

# AGENDA

## SCHEDULED MEETING OF COUNCIL

Tuesday, 18 April 2023

To be held Swan Hill Town Hall  
53-57 McCallum St, Swan Hill  
Commencing at 2pm

**COUNCIL:**

Cr LT McPhee – Mayor

Cr B Moar  
Cr A Young  
Cr C Jeffery  
Cr S King  
Cr N McKay  
Cr J Kelly

SECTION A – PROCEDURAL MATTERS .....3

SECTION B – REPORTS.....4

B.23.17 PUBLIC LIBRARIES VICTORIA BUDGET SUBMISSION.....4

B.23.18 DRAFT MEMORANDUM OF UNDERSTANDING BETWEEN  
SWAN HILL RURAL CITY COUNCIL AND VHM LTD –  
GOSCHEN MINERAL SANDS PROJECT..... 17

B.23.19 UPDATE TO COMMUNITY AND EVENTS GRANTS POLICY .....44

B.23.20 RECREATIONAL VEHICLE (RV) FRIENDLY POLICY .....58

B.23.21 COUNCIL EXPENSES POLICY & PROCEDURE .....63

B.23.22 FINANCIAL HARDSHIP POLICY AND PROCEDURE .....74

B.23.23 GOVERNANCE RULES UPDATE – ATTENDANCE BY  
ELECTRONIC MEANS OF COMMUNICATION .....84

B.23.24 APPLICATION OF 2021/22 RATES SURPLUS ..... 150

B.23.25 COUNCIL PLAN – PROGRESS REPORT FOR THE THIRD  
QUARTER OF 2022/23 ..... 154

B.23.26 S5 INSTRUMENT OF DELEGATION TO THE CHIEF  
EXECUTIVE OFFICER..... 193

B.23.27 S6 INSTRUMENT OF DELEGATION TO MEMBERS OF  
COUNCIL STAFF .....206

SECTION C – DECISIONS WHICH NEED ACTION/RATIFICATION .....222

C.23.5 COUNCILLOR ASSEMBLIES - RECORD OF ATTENDANCE  
AND AGENDA ITEMS .....222

SECTION D – NOTICES OF MOTION.....226

SECTION E – FORESHADOWED ITEMS .....226

SECTION F – URGENT ITEMS NOT INCLUDED IN AGENDA .....226

SECTION G – TO CONSIDER & ORDER ON COUNCILLOR REPORTS.....226

SECTION H – IN CAMERA ITEMS .....226

**SECTION A – PROCEDURAL MATTERS**

- **Welcome**
  
- **Acknowledgement of Country**
  
- **Prayer**
  
- **Apologies/Leaves of Absence**
  
- **Directors/Officers Present**
  
- **Confirmation of Minutes**
  - 1) Scheduled Meeting Of Council held on 21 March 2023
  
- **Disclosures of Conflict of Interest**
  
- **Joint Letters and Reading of Petitions**
  
- **Public Question Time**
  
- **Open Forum**

## **SECTION B – REPORTS**

### **B.23.17 PUBLIC LIBRARIES VICTORIA BUDGET SUBMISSION**

**Responsible Officer:** Director Community & Cultural Services  
**File Number:** S07-22-05  
**Attachments:** 1 Public Libraries Victoria budget submission  
2 Letter of support

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

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

#### **Summary**

This report provides Council with the Public Libraries Victoria (PLV) submission to the 2023-24 Victorian Budget, and a copy of the letter of support provided.

#### **Discussion**

Victorian Government funding for public libraries is not keeping pace with inflation, nor Victoria's growing population and the demand on library services.

Nominal increases to the Public Library Funding Program have not recognised the price pressures on libraries driven by high inflation, nor the increasing user base driven by Victoria's population, which has continued to grow despite the COVID-19 pandemic.

Libraries are being asked to welcome more people through their doors, open for longer, expand online services, deliver more lessons, and make more resources available for loan, all with less money. That is why Public Libraries Victoria (PLV) – the peak body representing all of Victoria's almost 300 public libraries – is calling for additional funding to support libraries across the state. This submission highlights the need for funding for libraries in growth corridors to meet the needs of larger populations; and in regional and rural communities, to lift digital services and preserve equity of access through inter-library loans and mobile services.

PLV is also requesting the State Government must also recognise the escalating costs of redeveloping and building new libraries and ensure that the Living Libraries Infrastructure Program continues to deliver projects and outcomes commensurate with previous rounds.

#### **Consultation**

The submission was discussed at the Executive Leadership Team, and due to timing, it was agreed to send letters of support via the Chief Executive Officer. It is also important to update Council on the submission and to formalise the support.

### **Financial Implications**

Public library funding from the State has not been indexed to inflation nor reviewed for successive governments, and this submission seeks to increase the Government input, to ease the pressure on ratepayers.

Increased courier costs have forced the reduction in sharing of library items between library services, thus reducing the access library users have to items that are not held by their own library service. A quote by a Swan Hill Regional Library member on page 8 of the PLV submission describes the impact the recent reduction in the courier service between library services has had on many people living in rural and regional areas of the state.

### **Social Implications**

The social importance of public libraries is growing and more relevant Government funding for the services is vital to the universal provision of services to a growing and more complex community.

The social, health and wellbeing benefits of public libraries have been highlighted in the recent film made at Swan Hill Library. This film has been used as support material in PLV's submission to the State Government.

[Link to Swan Hill Regional Library Wellbeing](#) film.

### **Economic Implications**

There are health and wellbeing links to the accessibility of communities from effective public library services, which leads to better liveability and economic outcomes for everyone.

### **Environmental Implications**

Not applicable.

### **Risk Management Implications**

Not applicable.

### **Council Plan Strategy Addressed**

*Liveability* - Foster Creative and Cultural opportunities.

### **Options**

Council may choose to adopt or amend the recommendation.

## **Recommendations**

### **That Council:**

- 1. Note the Public Libraries Victoria Budget submission document; and**
- 2. Note the letters of support previously sent in support of the submission.**

I II / / / / / /  
**Libraries  
Change Lives**

**Public Library Sector Investment Priorities**



## Victorians Want Better Funded Libraries

Victorians of all ages rely on their public library for free and universal access to learning, reading material, education programs, and social connection.

People need libraries for early literacy development, computer and WiFi access, to get online to access government services and look for jobs, and to get assistance from librarians to find information. And they rely on libraries as a safe and welcoming place to go to whenever they feel lonely or isolated.

Throughout Victoria, more than 2,400 dedicated librarians and library workers utilise their geographic reach, trusted relationships, and skills to benefit millions of Victorians each and every day – including some of the most vulnerable in our community.

But many of Victoria's 300 libraries are struggling to maintain program levels and replenish their collections of books, DVDs, ebooks, devices, and language kits – especially those in rural Victoria and Melbourne's growth areas.

Victorian Government funding for public libraries is not keeping pace with inflation, nor Victoria's growing population and the demand on library services.

A survey conducted in October 2022 found 35 per cent of libraries were buying fewer books, 55 per cent had cut programs, and 1 in 3 had cut staffing levels as funding pressures crunched.

That's why libraries are asking the Victorian Government for:

**An urgent uplift to arrest the slide in library funding. This can be achieved by indexing the Public Library Funding Program to population forecasts, plus an annual indexation linked to CPI,**

and

**Retention and expansion of the Living Libraries Infrastructure Program, with a commitment of at least \$28 million over four years to build and renovate libraries to meet community need.**

From Rhyme Time and Story Time for babies and toddlers, homework help for school kids, digital literacy training for CALD communities and older Victorians, or access to free internet and millions of books and other resources, library services are cherished by Victorians of all ages.

### Our October 2022 survey of library managers found:





Libraries Change Lives



## Government Funding Is Falling Behind

Libraries play a crucial role in early years literacy, research and education, community wellbeing, and community connectedness. But Victorian Government funding for public libraries continues to fall in real terms.

Nominal increases to the *Public Library Funding Program* have not recognised the painful price pressures on libraries driven by high inflation, nor the increasing user base driven by Victoria's population, which has continued to grow despite the COVID-19 pandemic.

Libraries are being asked to welcome more people through their doors, open for longer, expand online services, deliver more lessons, and make more resources available for loan, all with less money.

That is why Public Libraries Victoria – the peak body representing all of Victoria's almost 300 public libraries – is calling for additional funding to support libraries across the state. We need funding for libraries in growth corridors to meet the needs of larger populations; and in regional and rural communities, to lift digital services and preserve equity of access through inter-library loans and mobile services.

Government must also recognise the escalating costs of redeveloping and building new libraries and ensure that the *Living Libraries Infrastructure Program* continues to deliver projects and outcomes commensurate with previous rounds.

2

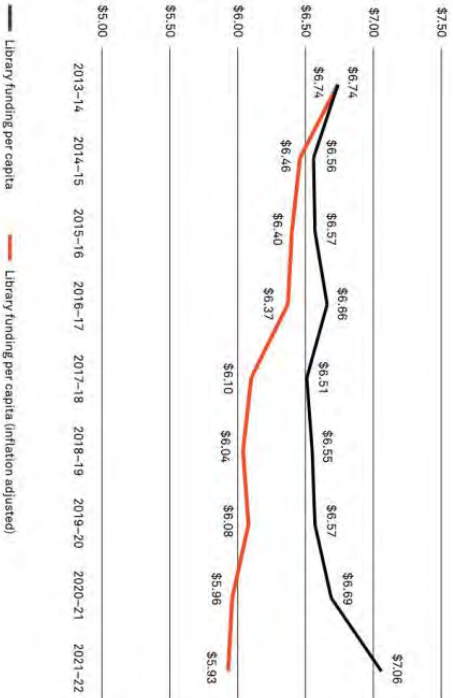


Public Library Sector Investment Priorities

### Hidden Cuts

Per capita library funding is decreasing in real terms

Victorian Public Library Funding – \$/capita (operating) from State Government

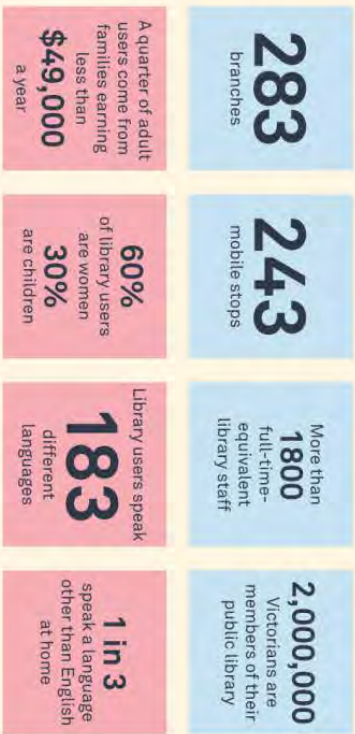


3

Libraries Change Lives

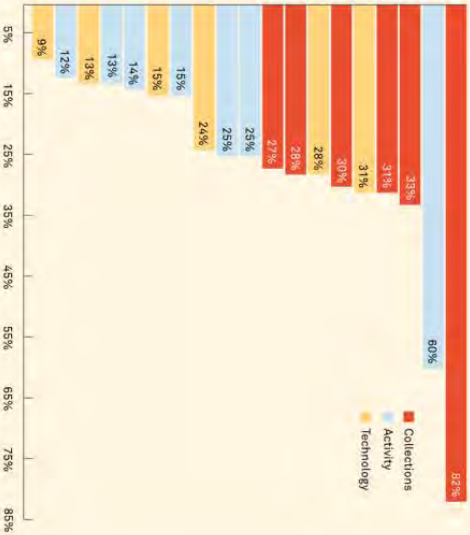
## A Snapshot of Victorian Public Libraries

Libraries by the numbers



### How do Victorians use libraries?

- Borrow books or magazines
- Ask library staff for help
- Download book or other digital items
- Read a book, magazine or newspaper
- Use website/app to check what's on
- Borrow DVDs or music
- Print, photocopy or scan
- Borrow children's books or DVDs
- Look up information
- Bring children to the library
- Catch up with someone, just pass time
- Use the library Wi-Fi
- Participate in a learning/skills program
- Use library computers for study or work
- Use library as a place to do homework or study
- Participate in a social/entertainment program
- Ask staff for help using computers
- Use library as a place to work
- Use computers to access government services

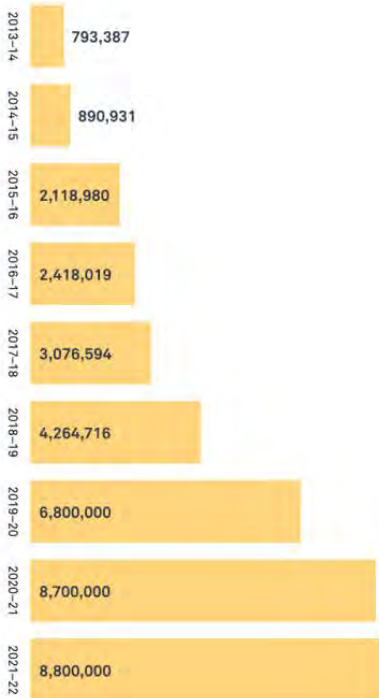


4

Public Library Sector Investment Priorities

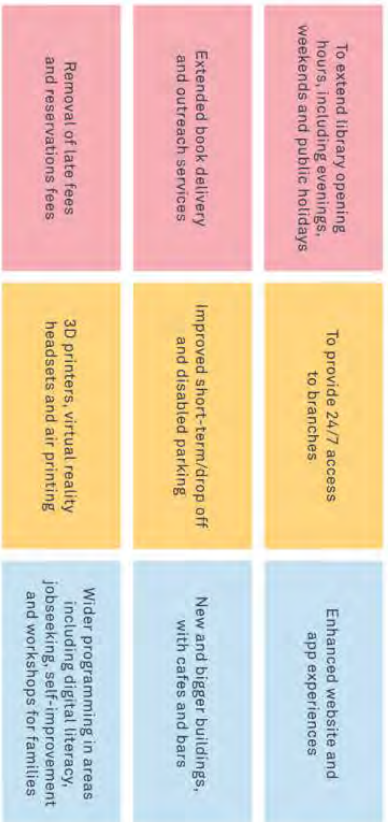
### Libraries bridge the digital divide

Victorians are borrowing more digital items every year (downloads of digital items)



### Evolving to meet future needs

The Victorian Public Library Survey 2022 received more than 23,000 responses from library users. Thousands of ideas for improving public libraries were collected. The most common unprompted responses were:



5

Libraries Change Lives

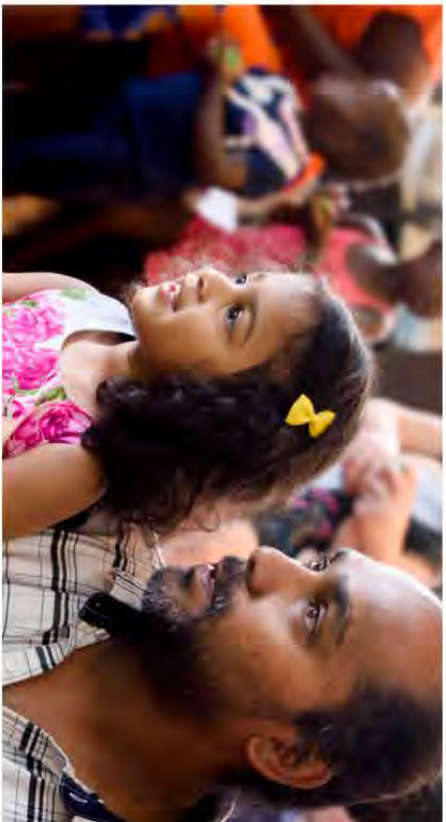


## Our investment proposal

**Priority 1: Arrest the slide in per capita funding for Victorian libraries in real terms.**

**Libraries urgently need an uplift by indexing the Public Library Funding Program to population forecasts, plus an annual indexation linked to CPI. This will maintain the quality of resources and services, ensuring libraries can deliver free and universal access to education, resources, and other programs to a growing population facing serious cost of living challenges.**

6



Public Library Sector Investment Priorities

**Victorian public libraries need an operational funding lifeline. Rising costs have already forced some libraries to change opening hours and staffing levels, cut program delivery, and reduce investment in collections.**

Victorian public libraries have 2 million members, representing almost 1 in 3 Victorians. In 2021/22, libraries delivered 57,396 different programs to 868,424 people. That means on any given day, 200 programs are on offer and 3,000 people are attending across the state. Programs range from early childhood literacy programs in multiple languages, to digital literacy support for seniors, book clubs, arts and crafts groups, Libraries After Dark events providing a social alternative to gambling, inclusive events for Rainbow Families, sensory-friendly programs for people with autism, tutoring and jobseeker support.

Without additional resources, libraries will not be able to meet community demand for services.

**Free universal learning. It starts before Kinder**  
Lifting and indexing Victorian Government funding for libraries will ensure that every Victorian family can access basic literacy support, digital connectivity, and social networks. We have known for a decade that reading to very young children has a direct causal effect on future schooling outcomes, regardless of parental income, education level or cultural background. Protecting funding for library programs like Baby Rhyme Time and Story Time, which teach

parents how to engage their children in reading and foster pre-literacy skills, would give every child the best opportunity to develop pre-literacy skills and complement the Victorian Government's investment in Free Kinder and Pre-Prep.

**Stop the summer slide of literacy skills**

Additional operational funding would allow libraries to ensure The Big Summer Read – a statewide program that addresses the loss of reading proficiency in children over summer – is available more broadly, so no Victorian child misses out because of their postcode. Public libraries are in a unique position to address the “summer slide”, where children can lose up to 40% of reading proficiency over the holidays. Studies have found that children who receive and read free books over summer experience the equivalent of attending three years of summer school, with the most economically disadvantaged children gaining the most benefit.

**Ensuring Victorians have free access to books, no matter where they live**

The documented benefits of regular reading, in addition to enjoyment, include increased wellbeing, reduced stress, improved brain health and increased empathy. Many public libraries share their collections with each other so that Victorians can access any book they want to read or study, even if their local library doesn't have that book on the shelf.

These inter-library loans are the key to equity of access, allowing patrons of the smallest and most remote libraries the same choices as those in larger cities, and

7

Libraries Change Lives



enabling metropolitan library users to access out of print books commonly held in regional libraries. CALD communities benefit, too, from access to material in languages other than English, held in various public library collections. Small rural schools and home schooling providers rely on inter-library loans for educational resources, while DVD borrowing remains popular in communities with poor internet connectivity. More than 500,000 collection items are shared around the state each year, an efficiency endorsed by the Victorian Auditor General's Office.

But inter-library loans have been suspended because libraries can no longer afford the courier costs, which have blown out exponentially following changes to the Victorian government's State Purchasing Contract, increasing by 300-720%, depending on the provider.

With additional operational funding, libraries – especially those in regional centres and rural communities – will be better positioned to accommodate cost increases without cutting services to vulnerable parts of the community, or cutting jobs.

"As an avid reader, a retiree and a resident of rural Victoria, curtailment of this service is inhibiting personal and professional reading as well as cultural and intellectual advancement and learning of rural readers."

– Library user feedback

"One of our members has a grandmother who only reads Greek language material and she is frustrated that she can no longer request a book bundle of Greek language crime and romance novels. We have a number of community members who are in the same position."

– Library staff feedback

**We believe:**

- Every Victorian family should have access to early literacy support programs like Story Time and Baby Rhyme Time
- No child should be disadvantaged by having to share early literacy programs with as many as 100 other people
- No child's reading proficiency should suffer because their family can't afford to buy books
- Victorians should have free access to the books they want to read across the public library network, not just the books held in their local library

Creating Communities at Swan Hill Regional Library

Public Library Sector Investment Priorities



Swan Hill Regional Library is anything but quiet when it throws open the doors for weekly group programs such as *Move and Groove* for parents and pre-school children, *Scrabble Tuesday*, and *Kritter Krotter* for craft enthusiasts.

These community-building programs are about much more than early literacy skills, landing a triple word score or perfecting a stitch. For people experiencing isolation, the opportunity to connect with friends in a free, safe space is fundamental to their health and wellbeing.

"My mental health was just at that stage where I had to do something, and this has really saved me. It's little things, just getting together for a couple of hours a week, means a lot to some people. A lot more, I think, when you're alone."

"It helps me relax and just enjoy my time with my kids rather than just getting mad or angry."

"If you're feeling a little bit down, you come here and you honestly would forget about whatever the problem was – or – you can share a problem. It really is very good for your mental health."

– Library user feedback

Click image to view the Swan Hill Library Wellbeing Video

Getting a head start at Wyndham Library Services



Located in one of the fastest growing and most culturally diverse local government areas in Australia, Wyndham City Libraries face spiralling demand for Baby Time, Rhyme Time and Story Time early childhood programs. Library-based sessions can attract up to 100 people at a time; over summer, one Rhyme Time pop-up delivered in partnership with Werribee Outdoor Pool attracted 180 people.

These programs help infants develop pre-literacy and social skills and assist parents to build support networks. Bilingual programs – delivered in English as well as Italian, Greek, Karen, Chinese or Punjabi – often help parents or grandparents with low English literacy to build their reading skills too.

As cost of living pressures affect local families, access to free early childhood support is more important than ever. But with more than 100 babies born in the municipality every week, the pressure on services is growing.

"We just want to be able to deliver what the community is asking for because the benefits are so huge for the child, the family and our community. We want to provide the best library experience, not turn people away because we've hit capacity."

– Library staff feedback



**Priority 2: Continue and expand the Living Libraries Infrastructure Program with at least \$28 million over four years.**

**This will upgrade facilities to better cater to library users, deliver new libraries in growing communities, improve accessibility to existing libraries, provide mobile library services in remote areas, and fund digital infrastructure. This will ensure every library – and every community – has equity of access.**

10

**The Victorian Government's Living Libraries Infrastructure Program provides matched funding with local councils to support the construction of new libraries and the redevelopment of existing libraries.**

This program has helped to deliver world-class library buildings in many parts of the state, with a current investment level of \$4 million per annum.

Public libraries are asking the Victorian Government for a larger funding pool and higher investment caps to ensure the program keeps pace with the higher average cost of building library infrastructure. With construction costs up by almost a third, a significant increase is required to maintain the current level of construction.

Libraries are also asking for more flexibility on matched council contributions, such as access to unmatched grants of up to \$75,000 for projects to support 24/7 library access and smaller infrastructure upgrades.

Digital infrastructure is critical for a modern library. The Victorian Government supported Infrastructure Victoria's recommendation to invest in regional and rural libraries to help bridge the digital divide, which is more than twice the state average in some areas. The contrast between library services was made stark during COVID-19 lockdowns, where some libraries were able to pivot to online services and program delivery to support their communities, while others lacked the infrastructure to do so. But digital infrastructure is currently excluded from the grant guidelines – this needs to change.

## What our library managers say about funding going backwards

**Librarians detail poor infrastructure, missed opportunities, rising costs, and the digital divide:**

"We would love to be able to support students with extended opening hours through the exam period, but we simply don't have the funding to staff those extended hours."

"Some of our spaces are not inclusive as you can't get a wheelchair to the courtyard"

"We have varying floor heights, high shelving, patched carpet needing replacing."

"... the paint is peeling off ... roof leaks are always an issue ..."

"We will have to reduce our offerings if the funds from Governments are not increased to at least keep up with inflation. However, the needs for our library service are growing as we are tackling mental health and isolation from a grassroots level."

"The demands on regional libraries are increasing continuously, the ongoing literacy struggles are impacting people of all ages, and it is getting worse. Access to technology, access to internet, even access to phones and access to government platforms is growing in demand. People are missing out."

"Safe, clean, warm and cool places are needed more and more, people are using library spaces to combat the cost of living challenges, people are spending days at libraries because it is cheaper than heating or cooling at home."

"Water and food security, children having safe places, the regional libraries are on the frontline with these issues, and the staff are burning out"

"Libraries used to be places of personal betterment, they are now places of last resort."

11

For further information related to Public Libraries Victoria's budget submission please contact:

**Dr Angela Savage**

CEO

Public Libraries Victoria

angela.savage@plv.org.au

0432 697 263

||| / / / / /  
Libraries  
Change Lives



Public Libraries  
Victoria

With support from



STATE LIBRARY  
VICTORIA

[LibrariesChangeLives.org.au](http://LibrariesChangeLives.org.au)

REF: 859/23  
SB/NT



4 April 2023

Dr Angela Savage  
CEO  
Public Libraries Victoria  
[angela.savage@plv.org.au](mailto:angela.savage@plv.org.au)

Dear Angela

LETTER OF SUPPORT – PUBLIC LIBRARIES VICTORIA (PLV) BUDGET  
SUBMISSION

On behalf of the Swan Hill Rural City Council, I am writing this letter in support of the Public Library Sector Investment Priorities document. The Swan Hill Regional Library is an essential space in our local and surrounding communities.

Both priorities outlined in the Public Libraries Victoria (PLV) document are two financial aspects we rely on for the continued success of our regional library:

- Arrest the slide in per capita funding for Victorian libraries in real terms; and
- Continue and expand the Living Libraries Infrastructure Program with at least \$28 million over four years

It was heartening to see our Swan Hill Regional Library featured in your document. Knowing that members of our community are willing to publicly declare how important this service is to them, demonstrates why we are so supportive of your proposal.

Due to our distance from other urban areas, members of our municipality rely heavily on access to resources from other library services through the courier service and costs to deliver events such as author talks are much higher than in metropolitan areas. Our library service strives to provide the best opportunities for our community including social outlets, early years literacy programs and outreach services to our smaller communities on a regular basis.

However, as outlined in your report, the decreasing funding per capita is alarming. Simply, if we do not receive funding in accordance with CPI, our people will suffer.

