool - Heated Water Supply and Pool Plant Renewal	\$275,000
<b>5</b>	McCallum Street Footpath	\$715,000
<b>6</b>	Swan Hill Town Hall Exterior Refurbishment	\$440,000
<b>7</b>	Lake Boga Southern Entrance Beautification Project	\$548,316 (supplement with \$111,684 rates)
<b>8</b>	Robinvale Leisure Centre Internal Fit-out	\$330,000
<b>TOTAL</b>		<b>\$2,868,316</b>

**SECTION B - REPORTS**

16 November 2021

**161/21 Motion**

**MOVED Cr McKay**

That Council submit to the funding body the tabled projects to be delivered as part of the Local Roads and Community Infrastructure Fund Round 3 to the total value of \$2,868,316.

**Recommended Projects**

<b>TABLE OF RECOMMENDED PROJECTS</b>		
<b>Project No.</b>	<b>Project</b>	<b>Proposed Budget</b>
1	Robinvale Leisure Centre Carpark	\$275,000
2	Nyah West Toilet Block Renewal and community consultation	\$440,000
3	The Farmer – Swan Hill Art Gallery	\$120,000
4	Swan Hill Leisure Centre – Swimming Pool - Heated Water Supply and Pool Plant Renewal	\$275,000
5	McCallum Street Footpath	\$715,000
6	Swan Hill Town Hall Exterior Refurbishment	\$165,000
7	Lake Boga Southern Entrance Beautification Project	\$548,316 (supplement with \$111,684 rates)
8	Robinvale Leisure Centre Internal Fit-out	\$330,000
<b>TOTAL</b>		<b>\$2,868,316</b>

**The Motion LAPSED for want of a seconder**

**MOVED Cr Moar**

That Council submit to the funding body the tabled projects to be delivered as part of the Local Roads and Community Infrastructure Fund Round 3 to the total value of \$2,868,316.

**Recommended Projects**

<b>TABLE OF RECOMMENDED PROJECTS</b>		
<b>Project No.</b>	<b>Project</b>	<b>Proposed Budget</b>
1	Robinvale Leisure Centre Carpark	\$275,000
2	Nyah West Toilet Block Renewal	\$165,000
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6	Swan Hill Town Hall Exterior Refurbishment	\$440,000
7	Lake Boga Southern Entrance Beautification Project	\$548,316 (supplement with \$111,684 rates)
8	Robinvale Leisure Centre Internal Fit-out	\$330,000
<b>TOTAL</b>		<b>\$2,868,316</b>

**SECONDED Cr King**

**The Motion was put and CARRIED**

**THE FARMER – Public Sculpture**

**Artist - Deborah Halpern**

The Farmer is a hand painted mosaic sculpture donated to the Swan Hill Regional Art Gallery in 1995. by the Australian multidisciplinary artist Deborah Halpern.

Halpern is one of Australia's most celebrated sculptors with numerous public sculptures commissioned over a 35 year plus practice.

The Farmer is a significant work. It was the result of research for the iconic Angel, commissioned by the National Gallery of Victoria in 1989 which stood sentinel in the moat of the gallery for 17 years.

Similarly, the Farmer has stoically greeted all to the entrance of the cultural precinct at Horseshoe Bend since 2005. The farmer is now 18 years old.



The Angel . National Gallery of Victoria



The Farmer. Swan Hill Regional Art Gallery



Conservation work took place in 2014 to replace a series tiles while the sculpture was insitu. More and more tiles have fallen from the sculpture as time has passed, suggesting a failure of the aging tile adhesive and exposure to the Swan Hill weather conditions.

The Artist is optimistic that the former glory of the sculpture is retrievable.

The Farmer underwent a recent transportation attempt to be further assessed by the artist. The sculpture was unable to make the journey as new damage occurred very quickly while in transit. The Farmer currently sits at the Swan Hill Works Depot.

Repairs to the Farmer bring about new opportunities, not only for how the Farmer may appear, (new hat new clothes) but for where in the future, this sculpture is to stand in the context of Horse Shoe Bend and the Pioneer Settlement.



## **B.21.108 LOCAL LAW SWAN HILL REGIONAL LIVESTOCK EXCHANGE**

<b>Responsible Officer:</b>	Director Infrastructure
<b>File Number:</b>	S24-02-18
<b>Attachments:</b>	1 <a href="#">↓</a> Legal Certification Local Law by Macquarie Local Government Lawyers
	2 <a href="#">↓</a> Regional Livestock Exchange Local Law 2021

### **Declarations of Interest:**

Svetla Petkova - as the responsible officer, I declare that I have no disclosable interests in this matter.

### **Summary**

This report seeks a Council resolution to make a new Local Law governing the operations of the Swan Hill Regional Livestock Exchange (SHRLE) following the public consultation which concluded on the 21 September and subsequently obtained legal certification for this local law consistent with sub-section 74(1&3) of the Local Government Act (LGA) 2020.

This Local Law is a local law made and notice given under Division 3, Part 3 of the *Local Government Act 2020*.

### **Discussion**

Council resolved on the 19 October 2021 to:

“Commence all actions necessary under Part 3 Division 3 of the Local Government Act 2020 for the declaration of the Swan Hill Rural City Council’s Regional Livestock Exchange Local Law.”

Officers contracted Macquarie Local Government Lawyers to prepare the Legal Certification as required by sub-section 74(1) of the Local Government Act (LGA) 2020.

This certificate must be tabled to the meeting where the local law is made in compliance with sub-section 74(3) of the LGA 2020

### **Consultation**

Completed prior to previous report.

### **Financial Implications**

There are no increased costs from implementing the recommendation.

### **Social Implications**

Clear expectations and roles and responsibilities will minimise misunderstandings and create a professional working environment.

### **Economic Implications**

Creating clarity to ensure a compliant and safe work environment will enable to ongoing provision of the facility for the community benefit.

### **Environmental Implications**

Stock curfew, health and wellbeing will improve the quality of stock and minimise the waste generated from the facility.

### **Risk Management Implications**

The Local Law and the Agent Agreements will mitigate the risks of role confusion, non-compliance and potential for loss of accreditation for the yards. It is expected that not all stakeholders will be willing to comply with the requirements in the Local Law and/or Agent Agreement.