45 Splatt Street SWAN HILL VIC 3585  
PO Box 488 SWAN HILL VIC 3585  
Telephone: (03) 5036 2333 Fax: (03) 5036 2340  
Email: [council@swanhill.vic.gov.au](mailto:council@swanhill.vic.gov.au)  
ABN 97435620016

4/04/2023

2

Furthermore, if the Living Libraries Infrastructure Program is discontinued and unadjusted for spiralling building costs, we will not be able to meet existing service levels, or grow and expand to meet the ever changing needs of local residents.

Our library also provides services for visitors to the region and many itinerant agricultural workers who live in our region for a few months at a time. The increased costs to provide free wifi access, as required by State Government, printing services, internet access and public access computers will impact on the services that we can provide not only to our own community, but also to other people we rely on economically in our region.

Thank you for taking the initiative to drive change that will have a positive impact on a profound section of the Victorian community.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S Barber', written in a cursive style.

Scott Barber  
Chief Executive Officer



**B.23.18 DRAFT MEMORANDUM OF UNDERSTANDING BETWEEN SWAN HILL RURAL CITY COUNCIL AND VHM LTD – GOSCHEN MINERAL SANDS PROJECT**

**Responsible Officer:** Director Development and Planning  
**File Number:** S12-01-13  
**Attachments:** 1 Draft Memorandum of Understanding

**Declarations of Interest:**

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

**Summary**

The purpose of this report is to brief Council on the contents of a draft Memorandum of Understanding (MoU) being proposed by VHM LTD with Council for opportunities arising out of the establishment of a mineral sands mine at Goschen.

The aim of the MOU will be to have both parties work in a collaborative manner to maximise benefits for the local community and economy as a result of the establishment of the mine.

The MOU is a part of series of documents that VHM is required to submit to the Victorian State Government in order to continue working towards securing all of the necessary approvals required for the establishment and operation of the mine.

VHM has notified that the Minister has agreed to allow the Environmental Impact Statement to go on public exhibition in March/April 2023.

It is anticipated that Council may make a submission as a part of this process and will have a further opportunity to raise any planning or environmental issues.

**Discussion**

Council Officers have been engaged in discussions with representatives of VHM LTD on a variety of matters relating to the establishment of a minerals sands mine at Goschen, which is located approximately half an hour away from Swan Hill and outside the municipality.

The mine will extract heavy mineral sands and undertake initial processing of the material onsite before it is then trucked to the inter modal hub at Ultima, loaded onto rail, taken closer to Melbourne for additional processing and then exported overseas out of the Melbourne Port.

The mining operation will not be a deep mine but rather will remove top soil to extract the mineral sands and the land remediated within three years of the extraction.

It is estimated that the mining operation will have at least a twenty year life span and will employ 250 people through the construction phase and then 470 once the mine is operational.

It is anticipated that there will be a significant economic benefit to those surrounding communities that are within an hour of the mine site.

Currently VHM are going through the approval process and are required to submit to the Victorian State Government a series of documents that will then be assessed and publicly exhibited prior to final approvals being issued.

It is anticipated that the approvals process will take up the best part of 2023 and VHM has indicated that construction would commence late 2023 or early 2024 with the mine operating by late 2024 or early 2025.

One of the key documents required to be submitted to the Victorian State Government, are MOUS's that have been developed with relevant Local Government Authorities, Swan Hill Rural City Council and Gannawarra Shire Council. Buloke Shire Council has been kept informed but will not be required to enter into a formal agreement as the project will not impact on its infrastructure.

The draft MOU's for each of the Councils have standard conditions and more specific Council details will be developed as the process as outlined in the MOU unfolds.

The location of the mine has potential long term benefits for Ultima and Swan Hill in particular and it is important to continue to work with VHM to maximise the benefits that this project might deliver whilst ensuring that the environment is protected and Aboriginal Culture and Heritage respected.

The draft MOU has a commitment to:

- Best Practice
- Transparency
- Open Communication
- Joint Advocacy
- Community legacy
- Respecting the Community
- Long term cooperative relationship
- Information sharing
- Positive regional impacts

And is supportive of Councils vision to grow through economic diversity.

In developing the document, VHM and Council are seeking to maximise social, environmental and economic benefits through a clear understanding of roles,

processes, communication, agreed activities and an ongoing commitment to deliver the outcomes of the MOU.

The four key areas of the MOU are as follows:

- Optimise social outcomes
- Optimise economic outcomes
- Build relationships to support the project
- Provide, maintain and enhance physical infrastructure

And these keys are the subject of greater detail in the MOU schedules.

Council's role under the MOU is as follows:

- Regulation
- Local Infrastructure advice
- Strategic advice
- Representing Community Interests
- Facilitating social and economic outcomes

VHM as the proponent of the project has the following role:

- Developer
- Operator
- Provision of good governance for the project
- Advocacy
- Sponsorship
- Emergency Management and responding to emergencies within the community

And under the terms of the MOU, Council and VHM commit to establishing a working group, open communication and putting resources towards ensuring a successful partnership.

The MOU will be in place for an initial three year period and reviewed annually with both parties committing to resigning at the end of every three years based on the overall success of the partnership in delivering positive outcomes.

Some of the detail around the four key pillars of the MOU are as follows:

- **Optimising Social Outcomes**

This area of the agreement will focus on housing, education, emergency services, health services and community development.

Jointly Council and VHM will look to ensure workers can find housing, identify positive and negative issues arising out of the mines operation, seek to improve community facilities, support local economies, grow employment and training

opportunities, support local business opportunities and look to grow the work force through incentives to relocate or provide traineeships.

- **Optimising Economic Outcomes**

This area of the agreement has a clear focus on economic, employment and business development.

Jointly Council and VHM will look at support for industries both existing and emerging, support local contractors, advocate on business and economic opportunities.

Identifying employment and training opportunities for local populations will be a priority and making sure there is support for tendering for local business will be developed.

- **Building relationships to support the project.**

This area of the agreement recognises the need to develop government and community relationships in order to address priority needs such as road, infrastructure, communications, housing, training and power upgrades.

The parties agree to work on advocacy for infrastructure, environmental, telecommunications, community facilities, rail infrastructure, training opportunities and housing.

There will be opportunities for joint advocacy a wide range of issues relating to the mines operation.

- **Provision, Maintenance and Enhancement of Physical Infrastructure**

This area of the agreement will again look at joint advocacy around to the physical needs of the area in and around the mine with a particular emphasis on roads, upgrades to infrastructure, road maintenance, and telecommunications.

The MOU also proposes the use of equipment from the mine being made available to the community for emergency situations.

## **Consultation**

Council Officers have had ongoing discussions with VHM representatives with respect to the drafting of the MOU. In addition VHM has been actively engaged in working with local communities and key organisations on all aspects of the processes required to get to the point where all of the various documents are lodged with the Victorian State Government which will in turn lead to Government approval being provided.

Council Officers also undertook their own consultation with members of the Ultima community with the town looking to benefit from the introduction of the mineral sands mine.

Swan Hill as the major regional centre closest to the mine will become an important provider of services, workforce and accommodation for activities associated with the mine.

There has been discussions with Gannawarra Shire Council representatives to ensure that both Councils are working in tandem and not at cross purposes to deliver maximum benefits.

Discussions are also commencing with the local business community to determine how best they can be involved in the project.

Councillors having considered the document at an Assembly on the 4 April 2023 made the following observations about the document:

- Change of word “relative” to “relevant” in dot point 2 under Swan Hill Rural City Council Obligations on page 14.
- Under joint action 1 on page 16 additional wording as follows “without impacting other roads” so as to ensure that is no obligations imposed upon Council.
- Acknowledgement that whilst the MOU Agreement is VHM, Council is seeking to ensure that in the event of the company being taken over that there is a commitment to continuing the MOU arrangements with the Council into future by any potential new owner of the company and the project.

Council in agreeing to work with VHM under the MOU will ensure that it has strong representation on behalf of its community to maximise the opportunities that will arise out of this project with respect to employment, housing, infrastructure, business support, training, population growth, environmental, cultural and social development.

Advocacy will play an important role in the future development of the project and Council will have a crucial role to play in achieving successful outcomes. Council Officers will apportion an appropriate level of resources to the project and the implementation of the MOU arrangements.

### **Financial Implications**

Council does not have to make any financial contribution as a result of signing the MOU and will have the capacity to negotiate with VHM with respect to projects that are developed as a result of the mining activities as to what Council may be willing to contribute in the future.

The MOU agrees that jointly VHM and Council would look to advocate for funding from the other levels of Government and there will be an opportunity to advocate for

a direct proportion of royalties that have to be paid to come directly into our communities for projects.

### **Social Implications**

The establishment of the Goschen mine will provide enormous social benefits for a number of communities e.g. Ultima, Lake Boga, Swan Hill as VHM seek to become good corporate citizens through a variety of avenues.

There is commitment to;

- allow the community the opportunity to utilise emergency equipment based at the mine
- support the growth of local communities as a result of people relocating to live within the region
- employment options
- business growth
- infrastructure upgrades
- community sponsorship; and
- a desire to ensure that by working with Council the local communities grow in a positive way.

The MOU is VHM's commitment to being a part of the local community over an extended period of time.

### **Economic Implications**

The construction and commencement of the mines operation will have an enormous economic benefit to the region and in varying degrees for the communities within our Municipality.

Swan Hill as the largest service centre within one hour travelling distance to the mine site and as such should be in an ideal position to take advantage of the various economic and business opportunities.

### **Environmental Implications**

The MOU acknowledges the importance of the environment and the need to at all times protect and enhance environmental outcomes as a result of activities associated with the mineral sands mining activities.

There will be strict environmental requirements put in place as a part of the approval processes and VHM will be required to rehabilitate any areas mine with three years. It should be noted that the mine will not be a deep mine pit and will not break through to the water table.

VHM share a commitment to the environment in a similar vein as the Council and there will be an opportunity under the MOU to ensure that the highest of environmental standards are met.

The MOU provides a mechanism to raise any concerns if environmental standards slip and Council will be able to actively work with VHM to protect the environment.

The Council will have the opportunity to make a submission on the Environmental Impact Statement when it is released for public comment in April 2023

### **Risk Management Implications**

The Council is afforded the ability to work with VHM to limit risks associated with the mines operation on the surrounding area under the terms of the MOU.

Not having the ability to engage on matters relating to infrastructure, road networks, environmental requirements, protection of flora and fauna, enhancement of the local communities quality of life and ensuring that there is recognition and protection of indigenous through direct engagement with VHM could increase risk exposure in these critical areas.

### **Council Plan Strategy Addressed**

*Prosperity* - Effective partnerships for prosperity.

### **Options**

Council can choose not to enter into the MOU with VHM with respect to the operation of the mineral sands mine at Goschen.

Council can enter into the MOU with VHM with respect to the operation of the mineral sands mine at Goschen after it has considered the contents of the document.

### **Recommendations**

#### **That Council:**

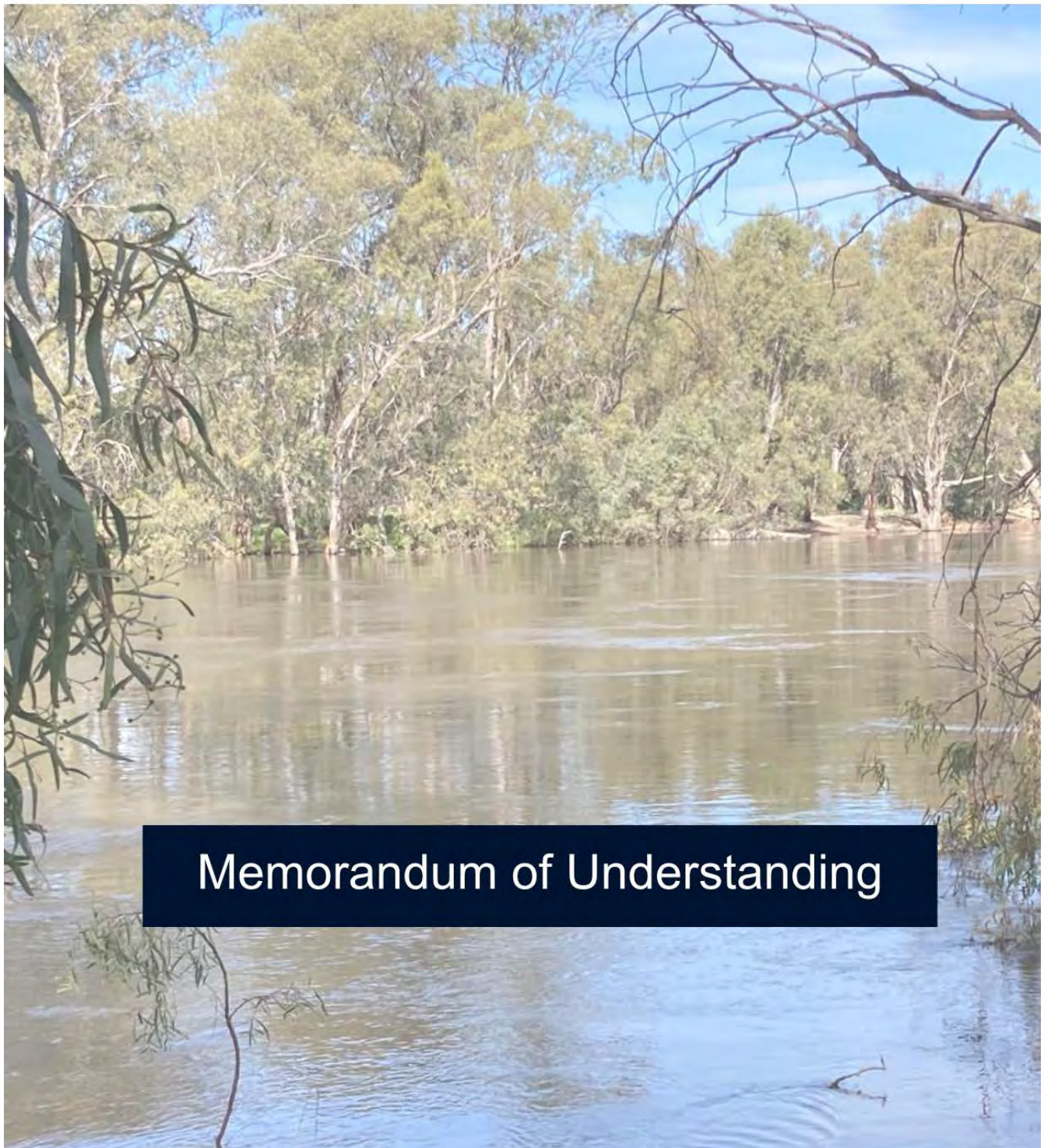
#### **1. Having considered the details contained in the MOU document advise of the following amendments it requires to its contents:**

- Change of word “relative” to “relevant” in dot point 2 under Swan Hill Rural City Council Obligations on page 14.
- Under joint action 1 on page 16 additional wording as follows “without impacting other roads” so as to ensure that is no obligations imposed upon Council.
- Acknowledgement that whilst the MOU Agreement is VHM, Council is seeking to ensure that in the event of the company being taken over that

there is a commitment to continuing the MOU arrangements with the Council into future by any potential new owner of the company and the project.

- 2. Sign the MOU Agreement with VHM (as amended) and invite representatives of VHM to participate in an official signing of the documentation.**
- 3. Commence planning for the work to be undertaken as outlined in the MOU.**
- 4. Officers report to Council on a regular basis (at least annually) the progress being made under the MOU providing details on the ongoing benefits the project is providing the Municipality.**





Memorandum of Understanding



VHM Limited

## MEMORANDUM OF UNDERSTANDING

between:

VHM LTD

and

SWAN HILL RURAL CITY COUNCIL

---

### 1. Purpose of Agreement

This is a Memorandum of Understanding (MOU) between:

VHM Ltd and

Swan Hill Rural City Council

VHM Ltd and Swan Hill Rural City Council enter into this agreement with the intention of developing processes to support working cooperatively and collaboratively to maximise mutually beneficial community and economic development outcomes from the development and operation of the Goschen rare earth and minerals sands Project.

Both parties recognize that the MOU will be used as part of the documentation supporting the State Government's Environmental Effects Statement process for approving the mine's operation and practices.

### 2. Goschen Project Overview

Goschen Project is located approximately 4 hours' drive (280 kilometres) northwest of Melbourne and 30 minutes (20 km) south of Swan Hill (Figure 1). The Project site consists of a heavy mineral sand mining and processing operation that will produce several heavy mineral concentrates (HMC) and a range of critical rare earth minerals.

The Goschen Project is an approximately 20-year rare earth and mineral sands mine and processing facility that will inject at least 200 construction phase jobs, 400 operational jobs and directly impact the regional economy with the use of local rural centres for employment and operating supplies.

Project Construction and ongoing operations are expected to add more than \$2.1 billion to the Loddon-Mallee economy and an estimated additional \$1.4 billion to the Victorian Economy. The Goschen Project will also increase mining output in the Loddon-Mallee region by 20%.

The design of mine and mineral sands processing has progressed to a Definitive Feasibility Study (DFS) level, providing a high level of confidence on the components to each aspect of the mine, its construction, operation, and closure. The mine footprint has been restricted to avoid intersection with groundwater and significant areas of remnant native vegetation.



VHM Limited

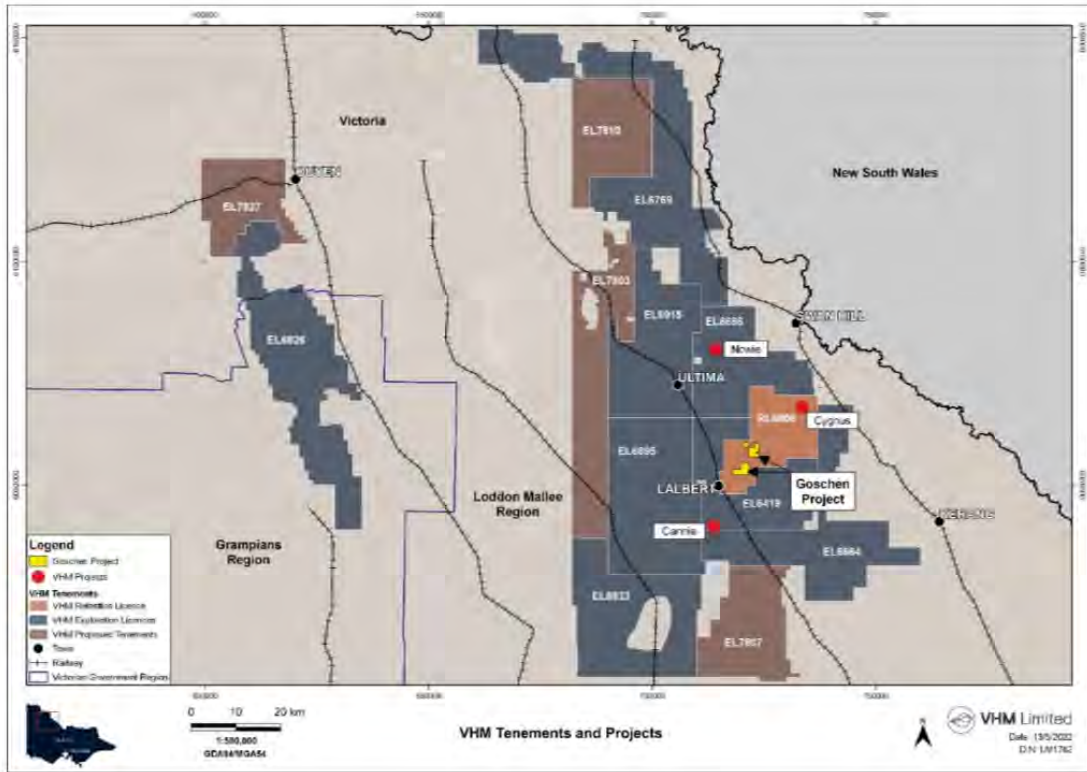


Figure 1 Goschen Project location

### 3. Shared Vision and Aspirations for the Goschen Project

The parties share a common vision for the Goschen Project to maximise potential benefits to both the Swan Hill region and VHM shareholders. This vision is underpinned by a commitment to:

- Adherence to best practice processes
- Timely approvals and transparent processes
- Regular and open communication between the parties on all matters relating to the Project
- Joint advocacy to pursue commitments that will generate lasting benefits to both the Project and the region
- Create a lasting community legacy from the Project
- Consider community outcomes in all aspects of the planning and delivery of the Project
- Acknowledge that the best outcomes for the company and the community will flow from an efficient, financially robust project.

Whilst the content of this MOU focuses on maximising local social and economic opportunities associated with the Project, both parties acknowledge managing and minimising impacts on the physical environment as equally important. This area is not addressed in detail within the MOU as other processes exist to consider and protect the physical environment.



VHM Limited

Both parties recognise the value of having a partnership to maximise the potential benefits to the local communities and the Company. The parties will work together in good faith, in the spirit of:

- Maintaining long-term cooperative working relationships
- Building on each party's core strengths, skills and attributes
- Identifying synergies, and ways to complement each party's core roles, as a means of increasing the positive regional impacts of the Goschen Project
- Sharing information that will facilitate positive outcomes for the Project and region
- Acknowledging that cooperation will generate the most significant outcomes for both the region and the Project

#### 4. Strategic Aspirations

This MOU is aligned to the aspiration of the Swan Hill Rural City Council as set out in 'Growing Swan Hill – 2021-2025 Council Plan' which states:

*'The Swan Hill will grow through encouraging economic diversity'*

The MOU is aligned to Swan Hill's Growth Strategic Priorities:

- *facilitate infrastructure, programs and policies that support economic development and productivity, whilst considering our natural environment*
- *facilitate diversification to improve regional productivity through sustainable planning*

VHM shares the Victorian Government's aspiration for sustainable development in regional Victoria and is committed to the 10 principles outlined in the Mineral Council of Australia's *Enduring Value* framework:

1. Implement and maintain ethical business practices and sound systems of corporate governance
2. Integrate sustainable development principles into company policies and practices
3. Uphold fundamental human rights and respect cultures, customs and values in dealings with employees and others who are affected by our activities
4. Implement risk management strategies based on valid data and sound science
5. Seek continual improvement of our health and safety performance
6. Seek continual improvement of our environmental performance
7. Contribute to conservation of biodiversity and integrated approaches to land use planning
8. Facilitate and encourage responsible product design, use, re-use, recycling and disposal of our products
9. Contribute to the social, economic and institutional development of the communities in which we operate
10. Implement effective and transparent engagement, communications and independently verified reporting arrangements with stakeholders

Information and commitments regarding the environment are available on the VHM website, including the Environment and Sustainability Policy. [www.vhmltd.com.au/corporate-responsibility/environment](http://www.vhmltd.com.au/corporate-responsibility/environment)



VHM Limited

## 5. Aims and Objectives of this Agreement

Both parties are committed to working to identify and progress opportunities that will deliver social and economic development benefits for the region.

The aims of this MOU are to ensure that:

- The roles of each party are clearly understood
- Processes are developed that will help facilitate positive local economic and social outcomes
- Processes are in place to facilitate clear communication, collaboration and support
- A range of agreed activities and projects are committed to by each organisation and there is a willingness to enter into further cooperative activities
- Both parties understand and commit to provide the capacity necessary to deliver the intent of this MOU

## 6. Delivery of this Agreement

Areas of collaboration and joint focus have been identified to fulfill the obligations and intent of this agreement.

### 6.1 Key Areas of Focus

Four key areas have been identified as the core areas for collaboration between the two parties, being:

1. *Optimise social outcomes*

To work cooperatively and in good faith to facilitate as many positive social outcomes from the Goschen Project as possible, whilst also working jointly to minimise and mitigate any negative social outcomes associated with the Project

2. *Optimise economic outcomes*

To work cooperatively and in good faith to facilitate as many positive economic and employment outcomes from the Goschen Project as possible whilst also working jointly to minimise and mitigate any potential negative impacts.

3. *Build relationships to support the Project*

To work cooperatively and in good faith to develop an advocacy and relationship management program which will aid both the Project's timely delivery and the delivery of wider community benefits.

4. *Provide, maintain and enhance physical infrastructure*

To work cooperatively and in good faith to advocate for, facilitate and/or deliver infrastructure of a standard for a best practice mine, which also delivers wider benefits to the Swan Hill region

### 6.2 Mechanisms for Implementation and Review

Regular working party meetings will be used as the key mechanism to ensure timely implementation, reviewing and updating of the delivery schedules associated with this agreement.



VHM Limited

The composition of the working party will have a focus on including representatives from a cross-section of the community including business, Indigenous, environment and Council.

Once the Working Party is determined, the composition will be listed as an Appendix to this document.

## 7. Roles of Parties within this Agreement

Primarily in relation to this agreement, the roles of Swan Hill Rural City Council are in the areas of regulation (statutory planning); local infrastructure provision (local roads etc); provision of strategic advice and direction; representing the interests of the community locally and across the Municipality; and facilitating social and economic development outcomes.

Importantly, Swan Hill Rural City Council is a conduit to the local community and provides a point of direct liaison on all community matters.

The role of VHM Ltd is that of the developer and operator of the Goschen Project. VHM is obliged to meet its obligations to corporate regulators through good governance and reporting requirements.

VHM is committed to facilitating regional benefits as a stimulator –rather than as a direct deliverer of benefits.

Potential areas of involvement include:

- Advocate Shire growth priorities with State and Federal Governments and Departments – eg land development, housing, aerodrome development, road and rail upgrades
- Sponsorship opportunities
- Assist with emergency management and responses – first aid, fire, accidents

## 8. Liaison and Communication

The parties acknowledge the key role that effective communication plays in implementing the aims of the MOU. To aid the building and maintenance of effective communication channels and protocols the following will be undertaken:

- Establish the working party
- Develop the terms of reference, including membership, meeting frequency, work plan, community liaison

### 8.1 Liaison Protocols

Both parties agree to liaise on a regular basis as the primary interface between the two organisations.