### **Council Plan Strategy Addressed**

***Community enrichment*** - Provide services and support initiatives that create a Healthy and Safe Community.

### **Options**

1. Adopt the Local Law as presented.
2. Do nothing and continue to operate without any changes.

### **Recommendations**

#### **That Council:**

1. **Note the legal certificate received in compliance with Sub-section 74 (1&3) of the Local Government Act 2020 as part of the process to make this Local Law, and**
2. **Make under Part 3 Division 3 of the Local Government Act 2020 the Swan Hill Rural City Council's "Regional Livestock Exchange Local Law 2021".**
3. **Publish a notice about the making of the Local Law in accordance with Section 74(4) and 74(5) of the Local Government Act 2020.**
4. **Make available a copy of the Local Law at the Council's Office and on its internet site.**

### **162/21 Motion**

#### **MOVED Cr McPhee**

#### **That Council:**

1. **Note the legal certificate received in compliance with Sub-section 74 (1&3) of the Local Government Act 2020 as part of the process to make this Local Law, and**

- 2. Make under Part 3 Division 3 of the Local Government Act 2020 the Swan Hill Rural City Council's "Regional Livestock Exchange Local Law 2021".**
- 3. Publish a notice about the making of the Local Law in accordance with Section 74(4) and 74(5) of the Local Government Act 2020.**
- 4. Make available a copy of the Local Law at the Council's Office and on its internet site.**

**SECONDED Cr Jeffery**

**The Motion was put and CARRIED**



Our Ref: SWA62602



29 October 2021

Emma Rogers  
Governance and Compliance Officer  
Swan Hill Rural City Council

**BY EMAIL: [elrog@swanhill.vic.gov.au](mailto:elrog@swanhill.vic.gov.au)**

Dear Emma,

**Certification of Council's proposed Regional Livestock Exchange Local Law 2021**

Pursuant to sub-section 74(1) of the *Local Government Act 2020 (Act)*, I hereby certify that the proposed Swan Hill Rural City Council Regional Livestock Exchange Local Law 2021, is consistent with the local law requirements of the Act.

I am an Australian lawyer who has been admitted to the legal profession for at least 5 years.

I am not a Councillor of the Council.

This certificate must be tabled at the Council meeting at which the proposed local law is to be made in compliance with sub-section 74(3) of the Act.

Yours faithfully

**MACQUARIE LOCAL GOVERNMENT LAWYERS**

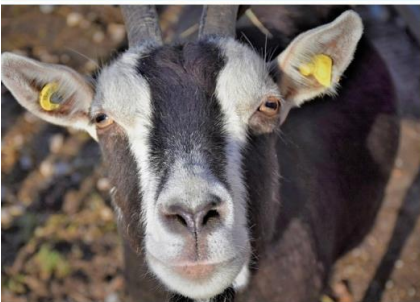
Per:

A handwritten signature in black ink, appearing to read 'Terry Bramham', with a horizontal line underneath.

Terry Bramham



Regional Livestock Exchange  
Local Law 2021



## Contents

Part 1 – Preliminary.....	2
1.1 Legislation.....	2
1.2 Objectives.....	2
1.3 Power to make this Local Law.....	2
1.4 Commencement date.....	3
1.5 Application of the Local Law.....	3
1.6 Definitions.....	3
Part 2 – Use of the saleyards.....	5
2.1 Use of Swan Hill Regional Livestock Exchange.....	5
2.2 Allocation of Sale Days.....	5
2.3 Pre-Sale Notifications.....	5
2.4 Penning of Livestock.....	6
2.5 Stray Stock.....	6
2.6 Selling Agents and Fees.....	6
2.7 Responsibility for Livestock.....	8
Part 3 – Behaviour.....	9
3.1 Offensive or Dangerous behaviour.....	9
3.2 Dogs.....	9
3.3 Vehicles.....	10
3.4 Dead/Injured Stock.....	10
3.5 Hindrance of Staff.....	10
3.6 Moving Stock.....	10
3.7 Unsafe Areas/Dangerous Practices.....	10
3.8 Selling of Sundry Items.....	11
3.9 Access to Saleyards.....	11
Part 4 – Agent Licence Agreement.....	12
4.1 Application for an Agent Licence Agreement.....	12
4.2 Livestock Cartage Contractors.....	12
4.3 Reporting.....	12
Part 5 – Enforcement and penalties.....	13
5.1 Offences.....	13
5.2 Infringement Notices.....	13
Schedule 1 - Infringement Penalties in respect of offences against this Local Law.....	14
Schedule 2 - Location of Swan Hill Regional Livestock Exchange.....	15
Schedule 3 - Agents Licence Agreement.....	16

## Part 1 – Preliminary

### 1.1 Legislation

Swan Hill Rural City Council's Regional Livestock Exchange Local Law 2021 is made under section 71(1) of the Act.

### 1.2 Objectives

The objectives of this Local Law are to:

- a) assist in the documentation of procedures and the expectations of Swan Hill Regional Livestock Exchange users such that accreditation to the National Saleyards Quality Accreditation can be achieved;
- b) provide for the setting and collection of fees from Stock Agents and Vendors selling livestock through the Swan Hill Regional Livestock Exchange and to prescribe the level of those fees;
- c) enable the Swan Hill Regional Livestock Exchange Manager to prescribe the days and hours during each day on which sales can be held at the Swan Hill Regional Livestock Exchange;
- d) protect Council assets and facilities at the Swan Hill Regional Livestock Exchange;
- e) promote and enforce appropriate adherence to occupational health and safety practices at the Swan Hill Regional Livestock Exchange;
- f) control and prevent behaviour within the Swan Hill Regional Livestock Exchange which is a nuisance, or which may be detrimental to health and safety;
- g) control the use of the Swan Hill Regional Livestock Exchange at all times;
- h) control the use of dogs at the Swan Hill Regional Livestock Exchange;
- i) regulate smoking and the consumption of alcohol at the Swan Hill Regional Livestock Exchange; and
- j) provide for fair and reasonable treatment of animals, and the application of adequate animal husbandry practices at the Swan Hill Regional Livestock Exchange.

### 1.3 Power to make this Local Law

Council's authority to make this Local Law is contained in Division 3 of Part 3 of the Act.

## 1.4 Commencement date

This Local Law comes into operation on the day on which it is made by Council.

## 1.5 Application of the Local Law

This Local Law applies to the Swan Hill Regional Livestock Exchange identified in the map shown and described in Schedule 2.

## 1.6 Definitions

In this Local Law

<b>Act:</b>	means the <i>Local Government Act 2020</i> .
<b>Agent Licence Agreement:</b>	means the agreement between Council and a Selling Agent which defines the conditions upon which Stock Agents may use the Saleyards for the selling of livestock as referred to in clause 4.1.1 of this Local Law.
<b>Authorised Officer:</b>	means a person appointed by the Council to be an authorised officer under section 224 of the <i>Local Government Act 1989</i> .
<b>Council:</b>	means Swan Hill Rural City Council.
<b>Holding pens:</b>	are livestock pens which have an accessible water supply and may or may not be used for auction purposes.
<b>Livestock:</b>	means an animal (including a bird) of any species used in connection with primary production or kept or used for recreational purposes or for the purposes of recreational sport, other than a dog or cat.
<b>Livestock Cartage Contractor:</b>	means any company, partnership or person engaged in the transport of livestock to and from the Saleyards and includes all agents and employees of such carriers.
<b>Non-working Dogs:</b>	are dogs not used for the purpose of guiding the movement of livestock within the Saleyards.
<b>Owner:</b>	includes the vendor and purchaser of stock, but may also include the owner of a pet.