Principle contact points for the two organisations will be nominated as the liaison points for each organisation – to be modified from time to time.

To facilitate open and transparent communication regarding projects and advocacy of regional benefit, VHM will arrange two meetings per year with representatives from both Swan Hill Rural City Council and Gannawarra Shire Council. The intent is to enhance a collaborative working relationship and strengthen advocacy across the region.



VHM Limited

## 8.2 Communication Protocols

Recognising the importance of common key messages, both parties agree to the following:

- Nominating key spokespersons who can present a series of common key messages about the benefits the Project can deliver for the region
- Neither party to this MOU has the authority to speak publicly on behalf of the other party without prior consent
- Where one party wishes to issue a public statement about the MOU, any statement will be approved by both parties prior to release.

## 9. Resourcing

Wherever possible, both parties agree to use resources in a manner that will best benefit the region.

This resource sharing includes:

- Information and knowledge sharing (where information isn't protected by intellectual property or confidentiality clauses)
- Sharing of appropriate resources

## 10. Conflict Resolution

Both parties will work cooperatively in the spirit of goodwill, recognising that the position of each might at times differ. If one party believes the substance of the MOU is not being fulfilled it will initiate discussions with the other party to resolve the issue of concern.

If the parties are unable to reach a satisfactory resolution of a dispute, the matters may be referred to a specifically convened meeting, mediated by an independent party acceptable to all.

## 11. Life of Agreement and Review

The MOU shall be effective from the date of signing and may be reviewed annually as well as reviewed in the event of any proposed amendment to any relevant Work Authority or Exploration/other Licence applicable to the Goschen Project or changing in any Applicable Law.

The final review may include a review of the effectiveness and scope for improvement. The schedules to this MOU may be updated by the parties at each annual review subject to mutual agreement and compliance with all Applicable Laws.

VHM is to inform Council in writing within 5 business days of any application to amend any Authority, Licence, or other Project permission, and within 5 business days of any decision being made on any such application.



VHM Limited

## 12. Nature of MOU

This MOU is based on goodwill and:

- outlines the framework of the working relationship between the parties;
- is non-binding, other than in respect of clauses 1 and 12 to 13 (which are binding on the parties); and
- does not constitute a contract (other than as to the extent of the binding clauses specified above), a partnership or joint venture.

For the avoidance of doubt, neither party can:

- commit the other party financially or otherwise to any party;
- bind the other party in any way;
- represent to any party that it may have the right to bind the other party; and
- represent to any party that it is acting on behalf of the other party.

## 13. Statutory Obligations

This Memorandum of Understanding does not override, negate or replace any of the statutory obligations that the Swan Hill Rural City Council has as a local government authority, nor does it replace any of the obligations that the Shire has under the Local Government Act or VHM has as a company.

## 14. Termination

Either party may terminate this MOU by providing 90 days written notice to the other party's nominated address set out in Schedule 5 (as amended from time to time).





VHM Limited

## 15. Signatures

---

Cr Les McPhee  
Mayor  
Swan Hill Rural City Council

Date:

---

Scott Barber  
Chief Executive Officer  
Swan Hill Rural City Council

Date:

---

Graham Howard  
Managing Director

VHM Ltd

Date:

---

Carly O'Regan  
Executive General Manager-Strategy and  
Corporate Affairs

VHM Ltd

Date:

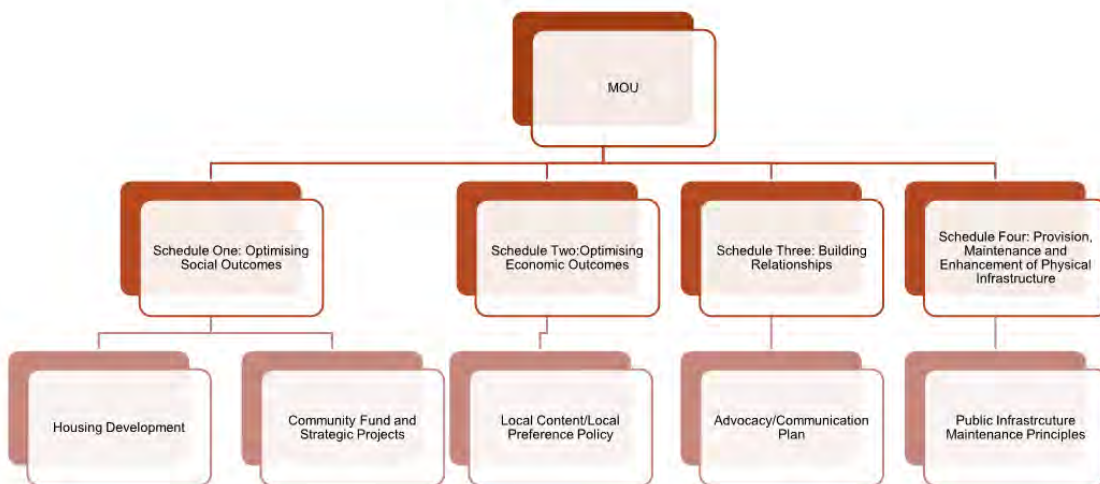


VHM Limited

## Schedules to the Agreement

- Schedule One: Optimising Social Outcomes
- Schedule Two: Optimising Economic Outcomes
- Schedule Three: Building Relationships to support the Project
- Schedule Four: Provision, Maintenance and Enhancement of Physical Infrastructure
- Schedule Five: Contact Details for Liaison and Communication

### Diagram of the Intended Documentary Framework (for illustration purposes only)





VHM Limited

## Schedule One

### Optimising Social Outcomes

#### **Purpose**

The purpose of Schedule One is to develop a set of agreed principles and actions for both the Swan Hill Rural City Council and VHM Ltd with the objective of maximising the social benefits delivered locally for the Goschen Project.

#### **Intentions**

As detailed in section 6.1.1 of the MOU, both parties have agreed to work collaboratively and in good faith to facilitate as many positive outcomes from the Goschen Project as possible, whilst also working jointly to minimise and mitigate any potential negative social outcomes associated with the Project.

To do this the following actions will be undertaken:

##### Joint Actions:

Both parties agree to the following:

1. Housing
2. Education
3. Emergency Services
4. Health Services
5. Community Development

##### Swan Hill Rural City Council Actions:

Swan Hill Rural City Council agrees to the following:

1. To work with VHM and the community to proactively identify opportunities as well as any potential negative implications associated with the construction and operation of the Goschen mine
2. To support VHM's recruitment processes with information and specific programs aimed at encouraging new employees to relocate to Kerang and the broader Swan Hill region
3. To identify and discuss with VHM contributions to costs for community facilities and services provided by Council that could be upgraded to meet the needs of mine workers and their families.

##### VHM Actions:

VHM agrees to the following:

1. To provide funds towards developing strategic projects of mutual benefit and agreed to by both parties. These projects will focus on generating:
  - a. Development of the capacity and sustainability of the community which will have an impact beyond the life of the operation of the mine



VHM Limited

- b. Supporting a future robust economy for the region through employment opportunities, training, procurement of local goods and services
    - c. Exploring new and emerging opportunities for the region
2. To identify and discuss with Council the potential for some of the mine's professional services to be available for broader community access and use (paramedics, emergency service teams etc)
3. Community investment and sponsorship opportunities will be implemented
4. To work with Council and community representatives to build Code of Conduct agreements into all road transport contracts to ensure additional trucks on roads cause minimal negative impacts on the communities en-route.
5. To work with Council to develop a proactive approach to encouraging new employees to the Swan Hill region as new residents. Activities could include:
  - a. Financial incentives
  - b. Selling of the region as part of the recruitment process
  - c. Actively targeting skilled workers to 'come home'
  - d. Youth traineeships



VHM Limited

## Schedule Two

### Optimising Economic Outcomes

#### Purpose

The purpose of Schedule One is to develop a set of agreed principles and actions for both the Swan Hill Rural City Council and VHM Ltd with the objective of maximising the economic benefits delivered locally for the Goschen Project.

#### Intentions

As detailed in section 6.1.2 of the MOU, both parties have agreed to work collaboratively and in good faith to facilitate as many positive economic outcomes from the Goschen Project as possible whilst also working jointly to minimise and mitigate any potential negative economic outcomes associated with the Project.

To do this the following actions will be undertaken:

#### Joint Actions:

Both parties agree to the following:

1. To work collaboratively on strategies to generate sufficient lead time for training
2. To work collaboratively on a plan to identify the investment, infrastructure and support mechanisms required to facilitate a lasting legacy from the project and a strong viable local economy into the future.

#### Swan Hill Rural City Council

The Swan Hill Rural City Council agrees to the following:

1. Work with industries in the region with a long lead time to:
  - a. Assist existing industries to understand the likely impact on their workforce and the need to develop strategies to retain or attract new staff
  - b. Understand the VHM business model and the requirements this places on contractors so that local contractors are well placed to bid for work with VHM
  - c. Facilitate relationships between VHM and others that will facilitate tendering and securing of contracts
2. Work with VHM to develop agreements around local content clauses in contract tenders
3. Work to identify land requirements needed to support establishment of new businesses attracted to the area, and ensure sufficient, appropriately zoned land exists to meet the projected demand.
4. Facilitate cooperation and discussion between the mine and other industry operators to enhance collaboration
5. Advocate to State and Federal Government on economic development opportunities

#### VHM Actions:

VHM agrees to the following:

1. Have a clearly articulated local preference policy for both employees and suppliers/contractors that is capable of being monitored and included in contracts



**VHM Limited**

2. Proactively work with locally based Registered Training Organisations to deliver appropriate and affordable training within the region
3. Where training provider gaps exist, work with Registered Training Organisations to either partner with experienced trainers or develop new training capacity
4. Commit to growing local employees via apprenticeships and traineeships
5. Investigate incentives that could be applied to attract and retain locally based staff
6. Proactively communicate opportunities for new business development



VHM Limited

## Schedule Three

### Building Relationships to Support the Project

#### Purpose

The purpose of Schedule Three is to develop a set of agreed principles and actions for both the Swan Hill Rural City Council and VHM Ltd to build relationships, agreements and processes with third parties that will facilitate achievement of the other three areas of key focus in this MOU.

#### Intentions

As detailed in section 6.1.3 of the MOU, both parties have agreed to work collaboratively and in good faith to facilitate as many positive outcomes from the Goschen Project as possible whilst also working jointly to minimise and mitigate any potential negative economic outcomes associated with the Project.

To do this the following actions will be undertaken:

##### Joint Actions:

Both parties agree to the following:

1. Develop and implement an advocacy program that includes use of agreed key messages and priorities for advocacy effort
2. Where possible provide a united position on policy, permitting and approval requirements, prior to finalisation of approvals documentation
3. Work to ensure the environmental considerations are balanced with consideration of social and economic benefits
4. Develop clear proposals for royalties to be pre-emptively invested in the region that Council and VHM will use to actively lobby the State and Federal Government to have applied to enduring assets such as, but not limited to:
  - a. Road upgrades
  - b. Power supply upgrades
  - c. Mobile phone coverage
  - d. Rail infrastructure
  - e. Development of community facilities
  - f. Investment in training
  - g. Release of land for housing development

##### Swan Hill Rural City Council Actions:

The Swan Hill Rural City Council agrees to the following:

1. Support VHM's negotiations with State Government to ensure appropriate consideration is given to all environmental approval requirements
2. Proactively make introductions for VHM with relative decision makers including MP's, State and Federal Government representatives; business and service providers, registered training organisations and local community representatives



VHM Limited

3. Attend meetings with VHM to advocate for servicing, infrastructure and supportive policy position where these are identified as delivering benefits to both VHM and the broader community
4. Openly share information that is relevant to the Goschen Project

VHM Actions:

VHM agrees to the following:

1. Develop mechanisms for ongoing interaction and effective liaison with the local community, including but not limited to"
  - a. Stakeholder and Community Reference Group
  - b. Community information days
  - c. Attendance at community forums and meetings
  - d. Use of existing media and communication mechanisms
  - e. School information programs
2. Recognises Swan Hill Rural City Council as a key stakeholder and representative of the local community and engages with Council on a regular and on-going basis
3. Proactively meets with relevant State and Federal Government representatives to advocate for projects, services and investment that are of benefit to both VHM and the broader community
4. Openly share information that is relevant to the Council and broader community





VHM Limited

## Schedule Four

### Provision, Maintenance and Enhancement of Physical Infrastructure

#### Purpose

The purpose of Schedule Four is to develop a set of agreed principles and actions for both the Swan Hill Rural City Council and VHM Ltd that will focus on developing agreements, joint advocacy and specific works to facilitate the provision of new, and enhancement of existing, physical infrastructure to meet the Goschen Project needs, whilst also providing a broader social benefit. Ideally, this infrastructure will provide a lasting 'legacy' benefit for the region that will endure beyond the life of the mine

#### Intentions

As detailed in section 6.1.4 of the MOU, both parties have agreed to work collaboratively and in good faith to facilitate as many positive outcomes from the Goschen Project as possible whilst also working jointly to minimise and mitigate any potential negative economic outcomes associated with the Project.

To do this the following actions will be undertaken:

#### Joint Actions:

Both parties agree to the following:

1. Identify roads within VicRoads control in need of:
  - upgrade prior to the opening of the Goschen Project and develop a joint advocacy approach to State Government to seek commitments to these improvements
  - additional and ongoing maintenance and develop a joint approach to State Government to seek commitments to these improvements scheduled into VicRoads ongoing maintenance (based on the principle of increased return to government from heavy vehicle licencing fees)
2. Outline the processes to be used by both parties to address additional maintenance identified for roads used by VHM under Council control, including establishing status of road at commencement, ongoing maintenance and return of road maintenance responsibilities at conclusion of the Project.

#### Swan Hill Rural City Council Actions:

The Swan Hill Rural City Council agrees to the following:

1. Audit road conditions for roads within Council control
2. Use the Goschen Project as the stimulus for investigating the feasibility of upgraded infrastructure projects



VHM Limited

VHM Actions:

VHM agrees to the following:

1. VHM will consider road maintenance costs and proposed potential contract terms to be negotiated by the parties in due course
2. To consider and enter into discussions with communications providers to extend mobile coverage and upgraded internet services to include properties surrounding the Goschen Project
3. To consider and identify infrastructure delivery mechanisms that will leave a legacy benefit to the community beyond the life of mine and improve the liveability and amenity of surrounding towns
4. Develop a clear proposal that Council and VHM could actively lobby to have applied to enduring assets, such as
  - a. Road upgrades
  - b. Power supply upgrades
  - c. Rail infrastructure
  - d. Development of community facilities and services
  - e. Investment in training
  - f. Telecommunications
5. Agree that appropriate equipment at the mine site can be made available for broader use in emergency situations



VHM Limited

## Schedule Five

### Contact Details for Liaison and Communication

#### Intentions

Both parties have agreed to liaise on a regular basis using the officer level working party as the primary interface between the two organisations. VHM will brief Council on an annual basis regarding the Project, actions and discuss any further support.

#### Swan Hill Rural City Council

- |         |        |  |
|---------|--------|--|
| 1. Name | Title  | Chief Executive Officer  |
|         | Email: | <a href="mailto:scott.barber@swanhill.vic.au">scott.barber@swanhill.vic.au</a>               |
|         | Tel:   | (03) 5036 2333   |
| 2. Name | Title  | Economic and Community Development Manager   |
|         | Email: | <a href="mailto:dennis.hovenden@swanhill.vic.gov.au">dennis.hovenden@swanhill.vic.gov.au</a> |
|         | Mob:   | 0497 586 503   |

Swan Hill Rural City Council Street Address:

45 Splatt Street  
Swan Hill VIC 3585

#### VHM Ltd Contact Details:

- |                  |        |  |
|------------------|--------|--|
| 3. Carly O'Regan | Title: | Executive General Manager, Strategy and Corporate                          |
|                  | Email: | <a href="mailto:carly.oregan@vhmltd.com.au">carly.oregan@vhmltd.com.au</a> |
|                  | Mob:   | 0431 068 814   |
| 4. Debbie Rice   | Title: | General Manager, People and Culture  |
|                  | Email: | <a href="mailto:Debbie.rice@vhmltd.com.au">Debbie.rice@vhmltd.com.au</a>   |
|                  | Mob:   | 0484 501 797   |

VHM Ltd Postal Address:

Suite 8, 110 Hay Street  
Subiaco WA 6008

## **B.23.19 UPDATE TO COMMUNITY AND EVENTS GRANTS POLICY**

**Responsible Officer:** Director Development and Planning  
**File Number:** S16-25-08-805  
**Attachments:** 1 Updated Community and Events Grants Policy

### **Declarations of Interest:**

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

### **Summary**

Updating the Community and Events Grants Policy to reflect a direction from the December 2022 Council Meeting relating to the provision of an additional round of Event Support Funding should a significant amount of uncommitted funding remain after the initial round.

### **Discussion**

As detailed in the December 2022 Council Meeting report there was a need to seek further direction from Council on how late requests were dealt with to ensure equity in the Event Support Fund grants program. During the assessment of applications for the Event Support Funding, the grants program Guidelines note that "late applications will not be accepted". In the past requests for funding outside of the initial assessment have been taken through the process for assessment. Given that in the 22/23 financial year there were 10 additional applications outside the initial process, there was a clear need to reconsider how Council dealt with these requests.

### **Consultation**

As per a direction from Council at the 2022 December Council Meeting it was resolved that there would be a "determination at the time of awarding the annual Event Support Fund grants as to whether a second round of funding will occur, should a significant uncommitted amount of funding remain."

### **Financial Implications**

Ensure any significant amount of uncommitted funding remaining is used for its budgeted purpose.

### **Social Implications**

Ensure opportunities for other applications for a grant be made if there is a significant amount of uncommitted funding remaining.

### **Economic Implications**

Supporting events, boost their capacity to host events that benefit the community.

Increase tourism.

### **Environmental Implications**

Not applicable.

### **Risk Management Implications**

Ensuring the grants programs are administered in a fair and equitable manner, with a clear policy and procedure.

All grants must abide by the conditions of funding within their agreement – such as insurance, risk management etc.

### **Council Plan Strategy Addressed**

**Leadership** - Excellent management and administration.

### **Options**

1. Council approve the updates made to the Community and Events Grants Policy – as per the resolution from the 2022 December Council Meeting.
2. Council decline the updates made to the Community and Events Grants Policy – as per the resolution from the 2022 December Council Meeting.

### **Recommendation**

**Council approve the amended Community and Events Grants Policy allowing for an additional round of event funding should funds remain after the initial application process, in accordance with Councils resolution from the 2022 December Council Meeting.**

Date adopted	March 2007
Last review	April 2023
Next review	April 2026
Responsible Officer	Economic Development Coordinator

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



**POLICY TITLE      COMMUNITY AND EVENT GRANTS POLICY**

**POLICY NUMBER    CPOL/COMM805**

## 1. PURPOSE

This policy provides guidance for the allocation of community and event grant funds to the community.

## 2. SCOPE

This policy applies to grants made by the Swan Hill Rural City Council (Council) to community groups and other organisations for the purpose of encouraging and supporting community, and event development within the municipality. This includes cultural, heritage, recreational and environmental activities aiming to improve community identity, pride, cohesion, and economic development opportunities.

The policy covers the administrative processes to facilitate the allocation of money set aside in Council's annual budget for community grants, scholarships and events.

## 3. POLICY

Grants will be considered for any project or program that complements the Council Plan, and enhances the health, wellbeing and/or economic benefit of the community.

The budget for the Community and Event Grants Program will be determined by Council annually and divided into the following categories:

- 3.1. Community Development Fund**– Funding for community groups and organisations to assist with projects, programs and activities.
- 3.2. Youth Endeavour Scholarship**– Funding to facilitate school students' transition out of secondary school.
- 3.3. Event Support Fund**– Funding for organisations and community groups to assist in the support and development of events in the municipality.

## 4. RELATED POLICIES/PROCEDURES/DOCUMENTS

Council Loan Support POL/CORP202

Community and Events Grants Policy CPOL/COMM805		
Version: 1.5	This document is uncontrolled when printed	Page 1 of 2

**5. RELATED LEGISLATION**

Nil

**6. DOCUMENT HISTORY**

<b>Version Number</b>	<b>Issue Date</b>	<b>Description of Change</b>
1.0	March 2007	Initial Release
1.1	December 2014	Review
1.2	May 2018	Review
1.3	September 2020	Review
1.4	February 2022	Review
1.5	April 2023	Review

Signed: \_\_\_\_\_ Mayor Date: 22/03/2022

Date adopted	March 2007
Last review	April 2023
Next review	April 2026
Responsible Officer	Economic Development Coordinator

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



**PROCEDURE TITLE            COMMUNITY AND EVENT GRANTS PROCEDURE**

**PROCEDURE NUMBER        PRO/COMM805P**

**ENABLING POLICY**

Community and Event Grants Policy CPOL/COMM805

**ENABLING LEGISLATION**

Nil

**1. PURPOSE**

This procedure has been developed to facilitate an equitable basis for the provision of financial assistance and logistical support to community groups and organisations in order to stimulate the local economy, improve and support community pride, and develop cohesion within the community.

**2. SCOPE**

The procedure extends to cover the administrative processes to facilitate the allocation of monies set aside by Swan Hill Rural City Council (Council) in the annual budget under its Community and Event Grants programs. The procedure is limited to only those proposals that are eligible for funding under the criteria identified in the Grants and Funding Guidelines, and to the submissions received under that program during the grant opening period/s.

All applications for grants under the Community Development Fund, Youth Endeavour Scholarship or Event Support Fund must use the Community and Event Grants guidelines to apply for and acquit funds.

All grant recipients will be required to enter into an agreement with Council and submit the required documentation before any funds are distributed. Recipients must also provide evidence they have acknowledged Council’s contribution to the project or event and complete the post event or project, Evaluation and Acquittal Report.

All applications will be considered on their merits and assessed against funding criteria, as set out in the Grants and Funding Guidelines.

Community and Events Grants Procedure PRO/COMM805P		
Version: 1.4	This document is uncontrolled when printed	Page 1 of 10



**3. PROCEDURE**

**3.1. Responsibilities**

Parties having responsibilities under this procedure are set out below:

- The Community and Event Grants Program falls under the authorisation of the Chief Executive Officer.
- The Director of Development and Planning shall be responsible for the implementation of the Community and Event Grants Procedure.
- The day to day operation of the scheme shall be the responsibility of the Economic and Community Development Manager.

**3.2. Budget**

- Council shall allocate an annual amount to the Community Development Fund, Youth Endeavour Scholarship and Event Support Fund programs.
- Council shall have the right to vary the base allocation.

**3.3. Community and Event Grant Categories**

The budget for the Community and Event Grants Program will be determined by Council annually and divided into the following categories:

- Community Development Fund
- Youth Endeavour Scholarships
- Event Support Fund

**3.4. Advertising**

An advertisement and/or media release, calling for submissions to the Community Development Fund and Event Support Fund programs shall be carried out no later than May each calendar year.

Advertising may take place through print, radio, on Council’s website and social media, with guidelines available to be downloaded from Council’s website.

Eligible schools will be contacted towards the end of each year to advise Council of their nominations for the Youth Endeavour Scholarship.

**4. COMMUNITY DEVELOPMENT FUND**

**4.1. Applications**

All requests for financial support will be managed through online applications to the Community Development Fund during the open period, unless under exceptional circumstances as ratified by the Director of Development and Planning. This process will provide Council with a consistent, equitable and transparent methodology to ensure the appropriate level of funding and/or support is provided to each applicant community group or organisation.

Community and Events Grants Procedure PRO/COMM805		
Version: 1.5	This document is uncontrolled when printed	Page 2 of 10

Applications need to be completed in full with any supporting documentation included at the time of submission. Applications that do not include all of the required information will be deemed ineligible. Late applications will not be accepted.

Funds are limited therefore not all applications may be funded or funded to the amount requested.

#### 4.2. Eligibility

Community groups and organisations based within the municipality are eligible. Groups and organisations based outside the municipality, but with a project proposal delivering program services, activities or events to residents of the municipality are also eligible.

Funding will only be provided to community groups and organisations that comply with all the following statements:

- Operate within or provide services targeting residents within the municipality.
- Operate on a non-for profit basis.
- Have a formal legal structure or are auspiced by a community group or organisation that fulfil this requirement (i.e. incorporated or auspiced by an incorporated organisation).
- Provide access to Council residents either as members, participants or supporters.
- Ensure adequate legal and insurance requirements are met.
- Operate for the benefit of the community.

Funding will not be provided for the following:

- Individuals, religious groups and for profit commercial enterprises.
- Projects that are the responsibility of other agencies or government departments.
- Projects for capital works that are completed on private property. However, projects that are to be carried out on properties that are heritage listed are exempt.
- Recurrent operating or maintenance costs associated with day-to-day operations.
- Salaries, where the salary forms part of the organisation's usual responsibility (not including instructor or tuition fees).
- Projects that have already been completed or for costs that have already been expended.
- Projects that are clearly a duplication of an existing service, program, project or event.
- Projects that request financial assistance for catering.
- Groups or organisations that are in debt to Council.
- Groups or organisations that support gambling activities.
- Multiple/recurrent applications from a community group or organisation.
- Projects that have received funding through other Council programs/sponsorship.
- Schools are ineligible to apply.

Generally, funding will only be provided for applications that include:

Community and Events Grants Procedure PRO/COMM805		
Version: 1.5	This document is uncontrolled when printed	Page 3 of 10

- New or upgraded equipment essential to the operation of the community group.
- Structural repairs or minor upgrades to community facilities.
- Current OHS or risk management issues.
- New programs or activities within a community that improve social connectedness, physical or mental health and provide opportunities for community participation in social, learning or civic activities.
- Projects or activities that have broad community benefit or support specific high-need groups.
- Projects that promote local sustainability initiatives, create proud community spaces and promote responsible water use and conservation.
- Protection, conservation and restoration of heritage items and assets.
- Projects that support the development of the group or organisation, by providing opportunities to share skills, encourage participation and increase club capacity.

Groups/organisations can also submit an application to the Event Support Fund, however submissions must comply with eligibility criteria for that funding stream.

Groups/organisations who have outstanding acquittals are INELIGIBLE to apply for future rounds of funding until their acquittal has been received and approved by Council, unless exceptional circumstances outside of the applicants control deem it to be appropriate.

#### 4.3. Evaluation

A committee chaired by the Chief Executive Officer, or their delegate, shall be responsible for the assessment of applications for funding under the Community Grants Program and making recommendations to Council for the allocation of grant funds. The committee will consist of two nominated Councillors and relevant Council Officers.

Prior to the committee meeting the relevant Community Development Officer shall be responsible for preparing a preliminary review of each application to assess eligibility.

Each application is assessed on its merits, through a weighted evaluation process, with the following factors taken into account:

- Does the project support community development and resilience?
- Does the project represent value for money?
- Will the project add to the sustainability of the applicant group/organisation?
- Is there alternate funding source(s) available?

Other considerations:

- Does the project engage local businesses?
- Will the project be completed and acquitted within the financial year of the receipt of funds?
- Does the application include a cash contribution from the group/organisation?
- Has the project budget been completed correctly with the required quotes provided?
- Has the group/organisation previously received funding through the Community Grants Program? If yes, was the project completed and acquitted correctly?

Community and Events Grants Procedure PRO/COMM805		
Version: 1.5	This document is uncontrolled when printed	Page 4 of 10

Recommendations from the panel are presented to Council for approval at the July scheduled meeting of Council. Applicant organisations will be advised in writing of the grant amount within 14 days.

Groups/organisations will be required to enter into a signed agreement with Council and will be able to claim the approved funding upfront.

Unsuccessful applicants will be formally advised in writing, and be provided with the opportunity to receive feedback regarding their application.

If a funded project can't be completed as outlined in the application or within the prescribed timeframe, the applicant must submit a variation proposal. Approval must be obtained from Council before proceeding.

In the exceptional circumstance that a project cannot proceed within the financial year it received funding for, Council may approve one roll over until the end of the subsequent financial year with the same contractual agreement in place.

Should the project not be completed within this extended timeframe, due to circumstances outside the organisations control, the applicant must formally notify Council in writing and provide evidence of any project expenditure. This information will enable Council to make an informed decision regarding the amount of grant funds which must be returned to Council.

If the unspent funds are not returned as requested, it will affect future applications for funding.

## 5. YOUTH ENDEAVOUR SCHOLARSHIP

The Youth Scholarship Program is to assist school leavers who endeavour to undertake further education, jobs, training and career opportunities.

Scholarships at \$500 each will be on offer to the following secondary schools in the municipality:

- 2 x Swan Hill College, Swan Hill
- 1 x St Mary MacKillop College, Swan Hill
- 1 x Manangatang P12
- 1 x Clontarf Robinvale
- 1 x Clontarf Swan Hill
- 1 x Swan Hill Flo Campus
- 2 x Robinvale College
- 1 x Glenvale School

The scholarship is to aid students to take the next step after leaving secondary school and may fund, but is not limited to the following items:

- Education and training fees, books and uniform
- Purchase of a vehicle, driving lessons, licence fees
- Tools and equipment

Community and Events Grants Procedure PRO/COMM805		
Version: 1.5	This document is uncontrolled when printed	Page 5 of 10

### 5.1. Eligibility

Secondary school students completing year 12 or leaving school to complete an apprenticeship, TAFE course, work full time or similar are eligible to apply.

### 5.2. Criteria

- A student who has worked hard and who has aspirations to complete further training, study or pursue career opportunities after secondary school eg. Traineeship, TAFE, job, University.
- A student who may require financial assistance to take the next step after secondary school.
- Schools are to provide Council with a 'student brief' outlining who the successful student is and why they should receive the scholarship.
- A student can not to have received another student scholarship.

### 5.3. Acknowledgement

- The Mayor or Councillor is to be provided the opportunity to present the scholarship to the successful student.
- Schools are to provide a minimum of four weeks' notice of the successful recipient and date and time the scholarship is scheduled to be presented.
- Schools are to acknowledge Swan Hill Rural City Council as the sponsor of the Swan Hill Rural City Council Youth Endeavour Scholarship in any media or presentation/awards nights. The Council logo is also to be used where the opportunity exists such as in media, presentation/award nights (eg: Corflute signs/banners and/or booklets, social media).

### 5.4. Opening and Closing Dates

- Schools are to coordinate the scholarship timelines.
- The allocated number of scholarships for each school (outlined above) can be claimed only once per financial year.

### 5.5. Grant Claim

- Schools will be provided scholarship funds after the receipt of a tax invoice and a student brief.

## 6. EVENT SUPPORT FUND

All requests for logistical support and event sponsorship will be managed through applications to the Event Support Fund during the open period, unless under exceptional circumstances as ratified by the Director of Development and Planning. There will be a determination at the time of awarding the annual Event Support Fund grants as to whether a second round of funding will occur, should a significant uncommitted amount of funding remain. This process will provide Council with a consistent, equitable and transparent methodology to ensure the appropriate level of funding and/or support is provided to each applicant organisation or community group.

Community and Events Grants Procedure PRO/COMM805		
Version: 1.5	This document is uncontrolled when printed	Page 6 of 10

All applications must be lodged online. Applications need to be completed in full with any supporting documentation included at the time of submission.

Applications that do not include all of the required information will be deemed ineligible. Late applications will not be accepted.

Council support may consist of:

**Logistical Support (In-kind)**

Provide information or advice, provision of signage, traffic management, park/reserve preparation, cleaning, etc.).

and/or

**Event Sponsorship (Financial)**

Provide financial assistance to eligible applicants that satisfy the funding criteria.

If the event is held on Council owned or managed grounds the organiser must contact Council's Events Officer, so that the event can go through Council's Event Management Approval process.

**6.1. Eligibility**

This policy applies to any community group or profit-based organisation that wishes to stage an event within the Swan Hill Rural City Council municipality. Support will be considered for events that meet at least one of the following criteria:

- Are new or emerging events.
- Have the ability to have strong economic and/or social benefit to the region.
- Promote growth, encourage visitation to the region and innovation.
- Promote and encourage participation across all sectors of the community.
- Celebrate diversity.
- Reduce the isolation of individuals and groups within a community.
- Are inclusive and accessible to all members of the community, including youth and older persons.
- Demonstrate partnerships with other local groups and individuals.
- Existing events that have been funded for more than three years will have to show new or innovative elements to continue to receive funding.

Successful funding through the event category does not imply ongoing funding. Groups should always work towards a sustainable funding model for ongoing events.

Organisations or community groups can apply for:

- Community Events (up to \$1,000 per application)
- To support community events, including one-off or regular celebrations, which generate community participation in the Swan Hill Rural City Council area.
- Minor Events (up to \$2,000 per application)
- Major Events (up to \$5,000 per application)
- To assist in conducting events which generate tourism activity.
- To assist in conducting special events which generate significant tourism activity and provide an increased public profile for the Swan Hill Rural City Council.

Community and Events Grants Procedure PRO/COMM805		
Version: 1.5	This document is uncontrolled when printed	Page 7 of 10

In exceptional circumstances the panel may recommend that an event receive more than the above maximum allocations.

Groups/organisations can submit multiple applications to the Event Support Fund but each submission must be for a different event. Groups/organisations can also submit an application to the Community Development Fund, however submissions must comply with eligibility criteria for that funding stream.

Groups/organisations who have outstanding acquittals are INELIGIBLE to apply for future rounds of funding until their acquittal has been received and approved by Council, unless exceptional circumstances outside of the applicants control deem it to be appropriate.

Funding will be provided to organisations/groups that satisfy all of the following:

- Have a formal legal structure or are auspiced by a community group or organisation that fulfil this requirement (i.e. incorporated or auspiced by an incorporated organisation)
- May have limited capacity to raise funds.
- Are located within the municipality and primarily serve residents of the Swan Hill Rural City Council, or are located outside the municipality but provide an event that primarily impacts upon Swan Hill Rural City Council residents and visitors (evidence of this service may be required).
- Ensure adequate legal and insurance requirements are met.
- If previously funded by Council, have satisfactorily fulfilled all requirements regarding financial acquittal and reporting.

Meeting the eligibility criteria is not a guarantee of funding. The decision made by Council is final. Council will not be responsible for any expenses incurred as a result of an applicant’s anticipation of successful funding.

Funding will not be provided for:

- Events that have already commenced or been completed, unless Council’s prior written consent has been received.
- Recurrent operating or maintenance costs for day-to-day operations.
- Salaries, where the salary forms part of the organisation’s usual responsibility.
- Events which have already been held, or for costs that have already been expended.
- Events that are clearly a duplication of an existing event.
- Events that have a political or religious purpose and objective.
- Events that are deemed to be inappropriate or offensive.
- Cash prizes.
- Events or activities that benefit a single person only.
- Events that have received funding through other Council programs/sponsorship.
- Organisations that support or the intended purpose of the event promotes gambling or alcohol, drugs, or tobacco use.
- Schools are ineligible to apply.

Community and Events Grants Procedure PRO/COMM805		
Version: 1.5	This document is uncontrolled when printed	Page 8 of 10

6.2. Evaluation

A committee chaired by the Chief Executive Officer or their delegate shall be responsible for the assessment of funding and logistical support applications under the Event Support Fund and making recommendations to Council for the allocation of grants. The committee will consist of two nominated Councillors and relevant Senior Council Officers.

- A preliminary review of each application is completed by the authorised officer to assess eligibility.
- Eligible applications are evaluated by an assessment panel comprising of Senior Council Officers and two nominated Councillors.
- Recommendations are made based on the panel’s decisions.

Each application is assessed on its merits, through a weighted evaluation process, with the following factors taken into account:

- Economic benefit to the region (particularly in regard to local businesses).
- Social benefit to the region (contribution, alignment with tourism objectives, ability to boost region’s profile, opportunities to engage with or showcase our cultural, arts, sporting or leisure elements).
- Growth and innovation (event format, attendance, economic impact, skills and learnings)

Other considerations:

- Events that engage local businesses will be looked upon favourably.
- Events that foster social and economic development which increases knowledge and awareness, and engages community members in meaningful participation and involvement in community life.
- Events that are striving towards sustainability (i.e. without Council support) and can create long-term benefits for the community.
- Applications that include a cash contribution from the group/organisation, will be looked on favourably.
- Project budget has been completed correctly, with income equalling expenditure.

Recommendations from the panel are presented to Council for approval at the July scheduled meeting of Council. Applicant organisations will be advised in writing of the grant amount within 14 days. Should there be a second round, this will follow the same process but the dates for the application, assessment, Council Meeting and notification, will differ.

In exceptional circumstances an organisation or community group may require earlier notification and this request must be approved by the panel.

Groups/organisations receiving Event Support Fund grants will be required to enter into a signed agreement with Council. Groups/organisations who receive financial support will be able to claim the funding upfront. Logistical Support does not get claimed.

Unsuccessful applicants will be formally advised, provided a reasoning for the outcome and will be offered the opportunity to inquire further.

Community and Events Grants Procedure PRO/COMM805		
Version: 1.5	This document is uncontrolled when printed	Page 9 of 10



If the event is unable to proceed in the format and time frame initially planned due to further restrictions or other unforeseen circumstances, applicants must submit a variation proposal. Approval must be obtained before proceeding with the event.

In the exceptional circumstance that an event cannot proceed within the financial year it received funding for, Council may approve one (1) roll over until the end of the subsequent financial year with the same contractual arrangements in place.

Should the rolled over event be unable to be held within this extended time frame, due to circumstances outside of the organisers control, the applicant must formally notify Council in writing and provide evidence of pre-planning expenses. This information will enable Council to make an informed decision regarding the amount of grant funds which must be returned to Council.

If the unspent funds are not returned as requested, it will affect future applications for funding.

**7. REPORTING**

A report will be provided annually to Council describing the successful recipients of funding, the use made of the funds and the community benefit.

A report on the distribution of the funding and outcomes will form part of Council’s Annual Report.

**8. RELATED POLICIES/PROCEDURES/DOCUMENTS**

- Council Loan Support POL/CORP202
- Grants and funding guidelines
- Community Grants Funding Agreement

**9. DOCUMENT HISTORY**

Version Number	Issue Date	Description of Change
1.0	March 2007	Initial Release
1.1	December 2014	Review
1.2	May 2018	Review
1.3	September 2020	Review
1.4	February 2022	Review
1.5	April 2023	Review

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

## **B.23.20 RECREATIONAL VEHICLE (RV) FRIENDLY POLICY**

**Responsible Officer:** Director Development and Planning  
**File Number:** S12-06-03  
**Attachments:** 1 Recreational Vehicle (RV) Friendly Policy

### **Declarations of Interest:**

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

### **Summary**

The Recreational Vehicle (RV) Friendly Policy is due for review, as part of Council's practice to review policies on a regular basis. The intention of the policy remains unchanged in which Council would support in principle an application to become RV Friendly Town in communities where there are no commercial tourist camping facilities or where it can be demonstrated that the development will provide significant economic benefit to the municipality and will not be detrimental to existing commercial operators.

However, further detail has been included to improve Council's position to respond to changes in the tourism market; but not to the detriment of commercial operators within the municipality.

### **Discussion**

The Recreational Vehicle (RV) Friendly program was established by the Campervan and Motorhome Club of Australia (CMCA) to represent the interests of its 60,000 members by providing free or low cost camping with access to potable water and a dump point within the vicinity of a town centre. In determining support for an RV Friendly site in the municipality, it is necessary to balance the interests of existing business and the community that underwrites public infrastructure, against the economic benefits that can be obtained by increased tourism visitation. This policy is not applicable to free camping options on land under the management of other authorities.

At the end of 2017, there were 647,319 registered recreational vehicles (RVs) in Australia with approximately 20,000 new vehicles manufactured each year. Whilst the RV market has generally been associated with retirees or backpackers, there is a significant increase in the 30-54 year age group now accounting for 47 per cent of caravanning and camping trips. To cater for this increasing market segment, the RV Friendly Towns program was established by the CMCA.

The RV Friendly program encourages visitation based on the provision of free or low cost 24/48 hour short term RV parking that provides access to potable water and access to a free dump point at an appropriate location.

### **Legislation constraints**

#### **Competitive Neutrality**

The Competitive Neutrality (CN) Policy is administered by the Victorian Office of Better Regulation to ensure that government business competes fairly in the market. The

objective of competitive neutrality principles is to account for advantages arising from public ownership therefore where a private business, or other affected party, considers a government entity has not correctly applied the CN Policy, they can complain to the Office of Better Regulation, which can lead to a public investigation.

### **Local laws**

Local Laws No 2, Section 57 on Caravans and Camping on Council Land details: 'A person must not without a permit, camp on Council managed land or a public place in a tent, caravan or other temporary or makeshift structure unless within a Caravan Park registered under the Residential Tenancies (Caravan and Parks and Movable Dwellings Registrations and Standards) Regulations 2010 or an area determined by Council to be available for camping purposes.

### **The local context**

Within Swan Hill municipality, local commercial operators have objected to the provision of RV Friendly sites within proximity of their businesses. Based on the fixed and regulatory costs borne by commercial operators, the offer of free or low cost sites are seen as competition that they cannot bear.

Currently the municipality's low cost option is the Nyah Recreation Reserve for a gold coin donation.

Currently there is a process and procedure in place, if there is a request for Council to consider the establishment of an RV friendly free area that it will have a dump point attached to it.

### **Consultation**

- Swan Hill Rural City Council
- Swan Hill Region Commercial Parks operators
- Swan Hill Rural City Council RV Friendly Policy 2019
- Campervan and Motorhome Club of Australia (CMCA)

### **Financial Implications**

There are no immediate financial implications associated with this report. The capital ongoing operational costs will be required for items such as dump point connection and signage. Ongoing costs will be applicable for maintenance and rubbish removal. Competitive neutrality has previously been discussed and remains applicable.

### **Social Implications**

Not applicable.

### **Economic Implications**

Development of RV Friendly Towns in the Swan Hill municipality has the potential to attract tourists, but also has the potential to apply a negative impact on the functions of commercial operators in township with existing operators.

RV Friendly Towns have demonstrated to provide some economic stimulus to small towns; however, these communities need to offer some commercial service such as a shop or a hospitality provider to capture visitor expenditure.

### **Environmental Implications**

An RV Friendly site may have the potential to manage waste that may otherwise be left in illegal free camps. Lower Murray Water has advised that it is supportive of the installation of dump points to manage tourism waste and do not have restrictive policies in place to encourage installation.

### **Risk Management Implications**

Not applicable.

### **Council Plan Strategy Addressed**

*Prosperity* - A thriving diverse economy.

RV Friendly Towns in appropriate locations within the municipality can provide economic stimulus for that community.

### **Criteria for supporting an RV Friendly application:**

- Proximity to other commercial tourist camping facilities
- Potential impact on any nearby tourist camping facilities
- Economic benefit to the community and municipality
- Perceived need of RV Friendly site within nominated location
- Adherence to the Competitive Neutrality Policy
- Ability to meet 'Essential' and potential to meet 'Desirable' criteria requirements of CMCA RV Friendly Program
- Ability of applicant to carry out specified ongoing 'Roles and Responsibilities' as outlined within the MoU, license or contract

### **Options**

1. That council adopt the Recreational Friendly (RV) Policy as presented.
2. That Council adopt the Recreational Friendly (RV) Policy as presented with amendments.

### **Recommendation**

**Council adopt the recreational Friendly (RV) Policy as presented.**

Date adopted	September 2017
Last review	April 2023
Next review	April 2026
Responsible Officer	Liveability & Project Development Coordinator

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



**POLICY TITLE      RECREATIONAL VEHICLE (RV) FRIENDLY POLICY**

**POLICY NUMBER    POL/COMM814**

**1. PURPOSE**

To outline Swan Hill Rural City Council's (Council) position for providing in principle support regarding the establishment of a Recreational Vehicle (RV) Friendly Town or Destination as per the Caravan and Motorhome Club of Australia (CMCA) definition.

**2. SCOPE**

This Policy applies to Council, Community organisations and/or third parties involved in management of RV Friendly sites. An RV Friendly site is land identified for the purpose in which Swan Hill Rural City Council may be the land owner or responsible under agreement with the land owner. This policy is not applicable to free camping sites under the management of other authorities.

**3. POLICY**

Council aims to find the correct balance between capturing the economic opportunities available through the RV Friendly market, and supporting the needs of local businesses in the region including accommodation providers, in particular Caravan Parks.

Council will undertake the following approach when considering RV Friendly Towns and Destination applications in the municipality:

- Provide support in principle of an application to become RV Friendly Town or Destination as per the Campervan and Motorhome Club of Australia (CMCA) guidelines in communities where there are no commercial tourist camping facilities. This support is subject to this type of development being identified within the relevant Community Plan and the development of a Memorandum of Understanding (MoU), license or contract clearly stating the management responsibilities of the site.
- In communities with a commercial tourist camping facility, Council will not support the development of an RV Friendly Town or Destination, unless it can be demonstrated that the development will provide significant economic benefit to the municipality and will not be detrimental to existing commercial operators.

Council will provide in principle support to endorse an application to the CMCA for RV Friendly status only if it meets the above criteria, deems the location suitable and meets the CMCA guidelines.

A Memorandum of Understanding (MoU), license or contract will be developed between Council and the community group/s or third party managing the RV Friendly site.

Recreational Vehicle (RV) Friendly Policy POL/COMM814		
Version: 1.2	This document is uncontrolled when printed	Page 1 of 2

**4. RELATED POLICIES/DOCUMENTS**

- Campervan and Motorhome Club of Australia (CMCA) RV Friendly Town Program
- CMCA (Campervan and Motorhome Club of Australia), 2018, Low Cost, Self-contained RV accommodation – Position Paper

**5. RELATED LEGISLATION**

Competitive Neutrality Legislation - Office of the Commissioner for Better Regulation (OCBR).

**6. DOCUMENT HISTORY**

Version Number	Issue Date	Description of Change
1.0	June 2017	Initial adoption
1.1	May 2019	Review
1.2	April 2023	Review

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

## **B.23.21 COUNCIL EXPENSES POLICY & PROCEDURE**

**Responsible Officer:** Chief Executive Officer  
**File Number:** S16-25-02-004  
**Attachments:** 1 Council Expense Policy

### **Declarations of Interest:**

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

### **Summary**

The Local Government Act 2020 (the 2020 Act) received Royal assent on 24 March 2020 and replaces to a large extent the Local Government Act 1989 (the 1989 Act). The 2020 Act was proclaimed in four key stages with a transition period between the two Acts.

The second stage commenced on 1 May 2020 that required Council to develop and implement by 1 September 2020 a Council Expenses Policy.

This report presents the Reviewed Council Expenses Policy, and recommends that the Policy be adopted as presented.

### **Discussion**

Council is required under section 41 of the Act 2020 to adopt and maintain a Council Expenses Policy.

### **Local Government Act 2020**

#### **41 Council expenses policy**

- (1) A Council must adopt and maintain an expenses policy in relation to the reimbursement of out-of-pocket expenses for Councillors and members of delegated committees.
- (2) A policy adopted by a Council under this section must—
  - (a) specify procedures to be followed in applying for reimbursement and in reimbursing expenses; and
  - (b) comply with any requirements prescribed by the regulations in relation to the reimbursement of expenses; and
  - (c) provide for the reimbursement of child care costs where the provision of child care is reasonably required for a Councillor or member of a delegated committee to perform their role; and

(d) have particular regard to expenses incurred by a Councillor who is a carer in a care relationship within the meaning of section 4 of the Carers Recognition Act 2012.

The attached Council Expenses Policy Review, fulfils these requirements. The Policy provides a process for the submission of expense claims and also for the approval of any claims submitted. The Policy also defines that an expense must be incurred directly as a result of performing Council duties, and outlines what expenditure is eligible for reimbursement under the Policy

The attached policy has had suggested changes made to make the policy more concise, with dot points made under the 'what is allowed section' to be the same as 'what is NOT allowed section'. The procedure has been updated to include the current accommodation and meal reimbursements according to the ATO tax determination table TD2022/10. Allowances for rural and remote Councillors has been updated. Facsimile machines have been removed as an option for Councillors, who now access smart phones and laptops.

### **Consultation**

Consultation has occurred with the Governance unit and Executive Leadership Team at meeting on Monday 6 March 2023. Policy then went to Council Assembly on Tuesday 28<sup>th</sup> March.

### **Financial Implications**

Councillor expense re-imburements are budgeted for each year.

### **Social Implications**

This policy supports Council in its ongoing drive for good governance and the importance of open and accountable conduct, and how Councillor expenses are to be handled.

### **Economic Implications**

No known Economic Implication.

### **Environmental Implications**

No known Environmental Implication.

### **Risk Management Implications**

This policy provides transparency in relation to the process of reimbursing Councillors for expenses incurred while performing their role as a Councillor and ensures compliance with the 2020 Act.



### **Council Plan Strategy Addressed**

***Leadership*** - Bold leadership, strong partnerships and effective advocacy.

### **Options**

1. That Council adopts the updated Council Expense Policy as presented.
2. That Council makes further changes to the updated Council Expense Policy as presented.

### **Recommendation**

**That Council adopts the updated Council Expense Policy as presented.**

Date adopted	March 2001
Last review	April 2023
Next review	April 2025
Responsible Officer	Chief Executive Officer

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



**POLICY TITLE      COUNCIL EXPENSES POLICY**

**POLICY NUMBER    POL/GOV004**

### 1. PURPOSE

The purpose of this policy is to outline the conditions under which expenses incurred by Councillors, and where required members of delegated committees while performing their civic, statutory and policy-making duties, are reimbursed or paid by Swan Hill Rural City Council (Council).

The reimbursement of expenses should provide a reduction of barriers to effective participation in Local Government by members of the community by providing support to reduce personal financial costs associated with civic leadership.

### 2. SCOPE

This policy applies to all Councillors of Swan Hill Rural City Council and where required members of delegated committees under section 63 of the Local Government Act 2020.

### 3. POLICY

Councillors and members of delegated committees are entitled, under section 40 of the Local Government Act 2020 (the Act), to reimbursement of expenses reasonably incurred in the performance of their duties.

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

Councillors and members of delegated committees will be reimbursed for out-of-pocket expenses which the Council are satisfied:

- (a) are bona fide expenses;
- (b) have been reasonably incurred in the performance of the role of councillor or member of a delegated committee; and  
are reasonably necessary for the councillor or delegated committee member to perform that role.

Council must provide details of all reimbursements to the Audit and Risk Committee and quarterly to Council Meeting.

#### Expenses Covered by Council:

- Travel
- Accommodation
- Child Care
- Carer Expenses
- Legal Expenses

Council Expenses Policy POL/GOV004	This document is uncontrolled when printed	Page 1 of 3
Version: 2.1		

- Conferences or Training
- Stationary & various support as per PRO/GOV004
- Mayoral Vehicle
- Mobile Telephone
- Meals and relevant incidental costs

#### Advanced Payment

Councillors may request approval of CEO for advanced payment to cover travel costs. Councillors will be required to provide evidence and reconcile actual payments against expenses incurred.