- Penalty unit:** has the same meaning as in the *Sentencing Act 1991*.
- Purchaser:** means any person who purchases livestock at the Saleyards.
- Saleyards:** means the area of land occupied by and for the operations of the Swan Hill Regional Livestock Exchange located as shown and described in Schedule 2.
- Saleyards Supervisor:** means the person appointed by Council in charge of the day to day running of the Swan Hill Regional Livestock Exchange.
- Saleyards Manager:** means the person appointed by Council from time to time as the manager of the Saleyards.
- Selling Agent:** means a person who has entered into an Agent Licence Agreement with the Saleyards Manager pursuant to Clause 2.6.1.
- Vendor:** means a person or company whose livestock are offered for sale at the Saleyards.

## Part 2 – Use of the saleyards

### 2.1 Use of Swan Hill Regional Livestock Exchange

The conditions of consent to use the Saleyards are as follows:

- a) An agent proposing to use or operate at the Saleyards must first obtain written consent in the form of an *Agent Licence Agreement* shown in Schedule 3, from Council's Chief Executive Officer, or their delegate;
- b) Consent granted under this clause is conditional on the applicant providing an indemnity to the Council against all suits, actions, proceedings, claims, demands, costs, expenses, losses and damages for which it becomes or may become liable in respect of, or arising out of, any personal injury or loss or damage of property suffered by any persons in connection with the agents use of the Saleyards;
- c) Every agent operating within the Saleyards shall be responsible for the payment to the Council of the dues and fees prescribed and any variations from time to time of these dues and fees; and
- d) Use of the Saleyards will include the use of allocated pens, ramps and drafts on regular sale days, and the provision for special sales.

### 2.2 Allocation of Sale Days

2.2.1 Allocation of sale days at the Saleyards throughout the year shall be undertaken by the Saleyards Manager in consultation with the Selling Agents.

2.2.2 The Saleyards Manager may consent to the holding of special sales. Such sales must be booked in accordance with the Saleyard Booking Procedure found in NSQA manual section 2.1.2. The holding of special sales is at the discretion of the Saleyards Manager who may require the payment of a cash bond. In the event that a bond is required, the Saleyards Manager must refund the bond if the special sale is held and all fees and charges payable under this Local Law have been paid.

*Sales Before and After Opening or Closing of Market or on Non-Sale Days.*

2.2.3 No person may offer animals for private or public sale in the Saleyards before the commencement of or after the conclusion of, the market, nor upon a day not fixed as a day upon which the market is open without the written approval of the Saleyards Manager.

### 2.3 Pre-Sale Notifications

2.3.1 Each Selling Agent proposing to sell livestock at a sale must notify the Saleyards Manager in accordance with the Saleyards Operating Procedure. The Saleyards Manager may refuse to accept late notifications.

2.3.2 Each Selling Agent has a duty to ensure that notifications of livestock numbers and livestock classifications given to the Saleyards Manager are reasonably accurate.

## 2.4 Penning of Livestock

The following requirements apply to the penning of livestock:

- a) The receipt, handling and delivery of stock shall be the responsibility of the selling agent, offering stock for sale at the Saleyards;
- b) A person must not pen livestock at the Saleyards more than 24 hours prior to the commencement of the sale at which the livestock is to be sold, unless prior permission is obtained from the Saleyards Manager;
- c) The owner of livestock must ensure that such livestock are removed by no later than 3pm on the first day after the sale unless prior permission is obtained from the Saleyards Manager. After this period, the Saleyards Manager may direct that livestock be adequately fed, watered and relocated to holding yards.
- d) Livestock ~~to~~ provided with feed must be allowed sufficient time to consume feed prior to relocation.
- e) Livestock in all holding pens must be provided with accessible water supplies and appropriate levels of feed by the owner or the owner's livestock agent by booking from the site hay stacks;
- f) The Saleyards Manager may provide feed and water for penned livestock to ensure animal welfare and may recover the expenses incurred from the owner;
- g) A person must not unload or pen livestock at the Saleyards which are not connected with a sale at the Saleyards unless permission is first obtained from the Saleyards Manager and the appropriate fee, as determined in accordance with Council's Annual Fees and Charges is paid. The Saleyards Manager may allocate pens and yards for the holding of such stock; and
- h) Despite clause 2.4 (g) livestock (other than diseased livestock) may be penned in emergency situations, subject to the Saleyards Manager being advised immediately thereafter. An emergency situation is defined as a vehicular break down, livestock loading problems or in-transit animal welfare difficulties.

## 2.5 Stray Stock

Unauthorised livestock found to be present in the Saleyards, before or after the nominated times in clause 2.2 shall be considered to be stray, unclaimed or abandoned livestock.

*NOTE: Livestock identified as stray, unclaimed or abandoned shall be dealt with in accordance with the provisions of the Impounding of Livestock Act 1994.*

## 2.6 Selling Agents and Fees

2.6.1 A Selling Agent shall not sell livestock at the Saleyards unless the Selling Agent has signed an Agent Licence Agreement with the Council.

2.6.2 Council may, from time to time, determine the fees, yard dues and charges to be paid by Selling Agents which may include an administrative or processing fee or charge. All fees, yard dues and charges shall be as set out in Council's Annual Fees & Charges Schedule which is available for public inspection.



- 2.6.3 All fees, yard dues and charges, must be paid within 14 days of issue of an invoice.
- 2.6.4 Council may determine an interest rate to be levied on late payments of fees, yard dues and charges as advised in the Agent Licence Agreement
- 2.6.5 The Saleyards Manager may direct a Selling Agent or vendor who has defaulted in the payment of any fees, yard dues, charges or penalties not to take part in any sale and such person must comply with that direction.
- 2.6.6 Default in payment of any fees, yard dues, charges or penalties may result in cancellation of the relevant Agent Licence Agreement with the defaulting Agent by the Saleyards Manager.

## 2.7 Responsibility for Livestock

- 2.7.1 The security and care of livestock is the responsibility of the owner or the owner's appointed agent at all times.
- 2.7.2 All livestock penned at the Saleyards prior to or following a planned livestock sale event are placed there at the risk of the owner of the stock.
- 2.7.3 An owner of livestock must ensure that livestock are appropriately cared for whilst livestock remain at the Saleyards.
- 2.7.3 A person must only feed livestock in those areas of the Saleyards designated by the Saleyards Supervisor for that purpose with agent supplied fodder or feed, and must be accompanied with a fully completed commodity vendor declaration as per Biosecurity management plan.