#### Expenses not covered by Council

The following expenses will not be paid or reimbursed by Council:

- Traffic and parking infringements
- Mini bar expenses
- The costs of operating a home office other than stationery and other support otherwise provided by Council
- Costs associated with personal grooming and apparel except for personal protective equipment which will be provided by Council
- Civil or criminal penalties imposed by a court tribunal or other competent jurisdiction
- Any costs associated with campaigning activities
- Alcohol

#### **4. RELATED POLICIES/PROCEDURES/DOCUMENTS**

Councillor Code of Conduct  
 POL/GOV013 Travel by Councillors Policy  
 POL/CORP218 Information Technology acceptable use Policy  
 PRO/GOV004 Council Expenses Procedure  
 CPOL/GOV023 Public Transparency Policy  
 Governance Rules

#### **5. RELATED LEGISLATION**

Local Government Act 2020  
 Carers Recognition Act 2012

#### **6. DOCUMENT HISTORY**

Version Number	Issue Date	Description of Change
1.0	March 2001	Initial Release
1.1	August 2005	Review
1.2	July 2012	Review
1.3	August 2016	Review
2.0	August 2020	Review
2.1	April 2023	Review

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

Council Expenses Policy POL/GOV004		
Version: 2.1	This document is uncontrolled when printed	Page 2 of 3

Date adopted	March 2001
Last review	April 2023
Next review	April 2025
Responsible Officer	Chief Executive Officer

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



**PROCEDURE TITLE      COUNCIL EXPENSES PROCEDURE**

**PROCEDURE NUMBER    PRO/GOV004**

### **ENABLING POLICY**

Council Expenses Policy POL/GOV004

### **ENABLING LEGISLATION**

Local Government Act 2020

### **1. PURPOSE**

The purpose of the procedure is to outline the process under which expenses incurred by Councillors, and where required members of delegated committees while performing their civic, statutory and policy making duties are reimbursed or paid by Swan Hill Rural City Council (Council) and specify the types and level of additional support that will be made available.

### **2. SCOPE**

The procedure applies to all Councillors of Swan Hill Rural City Council and where required members of delegated committees under section 63 of the Local Government Act 2020.

### **3. PROCEDURE**

All claims for allowance or reimbursements for expenditure shall be made on a monthly basis. To claim for reimbursement of expenses or travel allowance Councillors and members of delegated committees must:

- Obtain a receipt for any expenditure.
- Complete a Councillor's Expense Claim and Allowance Form.
- Attach any relevant receipts to the form and forward it to the Chief Executive Officer.

The claim, if allowable, will be authorised by the Chief Executive Officer. It is the responsibility of Councillors and members of delegated committees to ensure that claims for reimbursement occur within the monthly timeframe. Claims in excess of three months after the incurring of the expenditure will not be entertained

Council Expenses Policy POL/GOV004	This document is uncontrolled when printed	Page 1 of 3
Version: 2.1		

### 3.1. Types of Expenditure

#### 3.1.1. Travel

Council will reimburse the cost of Councillor travel where the Councillor attends a Council function, a Council meeting, or other function as an authorised representative of the Council (such as meetings of bodies to which a Councillor is formally appointed by the Council, including a Community Progress Association, or as directed by the Mayor).

Interstate or overseas travel will only be approved subject to compliance with the Travel by Councillors Policy POL/GOV013.

It is expected that wherever possible Councillors arrange to use a Council vehicle for all Council related travel. The Mayoral car is usually available for this purpose.

Where use of a Council vehicle is impractical, an allowance will be paid to Councillors for use of their own vehicle in accordance with the Australian Tax Office rates as varied for time to time.

Where travel costs are borne by Council, it is expected that all travel be by the most direct route, and vehicles are shared where more than one Councillor attends the same function.

#### 3.1.2. Accommodation

Where an overnight stay is required Councillors must arrange this in advance via the Executive Support employee. Accommodation will be booked and paid for using Council's normal procurement systems.

#### 3.1.3. Child Care

Councillors or members of a delegated committee incurring bona fide child care expenses paid to:

- A recognised child or other care provider, or
- To a person who does not:
  - Have a familial or like relationship with the Councillor, or
  - Reside either permanently or temporarily with the Councillor, or
  - Have a relationship with the Councillor or his or her partner such that it would be inappropriate for Council to reimburse monies paid to the care provider.

Will be reimbursed when the care is reasonably required for a Councillor or member of a delegated committee to perform their role. Such as to attend:

- Council meetings and functions involving Council business.
- Council functions.
- Meetings arising as a result of a Councillor being appointed by the Council to an external body.

A receipt from the care provider shall be required for the reimbursement of any expenses claimed.

Council Expenses Procedure PRO/GOV004		
Version: 2.1	This document is uncontrolled when printed	Page 2 of 6

### 3.1.4. Carer Expenses

Councillors incurring bona fide carer expenses paid to:

- A recognised care provider, or
- To a person who does not:
  - Have a familial or like relationship with the Councillor, or
  - Reside either permanently or temporarily with the Councillor, or
  - Have a relationship with the Councillor or his or her partner such that it would be inappropriate for Council to reimburse monies paid to the care provider.

Will be reimbursed such expenses when the care is necessary to allow the Councillor to attend:

- Council meetings and functions involving Council business.
- Council functions.
- Meetings arising as a result of a Councillor being appointed by the Council to an external body.

A receipt from the care provider shall be required for the reimbursement of any expenses claimed.

### 3.1.5. Conferences/Training

Councillors are encouraged to attend appropriate conferences and undertake training to enhance their functioning as Councillors. Conferences and training must be approved by Council, the Mayor or Chief Executive Officer and be booked via Executive Support employee using Council's normal procurement systems.

### 3.1.6. Stationery

The Council shall, upon request, provide Councillors with standard stationery held or obtained generally for the organisation's requirements.

The stationery may include, but not necessarily be limited to, paper, business cards, writing implements, diaries, writing pad/books, USB stick and paper, envelopes and the like.

### 3.1.7. Mayoral Vehicle

The Mayor will be supplied with a vehicle in line with Council policy to facilitate the duties of office. The Mayoral vehicle if available may be accessed by all Councillors to undertake Council approved duties.

### 3.1.8. Mobile Telephone/PDA

Council will provide a mobile telephone or IPAD to all Councillors to facilitate communication for official purposes. Councillors will be required to reimburse the Council for any private usage of the mobile telephone/IPAD.

### 3.1.9. Legal Expenses

The following criteria will be considered when processing any claim for the reimbursement of legal expenses:

Council Expenses Procedure PRO/GOV004		
Version: 2.1	This document is uncontrolled when printed	Page 3 of 6

- The legal advice was obtained in relation to a matter directly connected with the Councillors exercise of their duties as a Councillor of Swan Hill Rural City Council including matters arising from any committee or other body that the Councillor has been appointed to by the Council;
- Council considers the decision to seek independent legal advice to be reasonable in the circumstances;
- The advice was obtained from an appropriate legal firm;
- The costs incurred in obtaining the advice are considered by council to be reasonable given the circumstances.

Council will only consider reimbursing the legal costs incurred by Councillors following the conclusion of any investigation enquiry court case, arbitration hearing or other legal process and only if the Councillor is found to be innocent or otherwise without fault and exonerated in the matter.

Other expenses incurred by Councillors incidental to fulfilling their Council duties such as:

- Car parking fees
- Meals (where not booked as part of accommodation, conference or training)

Shall be paid by Council or reimbursed upon lodgement of receipts or proof of expenditure to the satisfaction of the Chief Executive Officer.

Accommodation and meal costs are expected to not exceed those detailed in the Australian Taxation Offices' tax determination TD2022/10 table 1

	<b>Food and Non-alcoholic Drinks</b>
Metropolitan	Breakfast - \$29.90 Lunch - \$33.65 Dinner - \$57.30
	<b>Food and Drink</b>
Rural	Breakfast - \$26.80 Lunch - \$30.60 Dinner - \$52.75

**3.2. Option of Advanced Payment**

Councillors may request advanced payment of travel expenses approved by the CEO.

**3.3. Exclusions**

Any expenses incurred from breach of road, traffic, parking or other regulation or laws, will not be reimbursed or paid by Council.

**3.4. Other Support Provided to Councillors**

**3.4.1. Support for Rural/Remote Councillors**

Council Expenses Procedure PRO/GOV004		
Version: 2.1	This document is uncontrolled when printed	Page 4 of 6

In recognition of additional impost placed on rural/remote Councillors, the Minister for Local Government has specified that a remote area allowance is available to Councillors in respect of attendance at ordinary, special or committee meetings of the Council or at municipal or community functions authorised by the Council. It applies where a Councillor travels more than 50 kilometres from their residence to a place of approved Council business activity. The allowance is in addition to the normal claim for travel expenses.

The allowance is currently **\$45** in respect to each meeting or function, up to a maximum of **\$5,625** per annum, and may be varied by the Minister from time to time.

This allowance will be paid via the Councillor's Expense and Allowance Form.

### 3.4.2. Other Support

Council will provide Council owned equipment to assist the Councillors in the conduct of their duties of office. The following support facilities are provided for use by the Councillor in conduct of his/her duties of office. All Equipment provided shall remain the property of Council, and shall be returned within two weeks of retirement or termination of office.

#### Telephone Equipment and Computer Access

The equipment will also incorporate a telephone facility. Council will provide the necessary maintenance and consumables required for the operation of the equipment.

Councillors will be provided with a suitable computer with internet access subject to Council's existing Information Technology Acceptable Use Policy POL/CORP218.

Councillors will be required to reimburse the Council for any private usage of the telephone or internet access.

Council will reimburse Councillors for private telephone line usage for internet access work directly relating to the duties of the office.

#### Typing/Secretarial Support

Assistance will be made available to Councillors for work directly relating to the duties of the office. All such work will be co-ordinated through the office of the Chief Executive Officer via the Executive Assistant – Chief Executive Officer.

#### Apparel

The Council shall, upon request, lend Councillors protective clothing required to assist the carrying out of the duties of office. This clothing is to be returned promptly upon the completion of the activity/duty for which the articles were required.

Council Expenses Procedure PRO/GOV004		
Version: 2.1	This document is uncontrolled when printed	Page 5 of 6



This clothing shall be limited to Occupational Health and Safety equipment, as may be held in store to meet the organisation’s requirements, unless otherwise resolved by Council for the specific items(s).

Councillors Office

Council will provide office space for use by Councillors fulfilling their roles. Office space will be available at the Council main office; 45 Splatt Street, Swan Hill. In addition meeting space will be provided at the Robinvale Resource Centre provided reasonable notice is provided.

**3.5. Monitoring**

Quarterly reports of all Councillor and delegated committee member expenses will be provided at a Council Meeting, and the Council’s Audit and Risk Committee. The report will include:

- expenses incurred by Councillors and delegated committee members during the quarter
- reimbursement claims made by Councillors and delegated committee members during the quarter

**4. RELATED POLICIES/PROCEDURES/DOCUMENTS**

Councillor Code of Conduct  
 POL/GOV013 Travel by Councillors Policy  
 POL/CORP218 Information Technology acceptable use Policy  
 CPOL/GOV023 Public Transparency Policy  
 Governance Rules

**5. DOCUMENT HISTORY**

Version Number	Issue Date	Description of Change
1.0	March 2001	Initial Release
1.1	August 2005	Review
1.2	July 2012	Review
1.3	August 2016	Review
2.0	August 2020	Review
2.1	April 2023	Review

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

## **B.23.22 FINANCIAL HARDSHIP POLICY AND PROCEDURE**

**Responsible Officer:** Director Corporate Services  
**File Number:** S29-03-13  
**Attachments:** 1 Financial hardship Policy and Procedure

### **Declarations of Interest:**

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

### **Summary**

This Policy sets the parameters for both Council's customers to understand Council's Financial Hardship policy along with council staff to process applications for financial hardship.

The policy also aids council staff in its dealings with the community.

### **Discussion**

The financial hardship policy was last reviewed in April 2019 and was written for the Employee. Due to the new local Government Act 2020 along with the Local Government Legislation amendment (Rating and other matters) Act 2022, Council feels it needs to be more transparent to Customers, and the policy should be written more for the customer, allowing for the various changes in the Act and Legislation amendment.

### **Consultation**

The policy has been discussed with those members of Council staff that may receive financial hardship applications and the Executive leadership Team.

The Policy and procedure went to the council meeting on 21 February 2023. The Draft policy was placed on public exhibition on Council's Let's Talk site for 32 days from the 22/02/2023 to 27/03/2023.

### **Financial Implications**

Adoption of the policy may require a small reduction in interest received and rates collected. However it could also provide an increase due to council being more flexible with payment plan options.

### **Social Implications**

The policy facilitates empathic and compassionate interaction with hardship applications.

### **Economic Implications**

Not applicable.

### **Environmental Implications**

Not applicable.

### **Risk Management Implications**

The policy mitigates the risk of some potentially difficult to collect debts.

### **Council Plan Strategy Addressed**

**Leadership** - Transparent communication and engagement.

### **Options**

1. That Council adopts the updated Financial Hardship policy and procedure attached.
2. That council makes further changes to the updated Financial Hardship policy and procedure.

### **Recommendation**

**That Council adopts the updated Financial Hardship Policy and procedure as presented.**

Date Adopted	November 2014
Last reviewed	April 2023
Next review	April 2026
Responsible Officer	Customer Service and Revenue Coordinator

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



**POLICY TITLE      FINANCIAL HARDSHIP POLICY**

**POLICY NUMBER    CPOL/CORP234**

## 1. POLICY STATEMENT

This policy applies to customers who are experiencing difficulties with paying their rates and charges or debtor accounts. Swan Hill Rural City Council defines a customer experiencing hardship as someone who is willing but unable to pay their rates/debtors as a result of financial difficulties.

This policy ensures that regardless of their circumstances our community will face no judgement, and will be treated with understanding, dignity and respect. Financial hardship assistance will help reduce additional penalties and costs that are being incurred by those in the community that can least afford them.

Council is committed to continual improvement through our learning, working with our partners and experts in the field of financial vulnerability. This policy also recognises that family violence is a serious issue that poses substantial risk to the health and wellbeing of our community. Swan Hill Rural City Council is committed to effectively supporting customers who may be experiencing family violence, either directly or indirectly.

## 2. PURPOSE

The purpose of this Financial Hardship Policy is to provide Council with a Policy framework setting out the process of providing financial relief to individuals and businesses requiring assistance in the payment of rates and charges or debtor accounts on the grounds of financial hardship.

## 3. SCOPE

This Policy applies to all property owners, rates payers and debtors of the Swan Hill Rural City Council who have been identified, either by themselves, Swan Hill Rural City Council or by an independent accredited financial counsellor as having the intention to pay their rates/debtors but do not have the financial capacity to make the required payments.

This policy shall apply to revenue included on the rates notice, such as rates, waste charges, interest and other relevant charges along with debtor accounts. It is important to note that this policy does not apply to fines issued under Council's Local Laws or any other Act.

In the implementation of this policy, due consideration will be given to determining the type of payment arrangement that is best suited to each property owner's/debtor's individual circumstance and the need to observe compassion, respect and transparency in the assessment of financial hardship applications.

Financial Hardship Policy CPOL/CORP234		
Version: 2.0	This document is uncontrolled when printed	Page 1 of 4

#### 4. DEFINITION

Hardship may be defined as short term or ongoing in duration. Swan Hill Rural City Council appreciates that every customer's situation is different. Payment arrangements and/or assistance options offered to each customer is based on their specific circumstances and capacity to pay. Customers will be offered a range of tailored assistance options to address their circumstances.

Customers will be encouraged to make a regular payment arrangement so that bills can be paid in smaller more manageable amounts. Our payment arrangements are flexible and can be renegotiated when customers' circumstances change.

#### 5. POLICY

Swan Hill Rural City council encourages customers who are struggling financially to contact us either personally or through a third party, such as a financial counsellor or a welfare agency.

Assistance provided under this Policy is available to any person, business or group who have a financial obligation to Council in relation to rates/debtors. The following will be considered when assessing granting assistance under this policy:

- the applicant has displayed a history of attempting to pay the debt to Council;
- the applicant has initiated contact with Council to discuss the debt;
- the applicant is experiencing exceptional circumstances impacting their ability to meet their financial obligations to Council. This could be wide and varied and will be considered on a case by case basis;
- the applicant is experiencing any of the identified compassionate grounds as follows;
  - a. **family violence** – when a person has reported being a victim of family violence;
  - b. **pandemic** - Significantly impacted from a pandemic including unemployment or illness;
  - c. **medical treatment** - when a person needs to pay for medical treatment for themselves or a dependant;
  - d. **mortgage assistance** – when a person needs to prevent their home from being sold by a lender;
  - e. **modification to your home or motor vehicle** - in the case of a disability a person needs to modify their home or vehicle to accommodate their own needs or the needs of a dependant;
  - f. **palliative care** – when a person needs to pay for palliative care;
  - g. **funeral expenses** - when a person needs to pay expenses associated with a funeral;
  - h. **natural disaster** – when a person attends to emergency spending caused by a natural disaster eve
  - i. **low income** – as defined by Services Australia, for example a customer eligible for a Government funded concession;
  - j. **other** – another reason as approved by an Authorised Officer of Swan Hill Rural City Council

Financial Hardship Policy CPOL/CORP234		
Version: 2.0	This document is uncontrolled when printed	Page 2 of 4

*Council will consider all applications for Financial Hardship, made in writing on the Financial Hardship Application Form, in a respectful, compassionate, fair, sensitive and confidential manner.* Council will also ensure all details are managed with the highest degree of privacy and sensitivity.

Financial Hardship Application Forms are available from Council offices or on Council's website and can be lodged:

In person            45 Splatt Street, SWAN HILL  
72 Herbert Street, ROBINVALE

Email                 [council@swanhill.vic.gov.au](mailto:council@swanhill.vic.gov.au)

By post                Chief Executive Officer  
PO Box 488  
SWAN HILL VIC 3585

All applications are assessed on a case by case basis. The information requested to support an application will be commensurate with the level of support being sought.

Where appropriate Council will refer customers to relevant counselling services for assistance.

Swan Hill Rural City Council's goal for customers experiencing hardship is to help them with their needs and to provide support through our hardship application. It is not Council's policy to provide financial support.

Decisions made on applications are subject to review by the Chief Executive Officer.

## **6. NON COMPLIANCE WITH AGREED OBLIGATIONS**

Customers who do not adhere to their agreed obligations will be contacted and managed in accordance with regulatory obligations under the Local Government Legislation Amendment (Rating and Other Matters) Act 2022.

## **7. RELATED POLICIES/DOCUMENTS**

POL/CORP204 Debt Collection Policy  
Financial Hardship Application Form  
Financial Hardship Application - Appeal Form  
PRO/CORP234 Financial Hardship Procedure

## **8. RELATED LEGISLATION**

Local Government Act 1989  
Local Government Act 2020  
Local Government Legislation Amendment (Rating and Other Matters) Act 2022

Financial Hardship Policy CPOL/CORP234		
Version: 2.0	This document is uncontrolled when printed	Page 3 of 4

**9. DOCUMENT HISTORY**

<b>Version Number</b>	<b>Issue Date</b>	<b>Description of Change</b>
1.0	November 2014	Initial release
1.1	December 2015	Review
1.2	April 2019	Review
2.0	April 2023	Review

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

Date Adopted	November 2014
Last reviewed	February 2023
Next review	February 2026
Responsible Officer	Customer Service and Revenue Coordinator

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



**PROCEDURE TITLE      FINANCIAL HARDSHIP PROCEDURE**

**PROCEDURE NUMBER      PRO/CORP234**

### **ENABLING POLICY**

Financial hardship policy CPOL/CORP234

### **ENABLING LEGISLATION**

***Local Government Act 1989 and Local Government Act 2020 and Local Government Legislation Amendment (Rating and other matters) Act 2022***

### **1. PURPOSE**

The purpose of this procedure is to provide a broad definition for genuine financial hardship and outline the processes to be followed in actioning applications for Financial Hardship.

Council aims to:

- Provide assistance to customers, experiencing genuine financial hardship.
- Provide clearly defined guidelines for Council employees to effectively and consistently manage customer financial hardship applications.
- Detail a framework of available assistance options for financial hardship applications.

### **2. SCOPE**

This procedure applies to all Council employees whom may receive applications for financial hardship.

### **3. PROCEDURE**

#### **3.1. Responsibilities**

##### **Employee Responsibilities**

When assessing Financial Hardship Applications, employees must be extremely aware of the probable financial, emotional, physical or psychological difficulties that the Council client may be experiencing.

Employee responsibilities in Council's *Debt Collection Policy and Procedure POL/CORP204* also apply to this procedure.

Financial Hardship Procedure PRO/CORP234		
Version: 2.0	This document is uncontrolled when printed	Page 1 of 4



### 3.2. Definition of Financial Hardship

A Council customer is regarded to be in financial hardship if their intention is to pay their Council debt but they do not have the financial capacity to make the payment(s) within the timeframe specified by Council.

The assessment may be made by Council employees, external assessment from an independent financial counsellor (e.g. Mallee Family Care), or self-assessment by the Customer.

Financial Hardship can arise from a variety of situations as noted in Council's Financial Hardship Policy at section 5. Common causes of hardship may include, but are not limited to: unemployment, ill health, separation, a family death, serious accident, family violence, substance abuse, gambling addiction, sudden income reduction, substantial unexpected expenses or other factors resulting in unforeseen change in the property owner/debtor's capacity to meet their payment obligations, whether through a reduction in income or through an increase in non-discretionary expenditure.

### 3.3. Management of Applications

All Financial Hardship applications, whether referred from a Council employee or an independent financial counsellor, are assessed in the first instance, by the relevant program manager and approved by the relevant Director. The assessment of the application should be actioned within 14 days of receipt. The result of the application is to be conveyed in writing to the applicant and the Customer Service and Revenue Co-ordinator.

The written response is to detail the appeal provision to the Chief Executive Officer. Determination of any appeal also needs to be actioned within 14 days of receipt. (Examples of the Hardship Application and Appeal document are provided as Attachments A and B).

### 3.4. Rates and Special Charges Scheme Debts

It is anticipated that financial hardship assistance will only be granted to individuals on their primary residence however, specific circumstances may arise where additional assistance is considered (i.e. flooding of farm land). If an application is made by an Incorporated Association Council may require a Financial Audit Statement from the Incorporated Association.

### 3.5. Types of assistance available

#### 3.5.1. Existing Payment Arrangements

Renegotiate the amount, incidence or length of existing instalment arrangements. Interest amounts, if applicable, would continue to accrue.

#### 3.5.2. Interest Reduction

Penalty interest on outstanding rate amounts is set by the Penalty Interest Act 1983 or is to be calculated at or below the rate fixed by the Minister under section 172A(1) of the Local Government Legislation Amendment (Rating and

Financial Hardship Procedure PRO/CORP234		
Version: 2.0	This document is uncontrolled when printed	Page 2 of 4

Other Matters) Act 2022. Interest on Special Rates and Charges and Loan/Lease Agreements are set at the time of raising these charges. Council may provide interest amount reductions, either in part or in full, for interest amounts raised; or

Council may provide for an agreed interest free period until payment is made.

Assistance for interest reduction would have regard to the demonstrated efforts of the ratepayer to meet past and current payment obligations. Assistance may be granted for short or long term cases.

### 3.5.3. Deferral of Payment

An account may be placed on hold for a set or indefinite period. This option would generally apply to long term cases of extreme financial hardship. There would need to be demonstrated long term issues which may affect the customer's ability to meet current and future commitments.

Any deferred payments are to be reviewed on a quarterly basis.

### 3.5.4. Waiver of Account

Section 171A of the Local Government Act 1989 allows Council to waive, in part, or in whole any rate or charge, or any interest imposed for late payment. For all other accounts, the waiver is authorised as per Council's Debt Collection Policy.

This provision is generally only used in circumstances of dire financial hardship, or where a commercial decision is made not to pursue a debt.

### 3.5.5. Formal Debt Collection Action

Formal debt collection actions are to be suspended during the financial hardship application and approval periods. Council may cancel a payment plan at any time of the person/business is not complying with the terms of the plan per Section 171B (7) of the Local Government Legislation Amendment (Rating and Other Matters) Act 2022.

## 3.6. External Referral Services

Council employees are able to direct ratepayers to online information services.

The Consumer Action Law Centre ([www.consumeraction.org.au](http://www.consumeraction.org.au)) is a not for profit provider of phone based financial counselling services. The financial counselling hotline can be reached on 1800 007 007. This free hotline is open from 09.30am to 4.00pm, Monday to Friday. The centre can also direct callers to their closest local in-person service.

Financial Counselling Australia has developed the [www.debtsselfhelp.org.au](http://www.debtsselfhelp.org.au) website. The website provides letter templates, fact sheets, information on financial counselling services and a debt management self-help tool.

Mallee Family Care, 229-235 Beveridge Street, Swan Hill, VIC, 3585, 5032 4479, provide a telephone financial hardship counselling service with their Mildura Office. Personal visitations may be arranged in Swan Hill depending on client requirements.

Rural Financial Counselling Service of Victoria North-West, Murray Mallee Region, 139 Lime Avenue, Mildura, VIC, 3500, Tel.No.1300 769 489, provide a personal contact financial hardship counselling service which is available on appointment.

Swan Hill Neighbourhood House, 89-100 Gray Street, Swan Hill VIC 3585, Tel. No. 5032 1549, provide no interest loans for low income families and individuals. There is a set of criteria for all loan application.