## Part 3 – Behaviour

### 3.1 Offensive or Dangerous behaviour

- 3.1.1 Unless otherwise authorised by Council, a person must not, while in the Saleyards:
- a) Behave in a manner which disturbs or obstructs any person in the use of the Saleyards;
  - b) Offend against decency whether by means of language, conduct or dress;
  - c) Smoke within the Saleyards (which is a Public Area);
  - d) Damage, destroy, write on, interfere with, remove or affix anything to any building, improvement or structure of any kind, or the unimproved area of the Saleyards, without the permission of the Saleyards Manager;
  - e) Consume, or have in his or her possession, in an unsealed container, any alcohol;
  - f) Throw, deposit or leave any refuse or rubbish therein except in such bins or container as may be provided for that purpose;
  - g) Refuse or neglect to carry out the reasonable directions or request of the Saleyards Manager or Supervisor; or
  - h) The owner of the livestock shall be deemed responsible for offering their livestock for sale free of disease and fit for sale. Failing to do so is considered to be an offence.

*Exclusion from the Swan Hill Regional Livestock Exchange*

- 3.1.2 Any person who behaves in a manner which in the opinion of the Manager of Saleyards or Supervisor is undesirable, offensive or not in the best interests of the Saleyards may be excluded from the Saleyards as directed by the Manager for such period as the Manager may direct.
- 3.1.3 Any person not complying with a direction from the Manager given shall be guilty of an offence.

### 3.2 Dogs

- 3.2.1 A person must not while in the Saleyards:
- a) allow their dog to roam at large;
  - b) allow their dog into any building;
  - c) bring a non-working dog into the Saleyards; or
  - d) allow a bitch on heat into the Saleyards.
- 3.2.2 The owner of any dog, or person in charge of a dog, which is in the Saleyards must:
- a) keep the dog effectively muzzled at all times; and
  - b) keep the dog under effective control at all times.

### 3.3 Vehicles

- 3.3.1 The Saleyards Manager may designate an area of the Saleyards as a truck washing area.
- 3.3.2 A person must not use the truck washing area in the Saleyards for the cleaning of a vehicle unless that vehicle is specifically used for livestock transportation or unless specific permission is granted by the Saleyards Supervisor.
- 3.3.3 A person must not leave a vehicle standing in the Saleyards so that any part of the vehicle:
- (a) obstructs entrances, exits or ramps; or
  - (b) interferes in any way with the proper movement of vehicular, pedestrian or animal traffic.

### 3.4 Dead/Injured Stock

A person must not unload dead or injured livestock into the Saleyards unless as part of an emergency procedure as defined in clause 2.4(h).

### 3.5 Hindrance of Staff

A person must not hinder the Saleyards Supervisor or an Authorised Officer in the performance of their duties.

### 3.6 Moving Stock

- 3.6.1 A person must not move livestock in the Saleyards without the permission of the owner of the livestock or the Saleyards Supervisor.

#### *Removing the Stock*

- 3.6.2 No person other than an authorised person shall remove any livestock from the Saleyards.

*NOTE: For the purposes of this clause "authorised" means authorised by the relevant owner, agent or other representative of the relevant owner, or Saleyards staff.*

### 3.7 Unsafe Areas/Dangerous Practices

- 3.7.1 The Saleyards Supervisor may designate any area or structure in the Saleyards as being unsafe or as an area or structure limited to specific persons.
- 3.7.2 A person must not be found in an area or on a structure contrary to the Saleyards Supervisor's designation.
- 3.7.3 A person must not open any gate or the lock or fastening mechanism of any gate if such opening:
- a) is likely to lead to the escape of any livestock;
  - b) is in a designated area or structure as defined in this clause; or
  - c) places any person at risk.

### 3.8 Selling of Sundry Items

- 3.8.1 A person must not sell anything at the Saleyards other than livestock sold in accordance with this Local Law without the permission in writing of the Saleyards Manager.
- 3.8.2 Notwithstanding clause 3.8.1 the Saleyards Manager may, at their discretion, allow a person to sell goods if, in the opinion of the Saleyards Manager, such goods are ancillary to stock, livestock husbandry or are ancillary to the operations of the Saleyards.
- 3.8.3 Fees and charges may be applicable for such trading and such fees and charges shall be prescribed annually in Council's Fees and Charges Schedule.

### 3.9 Access to Saleyards

A person must not enter or remain upon the Saleyards unless there for a lawful purpose associated with the conduct of sale of livestock or an activity authorised by the Saleyards Manager.



## Part 4 – Agent Licence Agreement

### 4.1 Application for an Agent Licence Agreement

- 4.1.1 The Saleyards Manager may prepare or cause to be prepared an Agent Licence Agreement regulating the selling of livestock from the Saleyards. The form of the Agent Licence Agreement must be made available for inspection by the public.
- 4.1.2 A person who wishes to apply to sell livestock from the Saleyards must apply in writing to the Saleyards Manager, sign an Agent Licence Agreement and pay any fee as set out in Council's Fees and Charges Schedule.

### 4.2 Livestock Cartage Contractors

A Livestock Cartage Contractor must in connection with the Saleyards:

- a) Comply with all lawful directions of the Saleyards Manager or Supervisor in relation to transport, loading and unloading of livestock at the Saleyards;
- b) Comply with all relevant legislation and regulations governing the transport of Stock;
- c) Comply with all relevant legislation and regulations in relation to the carrier's vehicles; and
- d) Comply with all relevant legislation, regulations, codes of practice, Saleyards Operating Procedures and this Local Law in respect of the use and operation of the Saleyards and all occupational health and safety matters.

### 4.3 Reporting

The Saleyards Manager may report any matter to any appropriate authority if, in their opinion, such matter warrants an investigation.



## Part 5 – Enforcement and penalties

### 5.1 Offences

A person who contravenes or fails to comply with any provision of this Local Law, including a direction given by an Authorised Officer or Person is guilty of an offence and liable to –

- a) a penalty of 20 penalty units; and
- b) a further penalty of 2 penalty units for each day after a finding of guilt for an offence during which the contravention continues.

### 5.2 Infringement Notices

- 5.2.1 As an alternative to a prosecution, an Authorised Officer may issue an infringement notice for offences specified in Schedule 1 of this Local Law in accordance with the *Infringements Act 2006*.
- 5.2.2 Schedule 1 of this Local Law sets out the infringement penalty which is fixed in respect of each offence for which an infringement notice may be issued.
- 5.2.3 Each penalty in Schedule 1 of this Local Law may be doubled in the event that a second or subsequent offence is committed within a 12 month period.

## Schedule 1 - Infringement Penalties in respect of offences against this Local Law.

Clause.....	Offence	Penalty Units
2.4 (g) .....	Unauthorized unloading or penning of livestock not for sale	1
2.7.3.....	Feeding livestock in non feeding area	1
3.1.1 (a) ...	Offensive behaviour	1
3.1.1 (c) ...	Smoking in the Saleyards	1
3.1.1 (d) ...	Damage to building, improvement, structure or unimproved area	2
3.1.1 (e) ...	Consuming alcohol	1
3.2.1 (a) ...	Dog roaming or in building	1
3.2.2 (a) ...	Unmuzzled dog	1
3.2.2 (b) ...	Ineffective control of dog	1
3.2.1 (c) ...	Non-working Dogs in Saleyards	1
3.2.1 (d) ...	Bitches on heat in Saleyards	1
3.3.2 .....	Use of truck wash by non Livestock Transporter	1
3.3.3 (a) ...	Vehicle obstruction	1
3.4.....	Unload of dead or injured livestock to Saleyards	1
3.5.....	Hindrance of Staff	1
3.6.1.....	Unauthorised moving of livestock	1
3.7.2 .....	Access to unauthorised area	1
3.7.3.....	Effects of opening of gates	1
3.8.1.....	Unauthorized sales	1
3.9.....	Entry into Saleyards without reason and trespass	1



## Schedule 2 - Location of Swan Hill Regional Livestock Exchange

The Swan Hill Regional Livestock Exchange site comprises 1.6 hectares of land approximately five kilometres from the centre of Swan Hill.

The land is within one allotments: Lot 6 PS400972F.



# Schedule 3 - Agents Licence Agreement

## Terms and Conditions of Contract to Operate

### From and Within the Swan Hill Regional Livestock Exchange

I/We.....

Of .....

Agree to observe and be bound by the express and implied contractual terms and conditions to operate from and within the *Swan Hill Regional Livestock Exchange*. These include, but are not limited, to the following:

Covenant to observe and adhere to all relevant Local, State and/or Federal laws, whether express or implied, as far as they relate to this contract or the direct or indirect use or dealings of or in connection with the *Swan Hill Regional Livestock Exchange*.

### Responsibilities of Council

Council is responsible for ensuring overall compliance of the livestock exchange with the industry standard.

Responsibilities include:

- to provide for the administration and management of the Council owned and operated Livestock Exchange
- to protect Council assets and facilities and maintain these in a condition suitable for the intended use of the Livestock Exchange
- to provide a safe and healthy environment
- to promote and enforce appropriate adherence to occupational health and safety practices at the Livestock Exchange
- to provide and maintain a NLIS compliant system and work collaboratively with all agents operating at the Livestock Exchange

### Responsibilities of the Agent

#### Code of Conduct

A person must not whilst in the Exchange:

- behave in a manner which disturbs or obstructs any person in the use of the Exchange.
- throw, deposit or leave any refuse or rubbish therein except in such bins or containers as may be provided for that purpose.
- distribute any poster, notice, advertisement, handbill, placard or like except with the permission of the Regional Livestock Exchange Team Leader or Supervisor.
- without authority from the Regional Livestock Exchange Team Leader or Supervisor post or affix bills on or otherwise wilfully or negligently deface or damage any part of the buildings, fences, pavements, equipment or machinery of such Exchange.
- refuse or neglect to carry out the reasonable directions or request of the Regional Livestock Exchange Team Leader or Supervisor,
- the agent of livestock shall be deemed responsible for offering their livestock for sale free of disease and fit for sale. Failing to do so is considered to be an offence.

Any person who behaves in a manner which, in the opinion of the Regional Livestock Exchange Team Leader or Supervisor is undesirable, offensive or not in the best interests of the Exchange, may be excluded from the Exchange as directed by the Regional Livestock Exchange Manager or their delegate for such period as the Regional Livestock Exchange Manager may direct.

### Public Liability

The agent shall at all times during the term of the agreement be the holder of a current Public Liability Policy for an amount of not less than \$10 Million and which provides Principals liability cover. A Certificate of Currency of such insurance must be included in the registration of this Contract and forwarded to *Swan Hill Rural City Council* annually.

The Agent shall inform *Swan Hill Rural City Council* as soon as practical and without undue delay of any alternations or changes to the Public Liability Insurance cover, including a cancellation, discontinuance of the Policy or any other change that may adversely affect the Swan Hill Rural City Council.

The agent must indemnify, keep indemnified and hold harmless the Council and it's Councillors and staff from and against all actions, claims, losses, damages, penalties, demands or costs consequent upon occasioned by or arising from any negligent action by the agent including any obligation of the agent under this agreement.

### Industry Standards

Ensure that all employees and contractors of the Agent are accredited under any livestock industry standards, National Saleyards Quality Assurance (as applicable), Occupational Health and Safety Schemes, and Swan Hill Rural City Council Occupational Health and Safety policy and guidelines, are inducted in the yards and maintain such accreditation during the term of the Contract.

### Fees and Dues

The Council shall, by resolution, from time to time, prescribe fees and dues which shall be payable by Agents for the selling or offering for sale of livestock in the Exchange or for the use of the Exchange. The payment of all fees and charges as determined Swan Hill Rural City Council is the responsibility of the Agents who must make such payment within fourteen days (14) of receipt of the tax invoice from *Swan Hill Rural City Council*.

## Sales

### Special Sales

Special sales may be held on days approved by the Regional Livestock Exchange Manager/Team Leader or Supervisor as Council's delegate. An applicant who desires to hold a special sale must apply in writing to the Regional Livestock Exchange Manager/Team Leader or Supervisor not less than 14 days before the proposed sale. The Regional Livestock Exchange Manager/Team Leader or Supervisor may grant the use of the whole or part of the Exchange to a person for a day which is not a regular sale day.

### Pre-sale Procedure

- Agents must notify the Regional Livestock Exchange Team Leader or Supervisor 48 hours prior to a proposed sale at the Exchange about the approximate number of livestock to be sold and the classification of the livestock to be sold.
- The Regional Livestock Exchange Team Leader or Supervisor may refuse to accept late notifications, and refuse permission to proceed with a sale.
- Agents have a duty to ensure, as far as practicably possible, that notification of stock numbers and stock classifications are accurate.
- Each selling agents must only use selling pens and ramps allocated to them unless by mutual consent with the selling agent to which the pens have been allocated.

- All hours of selling and times for the commencement of auctions will be determined by the Regional Livestock Exchange Manager/Team Leader or Supervisor after consultation with selling agents.

### Penning of Stock

- The receipt, handling and delivery of stock shall be the responsibility of the selling agent, offering stock for sale at the Exchange.
- A person must not pen stock at the Exchange more than 24 hours prior to the commencement of the sale at which the stock is to be sold, unless prior permission is obtained from the Regional Livestock Exchange Team Leader or Supervisor.
- Stock must be removed no later than 3:00pm on the first day after the sale.
- The Regional Livestock Exchange Team Leader or Supervisor may permit stock to be left at the Exchange longer than the specified time, provided that the agent or owner make suitable arrangements to water and feed the stock to the satisfaction of the Regional Livestock Exchange Team Leader or Supervisor.
- Animals so provided with feed must be allowed sufficient time to consume feed prior to relocation.
- Stock must be provided with accessible water and appropriate levels of feed by the owner or agent acting on their behalf.
- The Regional Livestock Exchange Team Leader or Supervisor may provide feed and water for penned stock to ensure animal welfare and may recover the expenses incurred from the owner.
- No person shall feed stock held in the selling pens.
- Agents must not receive, sell, expose or offer for sale within the Exchange livestock, which are not in a healthy condition.