**4. RELATED POLICIES/DOCUMENTS**

POL/CORP204 Debt Collection Policy  
 Financial Hardship Application Form  
 Financial Hardship Application - Appeal Form

**5. DOCUMENT HISTORY**

Version Number	Issue Date	Description of Change
1.0	November 2014	Initial release
1.1	December 2015	Review
1.2	April 2019	Review
2.0	April 2023	Review

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

### **B.23.23 GOVERNANCE RULES UPDATE – ATTENDANCE BY ELECTRONIC MEANS OF COMMUNICATION**

**Responsible Officer:** Director Corporate Services  
**File Number:** S16-25P-02-022  
**Attachments:** 1 Governance Rules

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

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

#### **Summary**

Royal Assent was given to the Regulatory Legislation Amendment (Reform) Act 2022 which amended the Local Government Act 2020. This took effect 2 September 2022 Council's Governance Rules need to make provision for:

- Holding meetings by electronic means; and
- Requesting and approving attendance at Council meetings by electronic means.

#### **Discussion**

*The Local Government Act 2020* required Council to adopt and maintain Governance Rules, these were originally adopted by Council in August 2020.

*The Regulatory Legislation Amendment Act 2022* proposed amendments to the Act that were required to be reflected in our Governance Rules. In summary, the amendments include the ability and process to approve Councillors attending Council and Delegated Committee Meetings via electronic means from 2 September 2022. Council has determined that Council Meetings must be held solely face-to-face (in person) unless they are satisfied that extraordinary circumstances warrant electronic means.

Council have also taken this opportunity to review the Governance Rules. The proposed changes to the Governance Rules are summarised in the below table:

<b>Section of Governance Rules</b>	<b>Proposed amendments</b>
<b>Committee Meeting definition</b>  <b>Page 5</b>	means a meeting of a Delegated Committee convened in accordance with these Governance Rules and includes a scheduled or unscheduled meeting (whether held as face-to-face attendance in a set location or via electronic means (virtual) or in a 'hybrid' or 'parallel'

	format that mixes in-person and electronic attendance).
<p><b>Council Meeting definition</b></p> <p><b>Page 6</b></p>	means a meeting of the Council convened in accordance with these Governance Rules and includes a scheduled meeting and unscheduled meeting (whether held as face-to-face (in-person) attendance in a set location or via electronic means (virtual) or in a 'hybrid' or 'parallel' format that mixes in-person and electronic attendance).
<p><b>Quorum definition</b></p> <p><b>Page 7</b></p>	means a majority of the elected Councillors or appointed Delegated Committee members. Under section 61(6A) of the LG Act, for the purposes of these meetings, a Councillor or Delegated Committee member present by electronic means of communication is deemed present for the purposes of a quorum.
<p><b>Meeting procedures</b></p> <p><b>Page 8</b></p>	<p>Included an updated definition of open to the public which includes attendance in person by a member of the public, or a meeting that is broadcasted live on the council internet site.</p> <p>Included an agreed process for requesting and approving attendance by electronic means.</p>
<p><b>Notice of meetings</b></p> <p><b>Page 13</b></p> <p><b>4.1.</b></p>	<p>Council by resolution can determine the proposed or preferred format style of meetings (in-person, electronic- including hybrid or parallel) noting the criteria and process available for a member who wishes to request approval to attend by electronic means.</p> <p>Council may determine certain meetings that must be held solely as face-to-face (in-person) meetings.</p> <p>Addition of appointment of Council representatives to advisory committees in</p>
<p><b>Technical difficulties</b></p>	To ensure meetings are managed in an orderly manner

<p><b>Page 16</b></p>	<p>a process has been included for a situation where a key attendee (such as Mayor, Chair, Councillor or CEO) loses connection if they are attending a meeting electronically.</p>
<p><b><i>Determining the Election of Mayor / Deputy Mayor</i></b>   <b>Page 19</b></p>	<p>A flowchart has been included which outlines the process to be followed for a Mayoral election.</p>
<p><b><i>Business of Meetings</i></b>   <b>Page 21</b></p>	<p>Statement of technical difficulties included in the normal order of business.</p>
<p><b><i>Question of Council</i></b>   <b>Page 22</b></p>	<p>If the meeting is to be held in face to face or a single electronic or hybrid/parallel format then the general public will follow the set procedures to submit a question or petition.</p>
<p><b><i>Public attending the meeting</i></b>   <b>Page 23</b></p>	<p>Processes included for members of the public to attend face-to-face (in-person) in a set location or via electronic means.</p>
<p><b><i>Voting must be seen</i></b>   <b>Page 28</b></p>	<p>Voting may be by any method resolved by Council that enables those in attendance and those watching a livestream broadcast to clearly see which way a Council has voted at the time a vote is taken.</p> <p>In the absence of a Council resolving an alternative method, voting on any matter is by show of hands. This applies to Councillors and members of Delegated Committees attending face to face (In-person) or via electronic means.</p>
<p><b><i>Council's Common</i></b></p>	<p>Guidelines for the use of Council's Common Seal have</p>

<b>Seal</b> <b>Page 46</b>	been included.
<b>Process of conducting debate</b> <b>Page 59</b>	New flow chart added to replace old.

### **Consultation**

The Executive Team and relevant officers have been consulted. Public consultation was open on Let's Talk from 1 August 2022 – 14 August 2022 regarding proposed changes to the Governance Rules. No public submissions were received. These were held over for further comment from CEO and resignation of previous Councillor, which allowed for the newly elected councillor to be involved in the process.

### **Financial Implications**

Not applicable.

### **Social Implications**

Not applicable.

### **Economic Implications**

Not applicable.

### **Environmental Implications**

Not applicable.

### **Risk Management Implications**

The update is legislated, not having clear defined rules to accommodate Ministers Good Practice Guideline risks not complying with new provisions relating to Local Government Act 2020.

### **Council Plan Strategy Addressed**

**Leadership** - Excellent management and administration.

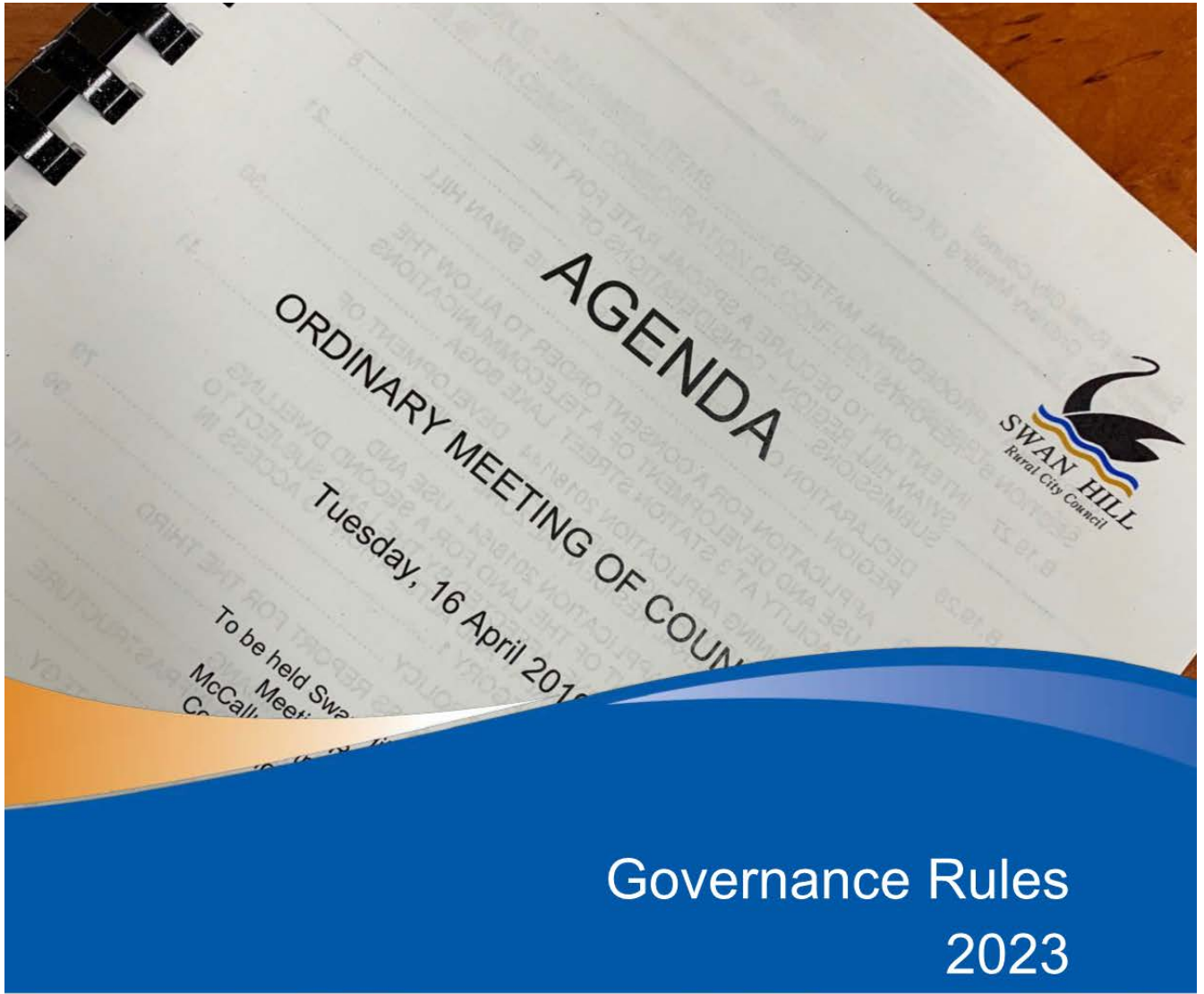
**Options**

1. That Council adopts the updated Governance rules as attached.
2. That council makes further changes to the updated Governance rules attached.

**Recommendation**

**That Council adopts the updated Governance Rules as presented.**





**DOCUMENT INFORMATION**

**Document type:** Governance Rules  
**Document status:** Review  
**Responsible Officer:** Chief Executive Officer  
**Approved by:** Council Meeting  
**Date Adopted:** November 2022  
**Review date:** November 2023  
**Related legislation:** Local Government Act 2020

**Evidence of approval:**

\_\_\_\_\_  
Signed by Mayor

**DOCUMENT HISTORY:**

<b>Version number</b>	<b>Issue date</b>	<b>Description of change</b>
1.0	August 2020	Initial Release
2.0	April 2023	Review

Council documents are amended from time to time, therefore you should not rely on a printed copy being the current version.

## Contents

<b>DOCUMENT INFORMATION</b> .....	2
<b>INTRODUCTION</b> .....	4
<b>REVISION</b> .....	4
<b>DEFINITIONS</b> .....	5
<b>1. Purpose of Council meetings</b> .....	8
<b>2. Format of Council meetings</b> .....	8
<b>3. Meeting Roles</b> .....	8
<b>4. Notice of meetings and availability of agenda</b> .....	12
<b>5. Election of Mayor</b> .....	15
<b>6. Business of Meetings</b> .....	19
<b>7. Community questions and submissions</b> .....	21
<b>8. Voting</b> .....	26
<b>9. Addressing the Meeting</b> .....	28
<b>10. Motions and Debate</b> .....	29
<b>11. Points of Order</b> .....	40
<b>12. Minutes</b> .....	42
<b>13. Suspension of Standing Orders</b> .....	44
<b>14. Council's Common Seal</b> .....	45
<b>15. Delegated Committees</b> .....	46
<b>16. Community Asset Committees</b> .....	47
<b>17. Audit and Risk Committee</b> .....	48
<b>18. Election Period</b> .....	49
<b>19. Conflict of Interest</b> .....	52
<b>20. Joint council meetings</b> .....	54
<b>APPENDIX 1 - Public Question Time Form</b> .....	55
<b>APPENDIX 2 – Process of Conducting a Debate</b> .....	Error! Bookmark not defined.
<b>APPENDIX 3 – Conducting a Mayoral and Deputy Mayoral Election</b> .....	58

## INTRODUCTION

These Governance Rules were adopted in accordance with schedule 60 of the Local Government Act 2020 and commenced on 1 September 2020.

Council must, in the performance of its role, give effect to the overarching governance principles outlined in the Local Government Act 2020. These principles are:

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

In giving effect to the overarching governance principles, Council must take into account the following supporting principles —

- (a) the community engagement principles;
- (b) the public transparency principles;
- (c) the strategic planning principles;
- (d) the financial management principles;
- (e) the service performance principles.

## REVISION

- (a) In developing or amending these Governance Rules Council will undertake a process of community engagement in accordance with relevant policies;
- (b) In accordance with section 8(3) of the Act, where a change to the Governance Rules involves the adopting or amendment of a rule that only adopts a good practice guideline issued by the Minister under section 87(i) of the act, a process of community engagement is not required to be undertaken.

## DEFINITIONS

### In these Governance Rules:

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

**Abstaining from voting** means a Councillor failing or refusing to indicate they are either in favour or opposed to a motion. Abstaining from voting will be counted as being opposed to a motion;

**Act** means the Local Government Act 2020;

**Advisory Committee** means a committee established by the Council, that provides advice to —

- (a) the Council; or
- (b) a member of Council staff who has been delegated a power, duty or function of the Council;

that is not a Delegated Committee;

**Agenda** means a document containing the date, time and place of a Meeting and a list of business to be transacted at the Meeting;

**Agreement of Council** means indicative agreement of all of the Councillors present, without a vote being conducted. In the event there is any uncertainty about all Councillors agreeing, the matter may be put to a vote;

**Assembly** of Councillors has the same meaning as the Act;

**Audit and Risk Committee** means the Audit and Risk Committee established by a Council under section 53 of the Act;

**Authorised Officer** means a person who is authorised by Council to carry out specific functions under a Local law;

**Chairperson** means the Chairperson of a Meeting and includes acting, temporary and substitute Chairperson;

**Chamber** means any room where the Council holds a Council Meeting;

**Chief Executive Officer** means the person occupying the office of Chief Executive Officer of Council, and includes a person acting in that office;

**Confidential Business** means business which is conducted In-Camera in accordance with Section 66 of the Act;

**Clear Days** means the number of consecutive whole days referred to, regardless of whether or not any such day falls on a weekend or public holiday;

**Committee Meeting** means a meeting of a Delegated Committee convened in accordance with these Governance Rules and includes a scheduled or unscheduled

meeting (whether held as face-to-face attendance in a set location or via electronic means (virtual) or in a 'hybrid' or 'parallel' format that mixes in-person and electronic attendance);

**Common Seal** means the Common Seal of Council;

**Council** means Swan Hill Rural City Council;

**Councillor** has the same meaning as the Act;

**Councillor Code of Conduct** means the Councillor Code of Conduct developed under section 139 of the Act;

**Council Meeting** means a meeting of the Council convened in accordance with these Governance Rules and includes a scheduled meeting and unscheduled meeting (whether held as face-to-face (in-person) attendance in a set location or via electronic means (virtual) or in a 'hybrid' or 'parallel' format that mixes in-person and electronic attendance);

**Delegate** means a member of Council staff to whom powers, functions and duties have been delegated by an instrument of delegation;

**Delegated Committee** has the same meaning as in the Act;

**Delegated Committee Meeting** means a Meeting of a Delegated Committee;

**Deputy Mayor** means the Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor;

**Director** means a senior member of Council staff holding the position of Director or another position (however designated) which reports directly to the Chief Executive Officer;

**Disorder** means any disorderly conduct of a member of the Gallery or a Councillor and includes:

- (a) interjecting when another person is speaking, except, in the case of where a Councillor is raising a Point of Order;
- (b) making comments that are defamatory, malicious, abusive or offensive;
- (c) refusing to leave the Meeting when requested, ordered or directed to do so by the Chairperson in accordance with the Act and the Governance Rules; and
- (d) engaging in any other conduct which prevents the orderly conduct of the Meeting;

**Employee Code of Conduct** means the Code of Conduct developed by Council under section 49 of the Act;

**Foreshadowed Item** means a matter raised in the relevant section of the Council Meeting that a Councillor intends to submit a Notice of Motion for the next Council Meeting;

**In-Camera'** means a meeting or portion of a meeting closed to the public in accordance with Section 66 of the Act;

**Joint Letter** means a document which is addressed to, or is obviously intended for, the Council and is signed by 3 or more people;

**Majority of the Votes** means a majority of Councillors present at the time of a vote voting in favour of a matter;

**Mayor** means the Mayor of Council and any person appointed by Council to be acting as Mayor;

**Meeting** means a Council Meeting or a Delegated Committee Meeting;

**Member** means a member of any committee to which these governance rules apply;

**Minister** means the Minister for Local Government;

**Minutes** means the official record of the proceedings and decisions of a Meeting;

**Motion** means a proposal framed in a way that will result in the opinion of Council being expressed, and a Council decision being made, if the proposal is adopted;

**Municipal District** means the municipal district of Council;

**Notice of Motion** means a notice setting out the text of a Motion which a Councillor proposes to move at a Council Meeting;

**Notice of Rescission** means a Notice of Motion to rescind a resolution made by Council;

**Officer** means a member of Council staff;

**On Notice** means held or deferred to enable preparation of a response;

**Petition** means a document which is addressed to, or is obviously intended for, the Council and is signed by 10 or more people;

**Point of Order** means a procedural point (about how the Meeting is being conducted), not involving the substance of a matter before a Meeting;

**Procedural Motion** means a Motion that relates to a procedural matter only and which is not designed to produce any substantive decision but used merely as a formal procedural measure;

**Quorum** means a majority of the elected Councillors or appointed Delegated Committee members. Under section 61(6A) of the LG Act, for the purposes of these meetings, a Councillor or Delegated Committee member present by electronic means of communication is deemed present for the purposes of a quorum;

**Rule or Sub-rule** means a rule or sub-rule included in these Governance Rules;

**Urgent Business** means a matter that relates to or arises out of a matter which has arisen since distribution of the agenda and cannot safely or conveniently be deferred until the next meeting;

**Unscheduled Meeting** means a meeting of the Council convened for a particular purpose that cannot be effectively dealt with in the schedule of Council meetings set by Council;

## **MEETING PROCEDURE**

### **1. Purpose of Council meetings**

- (1) Council holds Scheduled Meetings and, when required, Unscheduled Meetings to conduct the business of Council.
- (2) Council is committed to transparency in decision-making and, in accordance with the Local Government Act 2020, Council and Delegated Committee Meetings are open to the public and the community are able to attend.
- (3) Open to the public means in the case Council and Delegated Committee Meetings:
  - (a) either, attendance in person by a member of the public, or a meeting that is broadcasted live on the council internet site; or
  - (b) a recorded meeting that is published on the council internet site as soon as practicable after the meeting (in the case of a delegated committee only); or
  - (c) any other prescribed means of meeting.
- (4) Meetings will only be closed to members of the public if:
  - (a) there are clear reasons for particular matters to remain confidential; or
  - (b) a meeting is required to be closed for security reasons; or
  - (c) it is necessary to enable the meeting to proceed in an orderly manner.

### **2. Format of Council meetings**

Council by resolution can determine the proposed or preferred format style of meetings, whether held as face-to-face (in-person) attendance in a set location or via electronic means (virtual) or in a 'hybrid' or 'parallel' format.

Council has determined that Council Meetings must be held solely face-to-face (in-person) unless they are satisfied that extraordinary circumstances warrant it.

Council has determined Council briefings may be held either in-person or via electronic means, including hybrid or parallel as required.

### **3. Meeting Roles**

#### **3.1. Chairperson and Members**



- (1) The Chairperson, Councillors and members of Delegated Committees will ensure good council decision-making by endeavouring to ensure:
  - (a) Decision making is transparent to members and observers;
  - (b) Meeting members have sufficient information to make good decisions;
  - (c) Every member is supported to contribute to decisions;
  - (d) Any person whose rights are affected has their interests considered;
  - (e) Debate and discussion is focussed on the issues at hand;
  - (f) Meetings are conducted in an orderly manner;
  - (g) Decisions should be made on the merits of the matter.

### **3.2. Mayor to take the Chair**

- (1) The Mayor must take the Chair at all Council Meetings at which the Mayor is present;
- (2) If the Mayor is not in attendance at a Council Meeting, the Deputy Mayor (if one has been elected) must take the Chair;
- (3) If the Mayor and any Deputy Mayor are not in attendance at a Council Meeting, Council must appoint one of the Councillors as Chair of the meeting by resolution;
- (4) All people present at the meeting must comply with a direction given by the Chairperson.

### **3.3. Delegated Committee Chairperson**

- (1) At the Meeting at which Council establishes a delegated committee it must also appoint a Chairperson;
- (2) The Chair of a delegated committee must be a Councillor;
- (3) For the avoidance of doubt, sub-rule (1) does not intend to limit the powers of the Mayor provided in the Act.

### **3.4. The Chairperson's Duties and Discretions**

In addition to the specific duties and discretions provided in these Governance Rules, the Chairperson:

- (1) must not accept any Motion, question or statement which is:
  - (a) vague or ambiguous;
  - (b) defamatory, malicious, abusive or objectionable in language or substance; or
  - (c) outside the powers of Council;
- (2) must allow the Chief Executive Officer the opportunity to correct factual errors or incorrect assertions that arise during the meeting;
- (3) must call a person to order if their behaviour is disruptive and interferes with the conduct of the business of Council;
- (4) may direct that a vote be recounted to be satisfied of the result; and

- (5) must decide on all points of order.

### **3.5. Chief Executive Officer**

- (1) The Chief Executive Officer, or delegate, may participate in the meeting to provide support to the Chairperson;
- (2) The Chief Executive Officer should:
  - (a) Immediately advise, to the best of their knowledge, if a proposed resolution or action is contrary to the law;
  - (b) Advise if there are operational, financial or risk implications arising from a proposed resolution;
  - (c) Help clarify the intent of any unclear resolution to facilitate implementation;
  - (d) On request, assist with procedural issues that may arise.

### **3.6. Councillors and members of Delegated Committees**

- (1) Councillors and members of Delegated Committees contribute to good governance and decision making by:
  - (a) Seeking views of community members and reading the agenda prior to the meeting;
  - (b) Demonstrating due respect and consideration to community views and the professional / expert advice provided in the agenda papers;
  - (c) Attending meetings and participating in debate and discussion;
  - (d) Demonstrating respect for the role of the Chairperson and the rights of other Councillors or members of Delegated Committees to contribute to the decision-making;
  - (e) Being courteous and orderly;
  - (f) Not divulging the contents of confidential matters considered by Council whether at a meeting of the Council or at an Assembly.

### **3.7. Community**

- (1) Community members may only participate in Council meetings in accordance with these Governance Rules.
- (2) Council will adopt policies, protocols or guidelines to ensure opportunities exist for community input, beyond formal consultation processes.
- (3) Community members are encouraged to participate in Council's engagement forums.
- (4) Community members may seek to inform individual Councillors of their views by contacting them directly in advance of Meetings.
- (5) Community members can contact Council or be informed of Council issues by making direct contact with Council via phone, the Council website, email or by attending Council offices in person.

### **3.8. Apologies and absences**

- (1) Councillors and members of Delegated Committees who are unable to attend a meeting may submit an apology:
  - (a) In writing to the Chairperson, who will advise the meeting; or
  - (b) By seeking another Councillor or member of the Delegated Committee to submit it at the meeting on their behalf.
- (2) An apology submitted to a meeting will be recorded in the minutes.
- (3) A Councillor intending to take a leave of absence must request that leave of absence in writing to the Mayor.
- (4) If the leave of absence is requested by the Mayor it will be lodged with the Chief Executive Officer.
- (5) The Mayor will seek to have any leave of absence request received included in the agenda of the next Council meeting.
- (6) A leave of absence not included in a Council meeting agenda may still be considered by Council if a written request has been received by the Mayor prior to the meeting.
- (7) Council will not unreasonably withhold its approval of a leave of absence request.
- (8) A Councillor who has not submitted an apology or had a leave of absence approved who is not in attendance at a Council or Delegated Committee meeting will be recorded as absent.
- (9) If a Councillor leaves a Council meeting, other than a temporary absence due to a Conflict of Interest, for an extended leave of absence or does not mean to return to the meeting, the Councillor must request a leave of absence from the Council.
- (10) A leave of absence requested during a meeting will only be granted at the end of a motion.
- (11) A leave of absence must not be requested or granted during a debate apart from illness or any other matter deemed urgent by the Chairperson and the Councillor then may not return until conclusion of the debate.

#### **4. Notice of meetings and availability of agenda**

##### **4.1. Date, time and place of Council Meetings**

- (1) At or before the last Meeting each calendar year, Council must fix the date, time and place of all Council Meetings and any Delegated Committee Meetings and may also appoint any council representatives to advisory committees for the following calendar year.
- (2) Council by resolution can determine the proposed or preferred format style of meetings (in-person, electronic- including hybrid or parallel) noting the criteria and process available for a member who wishes to request approval to attend by electronic means.
- (3) Council has determined that Council Meetings must be held solely face-to-face (in-person) unless they are satisfied that extraordinary circumstances warrant it.
- (4) Council has determined Councillor Assemblies may be held either in-person or via electronic means, including hybrid or parallel as required.
- (5) Date, times and locations of urgent out of schedule Councillor Assemblies will be determined by the CEO in consultation with the Mayor.
- (6) Council by resolution may change the date, time and place of, or cancel, any Meeting which has been fixed and must provide 7 days notice and a reason of the change to the public.

##### **4.2. Postponement**

- (1) In the case of an emergency, the Chief Executive Officer or in the absence of the Chief Executive Officer, a Director, may postpone a Council Meeting, provided every reasonable attempt is made to notify every Councillor of the postponement.
- (2) The Chief Executive Officer, or in their absence a Director, must submit a full written report of the circumstances requiring their action in respect of the emergency postponement at the next Scheduled Meeting.