### After hours use of stock yards

- No individual or group shall utilize the market area for out of sale hours uses without the express written permission of Council, detailing the time, date and circumstances of such approved use.
- A person must not unload or pen stock at the Exchange which are not connected with a sale without the permission of the Regional Livestock Exchange Team Leader or Supervisor.
- All stock passing via the exchange on consignment to other destinations without involvement in a sale within the Exchange will be subject to normal yard fees, at the discretion of the Regional Livestock Exchange Manager. Such stock will be scanned and movement recorded.
- No person other than an authorised person shall remove any livestock from the Exchange. For the purposes of this clause "authorised" means authorised by relevant owner, agent or other representative of the relevant owner, or Exchange staff.

### Mob Based Movements

Agents must ensure that staff working for the agency understand the legal requirements which apply to mob-based movement recording for sheep and goats.

Ensure that the following information will be supplied to the Swan Hill Regional Livestock Exchange Team Leader or Supervisor for uploading to the National Livestock Identification System:

- (a) the date of sale;
- (b) the total number of animals for each vendor consignment sold or passed in;
- (c) the PIC of the property from which the consignment was dispatched (From PIC);
- (d) the National Vendor Declaration (NVD) serial number; and
- (e) the PIC of the destination property or abattoir (To PIC); and

- (f) the PICs present on all tags attached by the previous owners for all sheep or goats in the vendor consignment (in the case of non-vendor bred sheep or goats where pink post-breeder NLIS sheep tags have not been affixed by the vendor).

Maintain full transaction records of all Mob Based Movement Records (MBMR) for two years and make these records available upon request, if required, for audit purposes;

Ensure that no portable scanning equipment assigned to agents to collect, manage and distribute data, leaves the livestock exchange:

- assigned equipment is maintained in good working order at all times
- any broken or lost equipment is to be promptly replaced at the expense of the agent.

#### Livestock Identification

The selling agent must keep a true and correct record the following details about the sale of each animal in each lot under their care in a saleyard and provide the information to the saleyard operator to enable cattle movements to be registered on the NLIS database.

- Date
- Vendor PIC
- Buyer PIC
- NVD serial number

Where the buyer is a livestock agent and is uncertain of the destination PIC, the agent may provide their Agents's PIC to the saleyard, but then are required to transfer the cattle to the correct destination PIC, on the NLIS database within seven days as per NLIS (Cattle) traceability standards ref S1.3.5

Sale records must be available for confidential examination by the Council for statistical and traceability purposes.

#### Dogs

An Agent must not in the Exchange:

- a) without the permission of the Regional Livestock Exchange Team Leader or Supervisor use at any time more than two dogs to muster, drive or draft livestock.
- b) permit any dog under his or her control not to be muzzled effectively whilst within the Exchange.
- c) permit any dog to roam at large within the Exchange or act outside of effective control.

#### Livestock Cartage Contractors

A livestock cartage carrier shall comply with:

- a) all lawful direction of the Regional Livestock Exchange Team Leader or Supervisor in relation to the use of the Exchange
- b) all relevant legislation and regulations governing the transport of livestock.
- c) all relevant legislation, regulation and codes of practice affecting animal welfare and animal husbandry.
- d) all relevant legislation and regulation in relation to the carrier's vehicles.
- e) all relevant legislation, regulation, codes of practice and this Local Law in respect of use and operation of the Exchange and all occupational health and safety issues.

Reporting

The Regional Livestock Exchange Team Leader or Supervisor may report any matter to any appropriate authority if, in his/her opinion, such matter warrants investigation.

Any faults and major maintenance issues must be reported to the Swan Hill Regional Livestock Exchange Team Leader or Supervisor within twenty-four (24) hours of ascertaining the fault or issue.

The Agent acknowledges that the *Swan Hill Rural City Council* has the right to deny access to the *Swan Hill Regional Livestock Exchange* to any Agent or Agent Representative who fails to abide by any of the terms and conditions contained in this agreement.

The parties agree to:

- Maintain a strong and sustained collaborative relationship;
- Undertake their respective responsibilities as outlined in this agreement;
- Refer any disputes relating to this agreement with the Chief Executive Officer of Council and the Swan Hill Livestock Agents Association for discussion and resolution, and if necessary for an external arbitration process agreed by both parties;
- Explore and facilitate other collaborative activities that are not specified in but are in accordance with the intent of this agreement.

Print name: ..... Position: .....

Signed: ..... Dated: .....

Authorised by *Swan Hill Rural City Council*

Print name: ..... Position: .....

Signed: ..... Dated: .....

## **SECTION C – DECISIONS WHICH NEED ACTION/RATIFICATION**

### **C.21.19 SIGN & SEAL REPORT**

**Responsible Officer:** Chief Executive Officer

**Attachments:** Nil.

**Declarations of Interest:**

Heather Green - as the responsible officer, I declare that I have no disclosable interests in this matter.

**Summary**

The following documents and agreements have been signed and sealed by the Councillors and the Chief Executive Officer on the respective dates. Those actions require the ratification of the Council.

**Discussion**

During the course of any month Council is required to sign and seal a range of documents arising from decisions made on a previous occasion(s). Examples include sale of land, entering into funding arrangements for Council programs etc.

As the decision to enter into these agreements has already been made, these documents are signed and sealed when received, with Council ratifying the signing and sealing at the next Council meeting.

The following documents were signed and sealed since the last Council meeting:

No.	Document Type	Document Description	Date signed/ sealed
1075	Influenza Pandemic Plan 2020	Between Swan Hill Rural City Council and Municipal Emergency Management Committee	12-10-21
1076	Section 173 Agreement – private assets in Oliver Road, Robinvale	Between Swan Hill Rural City Council and G.Gervasi	12-10-21
1077	Swan Hill Soccer Club Pavilion – Ken Harrison Reserve – Contract 21362607	Between Swan Hill Rural City Council and Condely Construction Pty Ltd	19-10-21
1078	Instrument of Appointment and Authorisation – K.Jewell	Between Swan Hill Rural City Council and K.Jewell	26-10-21

**DECISIONS WHICH NEED ACTION/RATIFICATION**

16 November 2021

1079	Deed of variation of Lease – Spoons Restaurant	Between Swan Hill Rural City Council and Murray Downs Golf and Country Club	09-11-21
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**Conclusion**

Council authorise the signing and sealing of the above documents.

**Recommendation**

**That Council notes the actions of signing and sealing the documents under delegation as scheduled.**

**163/21 Motion**

**MOVED Cr Jeffery**

**That Council notes the actions of signing and sealing the documents under delegation as scheduled.**

**SECONDED Cr McPhee**

**The Motion was put and CARRIED**



## **C.21.20 COUNCILLOR ASSEMBLIES - RECORD OF ATTENDANCE AND AGENDA ITEMS**

**Responsible Officer:** Chief Executive Officer  
**File Number:** S15-05-06  
**Attachments:** 1 [↓](#) Record of Attendance

### **Declarations of Interest:**

Heather Green - as the responsible officer, I declare that I have no disclosable interests in this matter.

### **Summary**

The following report provides details of Councillor Assemblies on a monthly basis.

### **Discussion**

Whilst Minutes have not been recorded, Agenda items and those in attendance are reported and presented to Council.

An assembly of Councillors is defined as a meeting that is planned or scheduled at which at least half of the Council and one Officer are in attendance, and where the matters being considered that are intended or likely to be the subject of a Council decision.

No formal decisions can be made at an assembly but rather direction can be given that is likely to lead to a formal decision of Council.

Details of the most recent assemblies of Council are attached.

### **Consultation**

Not applicable.

### **Financial Implications**

Not applicable.

### **Social Implications**

Not applicable.

### **Economic Implications**

Not applicable.

### **Environmental Implications**

Not applicable.

**Risk Management Implications**

Not applicable.

**Council Plan Strategy Addressed**

*Governance and leadership* - Effective advocacy and strategic planning.

**Options**

Council Assemblies are reported to ensure good governance and transparency.

**Recommendation**

**That Council note the contents of the report.**

**164/21 Motion**

**MOVED Cr McPhee**

**That Council note the contents of the report.**

**SECONDED Cr Jeffery**

**The Motion was put and CARRIED**

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA**  
**19 October 2021 at 12pm, Swan Hill Town Hall – Council Chambers**

**AGENDA ITEMS**

- State Government Direction on Mandatory Vaccination
- MAV Workcare

**ADDITIONAL ITEMS DISCUSSED**

- Nil

**ATTENDANCE**

Councillors

- Cr Bill Moar
- Cr Les McPhee
- Cr Ann Young
- Cr Stuart King
- Cr Jade Benham
- Cr Nicole McKay

**Apologies**

- Cr Chris Jeffery

**OFFICERS**

- Joel Lieschke, Director Corporate Services
- Helen Morris, Organisational Development Manager

Other

- Nil

**CONFLICT OF INTEREST**

- Nil

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA  
26 October 2021 at 1pm, Swan Hill Town Hall – Council Chambers**

**AGENDA ITEMS**

- Swan Hill Riverfront Project - update
- Robinvale Housing Revitalisation Project
- SWAP
- Regional Housing Project
- DAMA
- Southview Development road naming
- Debt Collection Policy
- DAMP -Domestic Animal Management Plan 2022-2025
- Budget discussions

**ADDITIONAL ITEMS DISCUSSED**

- Nil

**ATTENDANCE**

Councillors

- Cr Bill Moar
- Cr Les McPhee
- Cr Ann Young
- Cr Stuart King
- Cr Jade Benham
- Cr Nicole McKay

**Apologies**

- Cr Chris Jeffery

**OFFICERS**

- John McLinden, Chief Executive Officer (attended virtually)
- Joel Lieschke, Director Corporate Services (attended virtually)
- Bruce Myers, Director Community & Cultural Services
- Heather Green, Director Development and Planning
- Svetla Petkova, Director Infrastructure
- Nathan Keighran, Liveability and Project Development Coordinator
- Cara Brown, Economic Development and Tourism Officer
- Dennis Hovenden, Project Manager
- Laura O'Dwyer, Enterprise Assets Manager
- Warren Snyder, Finance Manager
- Trish Ficarra, Public Health and Regulatory Services Coordinator

Other

- Holmes Dyer, Robinvale Revitalisation Project

**CONFLICT OF INTEREST**

- Nil

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA  
9 November 2021 at 1pm, Swan Hill Town Hall – Council Chambers**

**AGENDA ITEMS**

- Mallee Catchment Management Authority
- Local Roads Community Infrastructure - Round 3 Projects
- Building & Planning New Online Portal
- Council Meeting/Assembly dates
- Swan Hill Drag Club – Loan status and insurance relief request
- Defamation guidelines – Social Media
- Temporary appointment of a CEO
- Waste Authority
- Two waste tenders landfill management and kerbside collection

**ADDITIONAL ITEMS DISCUSSED**

- Nil

**ATTENDANCE**

Councillors

- Cr Bill Moar
- Cr Les McPhee
- Cr Ann Young
- Cr Stuart King
- Cr Jade Benham
- Cr Nicole McKay
- Cr Chris Jeffery

**Apologies**

- Nil

**OFFICERS**

- Heather Green, Acting Chief Executive Officer
- Joel Lieschke, Director Corporate Services
- Bruce Myers, Director Community & Cultural Services
- Svetla Petkova, Director Infrastructure
- Dione Heppell, Construction Project Manager Regional Livestock Exchange Redevelopment
- Nazrul Islam, Engineering and Capital Projects Manager
- James Cuning, Building Surveyor
- Joyline Rovere, Development Support Officer

Other

- Jane Ryan, General Manager Projects, Victorian Murray Floodplain Restoration Project (VMFRP)

**CONFLICT OF INTEREST**

- Nil

## **SECTION D – NOTICES OF MOTION**

### **D.21.13 PUBLIC HEALTH AND WELLBEING AMENDMENT (PANDEMIC MANAGEMENT) BILL 2021**

Having given due notice, **Councillor Stuart King MOVED that: Council urgently write to ALL Members of the Victorian Parliament (MLA & MLC) expressing Councils opposition to the proposed Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021.**

#### ***Preamble***

The Victorian Government has introduced the **Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021** into the Victorian Parliament and it has already passed the Lower House (Legislative Assembly) and will be voted on by the Upper House (Legislative Council) in the coming days.

This Bill, amongst other things, allows the Premier of Victoria a “Captain’s call” on all things relating to a pandemic declaration whether or not the pandemic disease actually exists in Victoria, without any Parliamentary oversight or approval required. Quoting directly from the Bill:

*Division 2—Pandemic declarations*

*165AB Premier may make a pandemic declaration:*

*(3) The Premier may make a pandemic declaration whether or not, at the time the declaration is made—*

*(a) the pandemic disease is present in Victoria; or*

*(b) the disease is a disease of pandemic potential that is present in Victoria— as the case requires.*

The Bill then allows the Minister (of Health) to make pandemic orders which can apply to specified classes of people and allow for forced detention, quarantining, medical examination and testing. Refer *Division 3—Pandemic orders*.

This Bill has been condemned by the highest level of legal representatives and QC’s in Victoria - the Victorian Bar.