##### **4.3. Unscheduled Meetings**

- (1) Council may by resolution call an Unscheduled Meeting of the Council.
- (2) The Mayor or three Councillors may, by written notice, call an Unscheduled Meeting of the Council.
- (3) The CEO, following consultation with the Mayor, may call an Unscheduled Meeting.
- (4) A written notice to call an Unscheduled Meeting must:
  - (a) specify the business to be transacted;
  - (b) be delivered to the Chief Executive Officer or Delegate in sufficient time to enable notice to be given in accordance with clause 3.4.
- (5) The Chief Executive Officer must determine the time and date for the meeting, giving consideration to:
  - (a) the urgency of the business to be transacted;

- (b) the availability of Councillors;
  - (c) a reasonable notice period for persons whose rights or interests may be impacted by the business to be transacted.
- (6) The Chief Executive Officer must arrange for notice of the meeting on Council's website.
  - (7) Any resolution of Council to call an Unscheduled Meeting must specify the date and time of the Unscheduled Meeting and the business to be transacted. The date and time of the Unscheduled Meeting must not be prior to 6pm on the day following the Council Meeting at which the resolution was made.
  - (8) The Chief Executive Officer must call an Unscheduled Meeting to elect a Mayor following a Council election declaration, in accordance with the Act.
  - (9) The Unscheduled Meeting for the election of a Mayor following an election may also consider the role of Deputy Mayor and any other matters as determined by the Chief Executive Officer.
  - (10) Only the business specified in the Council resolution, or written notice, may be considered at an Unscheduled Meeting, unless all Council, by unanimous resolution determine to admit another matter.

#### **4.4. Notice of Meetings**

##### Council Meetings:

- (1) A notice of a Meeting, that is not an Unscheduled Meeting, incorporating or accompanied by an Agenda of the business to be dealt with, must be sent electronically to every Councillor for all Council Meetings, at least 4 clear days before the Meeting. A period of less than 4 clear days may be justified if exceptional circumstances exist.
- (2) Circulation of the Agenda may be by hand or postal delivery to a Councillors nominated address, by email or other electronic means or by placing the Agenda at a designated collection point within the Municipal Offices.
- (3) An Agenda for each Council Meeting, that is not an Unscheduled Meeting, will be made available on Council's website no less than 48 hours before the Council Meeting.
- (4) A schedule of Council Meetings must be prepared and published to ensure it is available to a broad section of the community, including on Council's website at least once each year and with such greater frequency as the Chief Executive Officer determines. The schedule of Council meetings must also be available from Council's Customer Service Centres.

##### Unscheduled Meetings:

- (5) Notice of an Unscheduled Meeting must be published on Council's website as soon as practicable after the time and date of the meeting has been determined.
- (6) An Agenda for an Unscheduled Meeting must be made available electronically to every Councillor at least 48 hours before the meeting. A period of less than 48 hours may be justified if exceptional circumstances exist.

- (7) An Agenda for an Unscheduled Council Meeting will be made available on Council's website no less than 24 hours before the Council Meeting.

#### 4.5. Quorum

- (1) Meetings must commence within 30 minutes of the scheduled starting time.
- (2) If, after 30 minutes from the scheduled starting time of any Meeting or adjournment, a quorum cannot be obtained, the Chairperson, or if the Chairperson is not present, those Councillors present or, if there are no Councillors present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, a Director, may adjourn the Meeting for a period not exceeding seven days from the date of the adjournment.
- (3) If, during any Meeting or any adjournment of the Meeting, a quorum cannot be maintained, the Chairperson, or if the Chairperson is not present, those Councillors present or, if there are no Councillors present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, a Director, may adjourn the Meeting for a period not exceeding seven days from the date of the adjournment. The Chairperson may defer an item of business in respect of which there is, or is likely to be, a disclosure of a conflict of interest by one or more Councillors that will cause a quorum to be lost, and direct the Chief Executive Officer to include that item of business on an Agenda for a future Council Meeting.
- (4) If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of Councillors, Council will:
  - (a) determine the matter will be considered in separate parts, if a quorum can be maintained for each separate part; or
  - (b) determine to make decisions on separate parts of the matter at a meeting where quorum can be maintained, before making a decision on the whole matter at a meeting for which quorum can be maintained.
- (5) If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of Councillors, and the matter cannot be separated into component parts or prior decisions made, Council will delegate the decision to be made:
  - (a) by the Chief Executive Officer; or
  - (b) by a Delegated Committee, established for the purpose of determining the matter, comprised of all the Councillors who have not disclosed a conflict of interest and any other person(s) the Council considers suitable.
- (6) A decision made under delegation due to Council not being able to achieve or maintain a quorum will be reported to the next Council Meeting.
- (7) The Chief Executive Officer must provide written notice, including by electronic means, to each Councillor of any Council Meeting adjourned to another date or time due to an inability to achieve or maintain a quorum.
- (8) Where it is not practicable because time does not permit notice in accordance with clause 4.4(6) to occur, then, provided every reasonable attempt is made to contact each Councillor either verbally, or by some other means, it will be sufficient.

- (9) Notice of an adjournment to another date or time must be published on Council's website as soon as practicable.

## **5. Election of Mayor**

### **5.1. Chief Executive Officer to set time and date for election of Mayor**

- (1) The Chief Executive Officer must determine the most appropriate time and date for the election of the Mayor, except that the election of the Mayor must be held in accordance with any provisions contained in Division 4 of the Act.

### **5.2. Role and Election of Deputy Mayor**

- (1) At the Council Meeting at which the Mayor is to be elected, the Council may resolve to establish the position of Deputy Mayor and elect a Councillor to the position of Deputy Mayor.
- (2) If the Mayor is not in attendance at a Council Meeting the Deputy Mayor must take the Chair.
- (3) The term of a Deputy Mayor is identical to the term of the Mayor as resolved by Council.
- (4) If the Council has not resolved to establish the position of Deputy Mayor, any provisions in these Governance Rules relating to the Deputy Mayor have no effect.

### **5.3. Method of Voting**

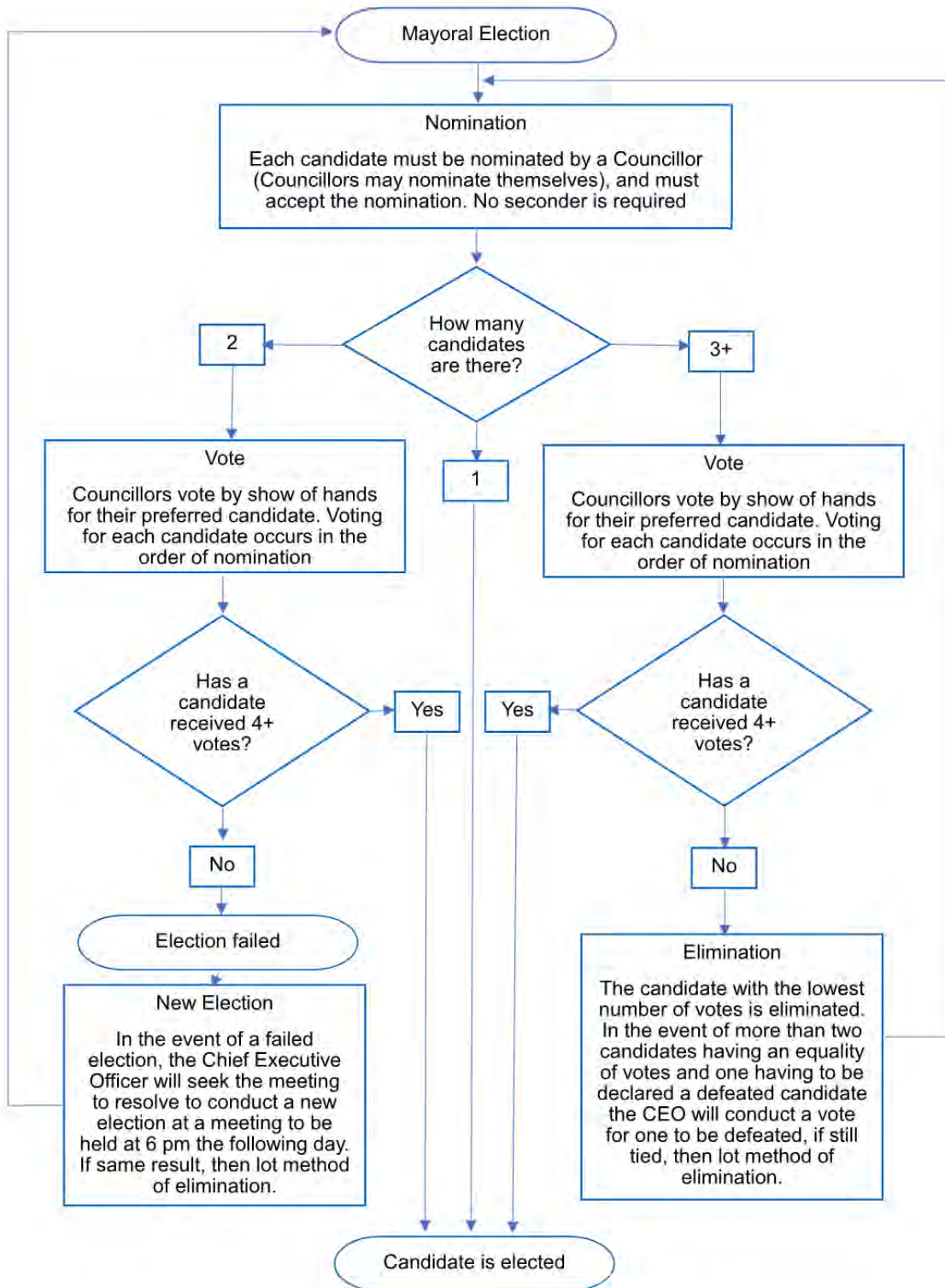
- (1) The election of the Mayor must be carried out by a show of hands or following a resolution made in accordance with Rule 9.2(1), an electronic method that enables those observing (in attendance and those watching a livestream broadcast) to see who a Councillor has voted for at the time the vote is taken.

### **5.4. Determining the Election of Mayor / Deputy Mayor**

- (1) The Chief Executive Officer will chair the election of the Mayor.
- (2) The Chief Executive Officer must invite nominations for the office of Mayor and confirm acceptance of the nomination with the nominee, and call for a Councillor to second the nomination. All Councillors are eligible to stand for election to the office of Mayor.
- (3) Candidates for the election of Mayor may address Council for up to five minutes prior to the election of Mayor being conducted in order of their nomination.
- (4) Where in an election for the Mayor:
  - (a) only one candidate has been nominated, that candidate must be declared elected;
  - (b) two candidates have been nominated:
    - I. a vote must be taken and the candidate who receives the absolute majority of the Councillors votes must be declared elected;
    - II. two candidates have been nominated and no candidate receives the absolute majority of the Councillors votes, then a second vote will be conducted;

- III. after a second vote, where two candidates have been nominated and no candidate receives the absolute majority of the Councillors votes, the Chief Executive Officer will seek the meeting to resolve to conduct a new election at a meeting to be held at 6 pm the following day; this process to continue until resolved.
- (c) more than two candidates have been nominated and no candidate receives the absolute majority of the Councillors votes, then:
- I. the candidate with the fewest number of votes received must be eliminated;
  - II. the names of the remaining candidates must be put to the vote again; and
  - III. the procedure in I and II above must be continued until there remain only two candidates, at which point the candidate to be declared elected is to be determined by the procedures outlined in sub-clause (b) of this clause.
  - IV. in the event of two or more candidates having an equality of votes and one of them having to be declared a defeated candidate (where there are three or more candidates with equal votes), the Chief Executive Officer will conduct a vote for one candidate to be defeated.
- (d) If Council resolves to have the office of Deputy Mayor, the provisions of sub- rules (2) and (4) apply to the election of the Deputy Mayor with all necessary modifications and adaptations.





**5.5. Appointment of Councillors to Committees, Boards and Advisory Committees**

- (1) At the Council Meeting to elect the Mayor, or at the direction of Council, the next meeting, Council must appoint Councillors to Delegated Committee positions, board positions, and Advisory Committee positions.
- (2) The Mayor must call for nominations from the Councillors for the positions referred to in clause 6.5(1) and in the event that two or more Councillors nominate for the one position, the procedure for the election of the Mayor shall be followed for the filling of that position.
- (3) If a casual vacancy occurs of any of the positions referred to in clause 6.5(1), the procedure in clause 6.5(2) will be followed to fill each casual vacancy at the Scheduled Council Meeting then occurs immediately after the casual vacancy occurs.
- (4) Notwithstanding clause 6.5(3) if a casual vacancy to a position referred to in clause 6.5(1) occurs as a result of a vacancy of one of more Councillors, the Council may elect to defer fulfilling the casual vacancy to positions referred to in clause 6.5(1) until after the vacant Councillor positions have been filled.

**5.6. Ceremonial Mayoral Speech**

- (1) Upon being elected, the Mayor may make a ceremonial speech.
- (2) The ceremonial Mayoral speech may include outlining priorities for the year ahead based on the adopted Council Plan.

## **6. Business of Meetings**

### **6.1. Business at Meetings**

- (1) The Chief Executive Officer may include any matter on the Agenda for a Council Meeting which they think should be considered at the Meeting to which the Agenda relates.
- (2) No business can be dealt with at a Meeting unless it is:
  - (a) Contained on the Agenda; or
  - (b) Admitted as Urgent Business in accordance with clause 7.4.

### **6.2. Time Limits for Meetings**

- (1) A Meeting must start within 30 minutes of the advertised start time.
- (2) A Meeting must not continue after three hours from the time it commences unless a majority of Councillors/members present vote in favour of its extension in accordance with this clause.
- (3) Extensions of a Meeting will be in block periods of 30 minutes.
- (4) After the initial 30-minute extension the Meeting must not continue unless a majority of Councillors present vote in favour of a further extension.
- (5) A Meeting may only be continued for a maximum of two 30-minute extensions.
- (6) In the absence of such extensions as provided for in sub-clauses (1), (2) and (3), or in the event there is further business to be transacted at the completion of two extensions, the Meeting must stand adjourned to a time determined by the Council.
- (7) Notwithstanding sub-clause (5), the Chairperson may seek the Agreement of Council not to adjourn the Meeting to the following day, if the Chairperson reasonably believes the remaining business will take less than 10 minutes to transact.

### **6.3. Chairperson may temporarily adjourn a Meeting exceeding two hours**

- (1) For a 10 minute break, at an appropriate point in proceedings after two hours has elapsed.
- (2) Notwithstanding sub-rule (1), the Chairperson may seek the Agreement of Council not to adjourn the Meeting if the Chairperson reasonably believes the remaining business of the Meeting will take less than 30 minutes to transact.

**6.4. Order of business is to be determined by the Chief Executive Officer**

- (1) The normal order of business will follow the example set out below:
  - (a) Welcome;
  - (b) Acknowledgement of Country;
  - (c) Reflection;
  - (d) Apologies/Leaves of Absence; if apologies received must move and second;
  - (e) Confirmation of Minutes of previous Meetings;
  - (f) Disclosures of conflicts of interest;
  - (g) Petitions;
  - (h) Public question time;
  - (i) Open forum;
  - (j) Council reports;
  - (k) Notices of motion;
  - (l) Foreshadowed Items;
  - (m) Urgent business;
  - (n) To consider and order on Councillor reports;
  - (o) Confidential business.

**6.5. Change to order of business**

- (1) Once an Agenda has been sent to Councillors, the order of business for that Meeting may be altered by a resolution of Council.

**6.6. Urgent Business**

- (1) If the Agenda for a Meeting makes provision for Urgent Business, business cannot be admitted as Urgent Business other than by resolution of Council and only then if:
  - (a) the matter does not:
    - I. substantially affect the levels of Council service;
    - II. commit Council to significant expenditure not included in the adopted budget;
    - III. establish or amend Council Policy; or
    - IV. commit Council to any contractual arrangement.
  - (b) it relates to or arises out of a matter which has arisen since distribution of the Agenda; and
  - (c) deferring the item until the next Meeting will mean a decision on the item will not have any effect on the matter; or
  - (d) the item involves a matter of urgency as determined by the Chief Executive Officer; and
  - (e) it cannot be addressed through an operational service request process.
- (2) A Councillor proposing a matter be admitted as Urgent Business must lodge it in writing to the Chief Executive Officer no later than 10:00am on the day of the Meeting.
- (3) The Chief Executive Officer will advise the Mayor of any matter that they determines appropriate for Council to consider admitting as Urgent Business.

## **Question of Council**

### **7. Community questions and submissions**

#### **7.1. Open Forum and Questions Of Council Time To Be Held**

- (1) The Council will hold Open Forum and Questions of Council Time for up to 30 minutes duration at the beginning of each Scheduled Meeting to allow public submissions and questions of Council. Extension of time may be granted by resolution of Council.
- (2) Open Forum is an opportunity for the general public to present to Council on a matter listed on the Agenda or any other matter.
- (3) Questions of Council are an opportunity for the general public to submit a question prior to the Scheduled Meeting and receive a response from Council in the Questions of Council time.
- (4) Council meetings are recorded and broadcasted to the public; this includes community questions and submissions.

#### **Open forum and questions of council guidelines**

**7.2.** Questions of Council time and Open Forum will not apply during any period when the Council has resolved to close the meeting in respect of a matter under section 66 (1) of the Act.

**7.3.** Submissions as part of Open Forum and Questions of Council may be on any matter except if it:

- (a) is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
- (b) relates to confidential information as defined under the Act;
- (c) relates to the personal hardship of any resident or ratepayer; or
- (d) relates to any other matter which the Council considers would prejudice the Council or any person;
- (e) If a person has submitted more than 2 questions to a meeting, the third and further questions may, at the discretion of the Chairperson be deferred until all other person who have asked a question have had their questions asked and answered and not be asked if the time allotted for public question time has expired.

**7.4.** Where the Mayor does not accept a question, the submitter is to be informed of the reason or reasons for which their question was not accepted.

**7.5.** The Mayor reserves the right to cease a submission as part of Open Forum if they deem the submission inappropriate.

**7.6.** Where possible Copies of all questions allowed by the Mayor will be provided in writing to all Councillors.

**7.7.** A submission or question submitted in writing by a member of the public, which has been disallowed by the Mayor will be provided to any Councillor on request.

**Open forum**

- 7.8.** For any member of the public who wishes to be heard at Open Forum they must give prior notice:
- (a) in written form;
  - (b) contain the name, address and email or contact telephone number of the person to be heard;
  - (c) by online request <https://www.swanhill.vic.gov.au/>;
  - (d) in a letter to the Chief Executive Office, 45 Splatt Street, Swan Hill, Vic 3585; or
  - (e) in an email [council@swanhill.vic.gov.au](mailto:council@swanhill.vic.gov.au); or
  - (f) hand delivery to the Council's Office, 45 Splatt Street, Swan Hill or 72 Herbert Street, Robinvale.
- 7.9.** It is preferable for any group or association that wishes to be heard at Open Forum to nominate a spokesperson for an issue upon which the group or association may wish to be heard.

**Open Forum Procedure**

- 7.10.** Public addressing the Meeting
- (1) Any member of the public addressing Council must extend due courtesy and respect to Council and the processes under which it operates and must take direction from the Chairperson whenever called on to do so.
  - (2) Council may suspend standing orders to hear from a community member or representative of an organisation, on matters of significance to the Council, only if prior arrangements have been made by written request to the Mayor or Chief Executive Officer.
- 7.11.** The Chair will allocate a maximum of 3 minutes to each person who wishes to address Council.
- 7.12.** The Chair will first invite any person who has given prior notice to present to Council.
- 7.13.** The Chair will then invite members of the gallery who would like to present to Council.
- 7.14.** The Chair has the discretion to alter the order of persons to be heard.
- 7.15.** The person in addressing the Council:
- (a) must confine their address to the 3-minute allocation of time;
  - (b) shall extend due courtesy and respect to the Council and the processes under which it operates; and
  - (c) shall take direction from the Chair whenever called upon to do;
  - (d) There will be no discussion or debate with the attendees to Open Forum however Councillors may ask questions of clarification of the attendee;
  - (e) Standing Orders do not need to be suspended to allow discussion for the purposes of clarification.

## Questions of Council

### Prior notice of Questions of Council

Council must receive prior notice of Questions to be heard as part of Questions of Council time.

**7.16.** Questions must be received exactly as intended to be read.

**7.17.** Questions submitted to the Council must be:

- (a) in written form;
- (b) contain the name, address and email or contact telephone number of the person submitting the question;
- (c) in a form approved or permitted by the Council (Template available on Council's website <https://www.swanhill.vic.gov.au/about/council/meetings-agendas-and-minutes/>);
- (d) addressed to the Chief Executive Officer; and
- (e) received no later than 10:00am on the day prior to the Meeting by:
  - o letter to the Chief Executive Office, 45 Splatt Street, Swan Hill, Vic 3585 or
  - o email to [council@swanhill.vic.gov.au](mailto:council@swanhill.vic.gov.au) or
  - o hand delivery to the Council's Offices at 45 Splatt Street, Swan Hill or 72 Herbert Street, Robinvale.

### Response

**7.18.** Response to a submission or question raised during the submission in Open Forum may be provided immediately as part of the Open Forum time at the discretion of the Council.

**7.19.** The matter will be referred to the relevant Officer for investigation and response if required.

**7.20.** Council officers will respond acknowledging the question and providing procedural advice and/or the response within 10 working days of the Scheduled Meeting of Council.

**7.21.** Petitions and joint letters

- (1) All petitions and joint letters either received directly or via Councillors must be presented to the Chief Executive Officer who will list the item on the agenda for the next available Council Meeting.
- (2) Every petition submitted to Council must:
  - (a) be in legible and in permanent writing;
  - (b) is clear and on each page the matter and action sought from council is stated;
  - (c) not be derogatory, defamatory or objectionable in language or nature;
  - (d) not relate to matters outside the powers of Council; and
  - (e) include the names, addresses and original signatures of at least 10 people.

- (3) Where a petition has been signed by less than 20 people, it will be treated as a joint letter and forwarded directly to the appropriate member of Council staff for action as an operational item.
- (4) The Chief Executive Officer must present all petitions and joint letters to Council in accordance with the Agenda and is responsible for ensuring that:
  - (a) they are familiar with the contents and purpose of the petition; and
  - (b) the petition is not derogatory, defamatory or objectionable in language or nature.
- (5) Unless sub-clauses (5) or (6) apply, the only Motions that may be considered by Council on any petition are:
  - (a) that the petition be received; and
  - (b) that the petition be referred to the Chief Executive Officer or relevant Director for consideration and response; or
  - (c) that the petition be referred to the Chief Executive Officer or relevant Director for a report to a future Council Meeting.
- (6) If a petition relates to an item listed on the Agenda for the Meeting at which it is submitted, the petition may be dealt with in conjunction with the item.
- (7) If a petition relates to a 'statutory matter' which is the subject of a public submissions process in accordance with the relevant legislation the petition will be treated as a joint submission in relation to the 'planning matter' or the 'statutory matter' (as the case may be).
- (8) The Chief Executive Officer may determine that an electronic or online petition will be submitted to a Council Meeting. An online or electronic petition may be submitted to a Council Meeting.
- (9) The number of signatories to an online or electronic petition will be taken to be the number of signatories at the time the petition is provided to Council for submission to a Council Meeting.
- (10) An online or electronic petition will not be presented to a Council Meeting if it contains signatures that are false or misleading.

#### **7.22. Display of placards and posters**

- (1) Subject to sub- rules (2) and (3), a person can display any placards or posters in the Council Chamber or in any building where a Meeting is being, or is about to be, held, including outside the entrance to the building.
- (2) A placard or poster must not:
  - (a) display any offensive, indecent, insulting or objectionable item or words;  
or
  - (b) obstruct the entrance to the Council Chamber or a building where a Meeting is being, or is about to be, held; or
  - (c) obstruct the view or physically impede any person.



- (3) The Chairperson may order and cause the removal of any placard or poster that is deemed by the Chairperson to be objectionable, disrespectful or otherwise inappropriate.

**7.23. Chairperson May Remove**

- (1) Members of the public present at a Council Meeting must not interject during the Council Meeting.
- (2) If a person, other than a Councillor, interjects or gesticulating offensively during the Council Meeting, the Mayor may direct:
  - (a) the person to stop interjecting or gesticulating offensively; and
  - (b) if the person continues to interject or gesticulate offensively, the removal of the person.
- (3) The Chairperson may cause the removal of any object or material that is deemed by the Chairperson to be objectionable or disrespectful.
- (4) In causing a person's removal under sub-clause (b), or the removal of an object or material under sub-rule (3), the Chairperson may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the person, object or material.

## 8. Voting

### 8.1. How a matter is determined

- (1) To determine a Motion at a Meeting, the Chairperson must first call for those in favour of the Motion and then those opposed to the Motion, and must then declare the result to the Meeting.
- (2) In the event of a tied vote, the Chairperson must, unless the Act provides otherwise, exercise the casting vote. The Chairperson does not have a casting vote in the election of Mayor or Deputy Mayor as these positions must be elected by an absolute Majority of Councillors.

### 8.2. Voting must be seen

- (1) Voting may be by any method resolved by Council that enables those in attendance and those watching a livestream broadcast to clearly see which way a Council has voted at the time a vote is taken.
- (2) In the absence of a Council resolving an alternative method, voting on any matter is by show of hands.

### 8.3. When a division is permitted

- (1) A division may be requested by any Councillor on any vote.
- (2) The request must be made to the Chairperson either immediately prior to, or immediately after, the vote has been taken, and may not be made after the Meeting has moved to the next item of business.
- (3) When a division is called for the Chairperson must:
  - (a) first ask each Councillor wishing to vote in favour of the Motion to indicate their vote and the Chairperson must then state the names of those Councillors to be recorded in the Minutes;
  - (b) then ask each Councillor wishing to vote against the Motion to indicate their vote and the Chairperson must then state the names of those Councillors to be recorded in the Minutes;
  - (c) A Councillor abstaining from voting will be recorded in the division as voting against the motion; and
  - (d) finally, declare the result of the division.
- (4) Where a division is requested after the original vote has been taken, the Motion is decided on the division and the fact that there may be a difference between the result obtained when the original vote was taken and the result obtained on the division must be disregarded.