In a press release the Victorian Bar noted, amongst other things, that the Bill confers on the Premier and Health Minister what is, in a practical sense, an effectively unlimited power to rule the State by decree, for an effectively indefinite period, and without effective judicial or parliamentary oversight. The Bill confers powers that can be appropriately described as draconian in authorising virtually unlimited interference with the liberties of Victorian citizens. Yet the Bill lacks the appropriate checks and balances to ensure the proper exercise of these powers. This represents the biggest challenge to the rule of law that this State has faced in decades.

If this Bill becomes legislation it will affect our Municipality and our communities. All of the restrictions that have unfortunately become common place in the last 18 months or so could, and most likely will, be enforced at the whim of the Premier. Business interruption, cancellation of community sport, schools shut down – the list goes on and on – will become our normal way of life. Our municipality and/or the people within it could become one of the “classes” of people specifically targeted by this legislation. We should not accept this type of normal and I urge Councillors to consider taking a stand on this issue and send a clear message to our State Leaders for the sake of our communities.

The proposed Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021 can be found here:

<https://content.legislation.vic.gov.au/sites/default/files/bills/591316bi1.pdf>

The press release from the Victorian Bar on 27<sup>th</sup> October 2021 is presented below for information <https://www.vicbar.com.au/news-events/public-health-and-wellbeing-pandemic-management-bill-2021> :

*On an initial reading of the Bill, the Victorian Bar has grave concerns about some of its content.*

*The overriding concern is that the Bill confers on the Health Minister what is, in a practical sense, an effectively unlimited power to rule the State by decree, for an effectively indefinite period, and without effective judicial or parliamentary oversight:*

- *The Minister’s power is available when a pandemic declaration made by the Premier is in force. It can be expected that such a pandemic declaration will be in force for the foreseeable future.*
- *The scope of the power is extremely broad. The Minister may make “any order” that the Minister “believes is reasonably necessary to protect public health”. The content of the orders is effectively unlimited.*
- *The Bill expressly allows the Minister’s orders to discriminate on the basis of an attribute within the meaning of the Equal Opportunity Act. These attributes include, among many others, political beliefs. Thus, the Bill enables the Minister to make orders targeting people on the basis of their political beliefs if the Minister believes this is reasonably necessary to protect public health.*
- *The practical ability to challenge these orders in the Supreme Court is likely to be very limited because the Bill confers a very broad discretion premised on the subjective belief of the Minister that the order is “reasonably necessary”.*
- *The orders are subject to disallowance by Parliament only if the Scrutiny of Acts and Regulations Committee recommends it. The Committee can only recommend disallowance on narrow grounds, effectively confined to the order being beyond power or breaching the Charter of Human Rights and Responsibilities Act. The Committee has no power to recommend disallowance because it disagrees with the order. Further, the government of the day may have a majority on the Committee, as is the case presently.*

*The Bill also contains many other problematic provisions, including conferring very broad power on authorised officers without effective review or oversight, granting police power to enter premises without a warrant and abrogating privilege against self-incrimination.*

*The Bill confers powers that can be appropriately described as draconian in authorising virtually unlimited interference with the liberties of Victorian citizens. Yet the Bill lacks the appropriate checks and balances to ensure the proper exercise of these powers. This represents the biggest challenge to the rule of law that this State has faced in decades.*

**165/21 Motion**

Having given due notice, **Councillor Stuart King MOVED that:**

**Council urgently write to ALL Members of the Victorian Parliament (MLA & MLC) expressing Councils opposition to the proposed Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021.**

**SECONDED Cr Moar**

**The Motion was put and CARRIED**



**SECTION E – FORESHADOWED ITEMS**

Nil

**SECTION F – URGENT ITEMS NOT INCLUDED IN AGENDA**

Nil

**SECTION G – TO CONSIDER & ORDER ON COUNCILLOR REPORTS**

**Cr Chris Jeffery**

Nothing to report

**Cr Ann Young**

Councillor Assemblies and Meetings

**Cr Bill Moar**

Fire Rescue Victoria Meeting  
Drought Hub  
Murray Darling Basin Committee  
Transport for NSW – Swan Hill Bridge  
Rural Council Victoria  
Border Representative Groups  
Boundary Bend Progress Association

**Cr Stuart King**

Swan Hill Inc

**Cr Nicole McKay**

Councillor Assemblies and Council Meetings

Councillor submitting this form		
Cr Les McPhee		
List events / meeting you have attended		
Date	Organisation / Group	Details (if relevant)
29/10/21	Transport for NSW	Discussion on Swan Hill bridge replacement

**Councillor submitting this form**

Cr Jade Benham

**List events / meeting you have attended**

Date	Organisation Group /	Details (if relevant)
28th October 2021	Robinvale Riverfront Masterplan	Zoom meeting with stakeholders regarding the riverfront. Very productive meeting.
4th November 2021	Dementia Australia	Spoke with Jorga Kelly regarding a Dementia Australia local forum
4th November 2021	Rural Aid	Met with Rod Galvin to discuss the offering of Rural Aid from Mildura and how best to get into farms and farmers
11th November 2021	Robinvale Branch RSL	Laid a wreath at the Robinvale Remembrance Day ceremony.

**SECTION H – IN CAMERA ITEMS**

**166/21 Motion**

**MOVED Cr Jeffery**

**That Council, pursuant to section 66(2)(a) of the *Local Government Act 2020* , resolve to close the meeting to members of the public at 3.46pm to consider the following items which relate to matters specified under section 3(1), as specified below:**

**B.21.109 IN CAMERA CONSIDERATION OF CONFIDENTIAL REPORT (g(ii)) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.**

**B.21.110 IN CAMERA CONSIDERATION OF CONFIDENTIAL REPORT (g(ii)) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.**

**SECONDED Cr Moar**

**The Motion was put and CARRIED**

**167/21 Motion**

**MOVED Cr McPhee**

**That the meeting move out of closed session at 3.57pm.**

**SECONDED Cr King**

**The Motion was put and CARRIED**

**SECTION I – DECISIONS MADE IN CAMERA**

**B.21.109 WASTE MANAGEMENT SERVICES CONTRACT – LANDFILLS AND  
TRANSFER STATIONS**

**168/21 Motion**

**MOVED Cr King**

**That Council award the Waste Management Services contract to Enviroex (Whitfield Excavations) for a three year term with optional terms of three plus four years, commencing January 1 2022.**

**SECONDED Cr Moar**

**The Motion was put and CARRIED**

**B.21.110 WASTE MANAGEMENT SERVICES CONTRACT – KERBSIDE WASTE  
COLLECTION AND DISPOSAL SERVICES**

**169/21 Motion**

**MOVED Cr Jeffery**

**That Council award the Waste Management – Kerbside Waste Collection and Disposal Services contract to Cleanaway for a seven year term with an optional three year extension commencing 1 January 2022.**

**SECONDED Cr King**

**The Motion was put and CARRIED**

There being no further business the Mayor, Councillor Jade Benham closed the meeting at 3.57pm.