### 8.4. No discussion once a vote has been declared

- (1) Once a vote on a Motion has been declared carried or lost by the Chairperson, no further discussion relating to the Motion is allowed, unless the discussion:

- (a) involves a Councillor requesting that his or her opposition to a resolution be recorded in the Minutes or calling for a division in accordance with Rule 9.3; or
- (b) is a Councillor foreshadowing a notice of rescission where a resolution has just been made, or a positive Motion where a resolution has just been rescinded;
- (c) the Chairperson may make a statement in relation to a motion presented by a Council indicating the next steps in the process or thanking those present for their participation or attendance.

## 9. Addressing the Meeting

### 9.1. Councillor allowed to speak uninterrupted

- (1) A Councillor who has the floor must not be interrupted unless called to a Point of Order, or given notice by the Chairperson that their speaking time has elapsed or is about to elapse, when they must remain silent until the Councillor raising the Point of Order has been heard and the Point of Order dealt with.

### 9.2. Addressing the Meeting

- (1) If the Chairperson so determines:
  - (a) any person addressing the Chairperson must refer to the Chairperson as:
    - Mayor; or
    - Chairperson;as the case may be;
  - (b) all Councillors, other than the Mayor, must be addressed as Cr.....(surname); and
  - (c) all Council staff, must be addressed as Mr or Ms (name) as appropriate or by their official title.
- (2) Except for the Chairperson and Chief Executive Officer, any person who addresses the Meeting must direct all remarks through the Chairperson.

## 10. Motions and Debate

### 10.1. Moving a motion

A resolution must be capable of standing alone, that is, a person reading the decision of Council in the minutes will be able to understand what Council is seeking to achieve without reference to other sources. This usually means it should include specifics about the action to be taken, the timing of the action to be taken, the details of any other organisation.

The procedure for moving any Motion is:

- (1) the mover must state the Motion without speaking in support of it;
- (2) the Motion must be seconded by a Councillor other than the mover;
- (3) if a Motion is not seconded, the Motion lapses for want of a seconder;
- (4) if there is a seconder, then the Chairperson must call on the mover to speak to the Motion;
- (5) after the mover has spoken to the Motion, the seconder may also speak to the Motion;
- (6) after the seconder has spoken to the Motion (or after the mover has spoken to the Motion if the seconder does not speak to the Motion), the Chairperson must call on any Councillor who wishes to speak against the Motion, then on any Councillor who wishes to speak for the Motion, after waiting until all Councillors wishing to speak to the Motion have spoken; and
- (7) if no Councillor wishes to speak against the Motion, then the Chairperson may put the Motion or call on any other Member to speak.
- (8) the Chairperson can not move or second any Motion
  - (a) with the leave of the meeting the Chairperson may join the debate providing a temporary Chairperson is elected to chair the meeting whilst the Chairperson is speaking.

### 10.2. Chairperson's duty

The Chairperson must not accept any Motion which:

- (1) is defamatory; or
- (2) is objectionable in language or nature; or
- (3) is vague or unclear in its intention; or
- (4) is outside the powers of Council; or
- (5) is not relevant to an item of business on the Agenda and has not been admitted as urgent business; or
- (6) purports to be an amendment but is not.

**10.3. Right of reply**

- (1) The mover of a Motion, which has not been amended, may, once debate has been exhausted, exercise a right of reply to matters raised during debate.
- (2) No new matters may be raised in the right of reply.
- (3) If no Councillor has spoken against a Motion, there will be no right of reply.
- (4) After the right of reply has been exercised, the Motion must immediately be put to the vote without any further discussion or debate.

**10.4. Moving an amendment**

- (1) A Motion, which has been moved and seconded, may be amended by leaving out, inserting or adding words, which must be relevant to the subject of the Motion.
- (2) An amendment may be proposed or seconded by any Councillor, except the mover and seconder of the original Motion.
- (3) If a Councillor proposes an amendment and the original mover and seconder of the Motion both indicate their agreement with the amendment, the amended Motion becomes the substantive Motion without debate or vote.
- (4) If a Councillor proposes an amendment to which either the mover or seconder does not agree, the following will apply:
  - (a) the amendment must be moved and seconded;
  - (b) a Councillor may speak on any amendment once, whether or not they have spoken to the Motion, but debate must be confined to the terms of the amendment;
  - (c) any number of amendments may be proposed to a Motion, but only one amendment may be accepted by the Chairperson at any one time. No second or subsequent amendment, whether to the Motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with and voted on;
  - (d) if the amendment is carried, the Motion as amended then becomes the Motion before the Meeting (known as the 'substantive Motion'); and
  - (e) the mover of an amendment does not have right of reply.

**10.5. Foreshadowing motions**

- (1) At any time during debate a Councillor may foreshadow a Motion so as to inform Council of his or her intention to move a Motion at a later stage in the Meeting, but this does not extend any special right to the foreshadowed Motion.
- (2) A Motion foreshadowed may be prefaced with a statement that, in the event of a particular Motion before the Meeting being resolved in a certain way, a Councillor intends to move an alternative or additional Motion.

- (3) A Motion foreshadowed has no procedural standing and is merely a means to assist the flow of the Meeting.
- (4) The Minutes of the Meeting will not include foreshadowed Motions unless the foreshadowed Motion is subsequently formally moved as a Motion.

#### **10.6. Withdrawal of motions**

- (1) Before any Motion is put to the vote, it may be withdrawn with the Agreement of Council.

#### **10.7. Separation of motions**

- (1) Where a Motion contains more than one part, a Councillor may request the Chairperson to put the Motion to the vote in separate parts.
- (2) The Chairperson may decide to put any Motion to the vote in separate parts.

#### **10.8. Motions moved in a block**

- (1) The Chairperson may allow like Motions to be moved, or request Councillors to move like items, in a block (en bloc), only if the Motions note actions already taken and will not commit Council to further action, spending or changes to policy.

#### **10.9. Motions in writing**

- (1) All Motions, except procedural Motions, may be submitted in writing or read out by the Councillor submitting the motion. All motions will be recorded by the minute taker.
- (2) The Chairperson may adjourn a Meeting while a Motion is being written or may request Council to defer the matter until the Motion has been written, allowing the Meeting to proceed uninterrupted.
- (3) The Chairperson may request the person taking the minutes of the meeting to read the motion or amendment to the meeting before debate on the motion or the vote is taken.

#### **10.10. Debate must be relevant to the motion**

- (1) Debate must always be relevant to the Motion before the Meeting, and, if not, the Chairperson must request the speaker to confine debate to the Motion.
- (2) If, after being requested by the Chairperson to confine debate to the Motion before the Meeting, the speaker continues to debate irrelevant matters, the Chairperson may direct the speaker to not speak further in respect of the Motion before the Chairperson. The speaker must immediately comply with any such direction.

**10.11. Adequate and sufficient debate**

- (1) Adequate debate is required where a matter is contentious in nature. In such a case, every Councillor should be given an opportunity to participate in the debate.
- (2) A Motion has been sufficiently debated if opposing views (where they exist) have been sufficiently put, not so much the number of those who have spoken but whether all minority opposing views have been put.
- (3) Once the views put are representative of the views of all Councillors or Members the debate would be regarded as sufficient.
- (4) Councillors or members may only speak once to each Motion except for the Mover who has a right of reply.

**10.12. Speaking times**

- (1) Unless a Motion for an extension of speaking time has been carried, the maximum speaking times are:
  - (a) the mover of a Motion or amendment - five minutes;
  - (b) the mover of a Motion when exercising his or her right of reply - two minutes; and
  - (c) any other speaker - three minutes.
- (2) A Motion for an extension of speaking time must be proposed before the initial speaking time, for that speaker, expires.
- (3) A Motion for an extension of speaking time must not be accepted by the Chairperson if another Councillor has commenced speaking.
- (4) Only one extension of speaking time is permitted for each speaker.
- (5) Any extension of speaking time must not be more than two minutes.
- (6) The Chairperson will determine when speaking times have elapsed but a Councillor or member can raise a Point of Order to challenge a Chairpersons ruling.

**10.13. Procedural motions**

- (1) Unless otherwise prohibited, and subject to sub- rule (3), a Procedural Motion may be moved at any time and must be dealt with immediately by the Chairperson.
- (2) Procedural Motions require a seconder.
- (3) The Chairperson may reject a Procedural Motion if he or she believes the Motion on which it is proposed has not been adequately or sufficiently debated.
- (4) Regardless of any other provision in these Governance Rules, a Procedural Motion must be dealt with in accordance with the Procedural Motions table.



- (5) A Procedural Motion may not be moved or seconded by the Chairperson.
- (6) Unless otherwise provided, debate on a Procedural Motion is not permitted and the mover does not have a right of reply.
- (7) Unless otherwise provided, a Procedural Motion must not be amended.
- (8) Procedural Motions table:

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
<b>Deferral of a matter (to a future meeting)</b>	'That the debate on this matter be deferred until (insert meeting/date) to allow (purpose of deferral)' ...'	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of the Mayor/Deputy Mayor; (b) During the election of a <i>Chairperson</i> ; or (c) When another Councillor is speaking	Consideration/debate on the motion and/or amendment is postponed to the stated date and the item is re-listed for consideration at the resolved future meeting, where a fresh motion may be put and debated	Debate continues unaffected	Yes
<b>Closure (of debate)</b>	'That the motion now be put'	Any Councillor who has not moved or seconded the original motion or spoken for/against the original motion	During nominations for a <i>Chairperson</i>	Motion or amendment is put to the vote immediately without further debate, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	Debate continues unaffected	No
<b>Laying a motion on the table (pausing debate)</b>	'That the motion be laid on the table'	A Councillor who has not spoken for/against the motion	During the election of the Mayor/Deputy Mayor	Motion not further discussed or voted on until Council resolves to take the question from the table at the same meeting	Debate continues unaffected	No
<b>Take a motion from the table (resume debate on a matter)</b>	'That the motion in relation to xx be taken from the table'	Any Councillor	When no motion is on the table	Debate of the item resumes	Debate of the item remains paused	No
<b>Alter the order of business</b>	'That the item listed at xx on the agenda be considered before/after the item listed as xy'	Any Councillor	(a) At a Meeting to elect the Mayor; or (b) During any debate	Alters the order of business for the meeting	Items are considered in the order as listed in the <i>Agenda</i>	No

Motion	Form	Mover/ Second	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
<b>Suspension of Standing Orders</b>	'That Standing Orders be suspended to ...' (reason must be provided)	Any Councillor		The rules of the meeting are temporarily suspended for the specific reason given in the motion No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted	The meeting continues unaffected	No
<b>Resumption of Standing Orders</b>	'That Standing Orders be resumed'	Any Councillor	When Standing Orders have not been suspended	The temporary suspension of the rules of the meeting is removed	The meeting cannot continue	No
<b>Consideration of confidential matter(s) (Close the meeting to members of the public)</b>	That, in accordance with section 66(2)(a) of the <i>Local Government Act 2020</i> the meeting be closed to members of the public for the consideration of item xx is confidential as it relates to [insert reason]	Any Councillor	During the election of the Mayor/Deputy Mayor	The meeting is closed to members of the public	The meeting continues to be open to the public	Yes
<b>Reopen the meeting</b>	'That the meeting be reopened to members of the public'	Any Councillor		The Meeting is reopened to the public	The meeting remains closed to the public	No

**10.14. Notices of Motion**

- (1) A Councillor can submit to the Chief Executive Officer a Notice of Motion for inclusion in the Agenda for a Meeting.
- (2) A Notice of Motion must be in writing, signed by the Councillor, and be lodged with the Chief Executive Officer to allow sufficient time for them to include the motion in the Agenda.
- (3) Councillors should ensure that they have sufficient information about the legal and cost implications of any proposed Notice of Motion. The Chief Executive Officer may suggest revised wording to the draft Notice of Motion to facilitate compliance with the requirements for Notices of Motion.
- (4) A Notice of Motion must relate to the objectives, role and functions of Council as outlined in the Act.
- (5) A Notice of Motion must call for a Council report if the Notice of Motion proposes any action that:
  - impacts the levels of Council service;
  - commits Council to expenditure greater than \$10,000 that is not included in the adopted Council Budget;
  - proposes to establish, amend or extend Council policy;
  - proposes to impact the rights of any person who has not had the opportunity to contribute their views;
  - commits Council to any contractual arrangement; or
  - concerns any litigation in respect of which Council is a party.
- (6) The Chief Executive Officer must reject any Notice of Motion which:
  - (a) is too vague;
  - (b) is defamatory;
  - (c) may be prejudicial to any person or Council;
  - (d) is objectionable in language or nature;
  - (e) is outside the powers of Council;
  - (f) is submitted during the Election Period.
- (7) The Chief Executive Officer may reject a proposed Notice of Motion that
  - (a) relates to a matter that can be addressed through the operational service request process; or
  - (b) Relates to a matter that has been previously resolved by Council or is acted upon.
- (8) If rejecting a Notice of Motion, the Chief Executive Officer must
  - (a) inform the Councillor who lodged it of that rejection and the reasons for the rejection in order to give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so;
  - (b) Notify in writing all the Councillors of the rejection and reasons for the rejection;

- (c) A Councillor can request the Mayor to review the CEO determination and the Mayor can override that determination.
- (9) The Chief Executive Officer may designate a Notice of Motion to be confidential in accordance with relevant grounds as contained in the Act, in which case, the Notice of Motion will be considered in the part of the relevant Council Meeting that is closed to members of the public.
- (10) The full text of any Notice of Motion accepted by the Chief Executive Officer must be included in the Agenda and outline the policy, financial and resourcing implications if the Notice of Motion is passed.
- (11) The Chief Executive Officer may arrange for comments of members of Council staff to be provided to Councillors prior to the Notice of Motion being published in the Agenda or at the Council Meeting considering the Notice of Motion.
- (12) The Chief Executive Officer must cause all Notices of Motion to be sequentially numbered, dated and entered in a register.
- (13) Unless Council resolves otherwise, each Notice of Motion must be considered in the order in which they were received.
- (14) The Motion moved must not be substantially different to the Motion published in the Agenda, however, may be amended by resolution of the Council.
- (15) If a Councillor who has lodged a Notice of Motion is absent from the Meeting or fails to move the Motion when called upon by the Chairperson to do so, any other Councillor may move the Motion.
- (16) If a Notice of Motion is not moved at the Council Meeting at which it is listed, it lapses.

#### **10.15. Notices of Rescission**

- (1) A notice of rescission is a form of Notice of Motion. Accordingly, all provisions in these Governance Rules regulating Notices of Motion equally apply to notices of rescission.
- (2) Motions to rescind or alter a previous resolution of Council can be made by:
  - (a) A notice of rescission delivered by a Councillor in accordance with sub-clause (11.14); or
  - (b) A recommendation contained in an officer's report included in the Agenda.
- (3) A Councillor may propose a Motion to rescind or alter a previous resolution of Council provided:
  - (a) the previous resolution has not been acted on; and a notice is delivered to the Chief Executive Officer or Delegate setting out:
    - (i) the relevant previous resolution to be rescinded or altered; and
    - (ii) the Meeting and date when the relevant previous resolution was carried.

- (b) The decision to be rescinded does not involve the use of a statutory power conferred on a member of Council Staff under any Act or Council Local Laws.
- (4) A notice of rescission must be in writing, signed by a Councillor and be delivered to the Chief Executive Officer or Delegate within three (3) working days after the meeting at which the notice of intention was given.
- (5) The Chief Executive Officer, or a member of Council staff with responsibility for the subject matter of a resolution, may implement a resolution of Council at any time after the close of the Meeting at which it was made. A resolution of Council will be deemed to have been acted on if:
  - (a) its contents or substance has been formally communicated to a person whose interests are materially affected by it; or
  - (b) a statutory process has been commenced so as to vest enforceable rights or obligations on Council or any other person.
- (6) Notwithstanding sub- rule (5), the Chief Executive Officer or member of Council staff must defer implementing a resolution which:
  - (a) has not been acted on; and
  - (b) is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with sub-clause rule (2), unless deferring implementation of the resolution would have the effect of depriving the resolution of usefulness, giving rise to non-compliance with a legal obligation or placing the Council at legal, financial or other risk.
- (7) If a Motion for rescission is lost, a similar Motion may not be put before Council for at least two months from the date it was last lost, unless Council resolves that the notice of rescission be re-listed at a future Meeting.
- (8) If the motion is subsequently lost again, it may not be brought to Council for consideration for at least twelve months from the date it was lost.
- (9) If a Motion for rescission is not moved at the Meeting for which it is listed, it lapses.
- (10) A notice of rescission listed on an Agenda may be moved by any Councillor present but be moved in the form it was listed and must not be amended.
- (11) At the request of the Mayor or at least three Councillors a Recession Motion can be considered at an Unscheduled Council Meeting called for that purpose. If not considered at a preceding Unscheduled Council Meeting a Recession Motion must be considered at the next Scheduled Council Meeting.

**10.16. Change of Council Policy**

- (1) Subject to sub- rule (2), if Council wishes to change a Council policy, a formal notice of rescission is not required.
- (2) If a policy has been in force in its original or amended form for less than 12 months, any intention to change the policy which may result in a substantial change to the policy's application or operation for members of the public should be communicated to those affected, and their comment sought, prior to the policy being changed.

**10.17. Foreshadowed Items**

- (1) At the time designated in the Meeting Agenda, a Councillor may foreshadow a Notice of Motion to be submitted for consideration at the next Meeting by indicating, when called on to do so by the Chair, the subject matter of the foreshadowed Notice of Motion.
- (2) The subject matter, as indicated by the Councillor, of a Foreshadowed Item will be recorded in the Minutes.
- (3) No discussion or debate is allowed on a Foreshadowed Item.
- (4) A Foreshadowed Item will have no further formal status at that Council Meeting.
- (5) Foreshadowed Items are intended to be used to indicate to Council and the community matters of importance that will be raised at the next Council Meeting.
- (6) If a Councillor does not submit a Notice of Motion for the next Council Meeting, no further action on a Foreshadowed Item will occur.

**11. Points of Order**

- (1) A Councillor raising a Point of Order must state:
  - (a) the Point of Order; and
  - (b) any section, clause, paragraph or provision relevant to the Point of Order.
- (2) The Chairperson must decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the Point of Order raised, without entering into any discussion or comment.
- (3) The Chairperson may adjourn the Meeting to consider a Point of Order; otherwise he or she must rule on it as soon as it is raised.
- (4) All other matters before Council are suspended until the Point of Order is decided.

**11.1. Dissent in Chairperson's ruling**

- (1) A Councillor may move that the meeting disagree with the Chairperson's ruling on a Point of Order, by moving:

"That the Chairperson's ruling (setting out that ruling or part of that ruling) be dissented from".
- (2) A Motion of dissent in the Chairperson's ruling must, if seconded, be given priority to all other items of business and a substitute Chairperson must be elected to preside while the Motion is being considered.
- (3) The substitute Chairperson must put questions relative to the ruling to the Chairperson first, and then to the mover of the Motion.
- (4) The temporary Chairperson must put the motion in the following form:

"That the Chairperson's ruling be dissented from".
- (5) If the vote is in the negative, the Chairperson resumes the chair and the meeting proceeds.
- (6) If the vote is in the affirmative, the Chairperson must then resume the chair, reverse or vary (as the case may be) his or her previous ruling and proceed.
- (7) The defeat of the Chairperson's ruling does not constitute, and must not be recorded in the Minutes as a motion of censure or a motion of no confidence in the Chairperson.

**11.2. Valid points of order**

- (8) A Point of Order may be raised in relation to:
  - (a) a Motion which has not been accepted by the Chairperson;
  - (b) a question of procedure;
  - (c) a Councillor who is not conducting themselves in accordance with the Councillor Code of Conduct;
  - (d) debate that is irrelevant to the matter under consideration;
  - (e) a matter that is outside the powers of Council; or
  - (f) any act of Disorder.



**11.3. Contradiction or opinion**

- (1) Rising to express a mere difference of opinion or to contradict a speaker is not a Point of Order.

**11.4. Disorderly Conduct**

- (1) The conduct of Councillors and Members at meetings is governed by the Act, these Rules and the Councillor Code of Conduct.

**11.5. Chairperson may adjourn disorderly Meeting**

- (1) The Chairperson may call a break in a Meeting for either a short time, or to resume another day if:
  - (a) the behaviour at the Council table or in the gallery is significantly disrupting the Meeting; or
  - (b) when a Meeting has been in progress for longer than 2 hours.
- (2) The break referred to in sub-clause (1) is an adjournment.
- (3) Where a Councillor engages in improper or disorderly conduct, or acts in a way that otherwise disrupts the Meeting, and prevents the conduct of Council business:
  - (a) Council may, by resolution, suspend that Councillor from a portion of the Meeting or from the balance of the Meeting where the Chairperson has warned the Councillor to cease that behaviour; or
  - (b) The Mayor, under section 19 of the Act, at a Council meeting, having previously warned the Councillor to cease that behaviour, may direct a Councillor to leave the meeting for a period of time or the balance of the Meeting.
- (4) Where Council suspends a Councillor under sub- rule (1)(a), or the Mayor directs a Councillor to leave the meeting under sub-rule (1)(b) the Councillor will take no active part in the portion of the Meeting from which he or she has been suspended.
- (5) If a Councillor has been suspended from a meeting or directed to leave in accordance with sub-rule (3) the Chairperson may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the Councillor.

**12. Minutes**

**12.1. Keeping of Minutes**

- (1) The Chief Executive Officer or Delegate is responsible for the keeping of Minutes on behalf of Council. Those Minutes must record:
  - (a) the date, place, time and nature of the Council Meeting;
  - (b) the names of Councillors and whether they are present, an apology, on leave of absence, etc.;
  - (c) the titles of the members of Council staff present who are not part of the gallery;
  - (d) the disclosure of a conflict of interest made by a Councillor in accordance with the Act;
  - (e) the arrivals and departures of Councillors, during the course of the Meeting (including any temporary departures or arrivals);
  - (f) every Motion and amendment moved (including procedural Motions);
  - (g) the outcome of every Motion moved;
  - (h) where a division is called, the names of every Councillor and the way their vote was cast (and if they abstained);
  - (i) when requested by a Councillor, a record of their support of, opposition to, or abstention from voting on any Motion, noting that under s61(5) that a Councillor present at the meeting who does not vote is taken to have voted against the question;
  - (j) details of any failure to achieve or maintain a quorum;
  - (k) a summary of any question asked and the response provided as part of public question time;
  - (l) details of any petitions made to Council;
  - (m) the time and reason for any adjournment of the Meeting or suspension of standing orders;
  - (n) any other matter, which the Chief Executive Officer or Delegate thinks should be recorded to clarify the intention of the Meeting or assist in the reading of the Minutes; and
  - (o) the time the Council Meeting was opened and closed, including any part of the Council Meeting that was closed to members of the public.

**12.2. Confirmation of Minutes**

- (1) The Minutes as recorded by the Chief Executive Officer, or Delegate, will be made available as the proposed Minutes to:
  - (a) Councillors, within 7 business days;
  - (b) members of the public, by publishing them on Council’s website, within 9 business days of the Council Meeting they relate to.
- (2) At every Council Meeting the Minutes of the preceding Council Meeting(s) must be dealt with as follows:
  - (a) a Motion will be moved to confirm the Minutes in the following terms:
    - ‘That the Minutes of the .....Meeting held on .....20.....be confirmed.’;

- (b) if a Councillor indicates opposition to the Minutes, the Councillor must specify the particular item or items in the Minutes and, after asking any questions to clarify the matter, can only move a Motion to rectify the alleged error(s) in the Minutes by adding the following words to the Motion in sub-clause (2) (a) ‘...subject to the following alteration(s).....’.
- (3) no debate or discussion is permitted on the confirmation of Minutes except as to their accuracy as a record of the proceedings of the Council Meeting to which they relate;
- (4) once the Minutes are confirmed in their original or amended form, the Minutes must, if practicable, be signed by the Chairperson of the Meeting at which they have been confirmed; and
  - (a) the Minutes must be entered in the minute book and each item in the minute book must be entered consecutively;
  - (b) the confirmed Minutes are then to be placed on Council’s website.

**12.3. Recording of Proceedings**

- (1) The proceedings of a Council meeting will be recorded by Council. The Chief Executive Officer (or other person authorised by the Chief Executive Officer) must record on suitable audio-visual recording equipment all the proceedings of the Council meeting.
- (2) A person in the gallery must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images at any Meeting without first obtaining the consent of the Chairperson.
- (3) The consent of the Chairperson may be revoked at any time during the course of a Meeting by the Chairperson stating that consent has been revoked and ordering that the recording cease.
- (4) The Council or the Chairperson may determine that live or recorded video of a meeting may occur. Such video will be controlled by a person appointed by the Chief Executive Officer.
- (5) Video of a meeting will be suspended for items to be considered “in-camera” and may be suspended for any other item(s) at the discretion of the Chairperson.

### 13. Suspension of Standing Orders

- (1) Council may, upon the motion of a Councillor or request of the Chairperson or Chief Executive Officer, decide to suspend the Council meeting to discuss the issues surrounding the item.
- (2) A Councillor wishing to suspend the standing orders must move: "That standing order be suspended to enable discussion on....."
- (3) Following suspension of the standing orders before any further motion can be put; a motion to resume the standing orders must be made by a Councillor moving: "That standing orders be resumed."
- (4) Any Councillor moving, or Chairperson or Chief Executive Officer requesting, the suspension of standing orders must only do so where they consider that the question before the Council is better dealt with without the formalities of the meeting procedure.
- (5) Both the motion to suspend and resume standing orders requires a seconder and will be dealt with in accordance with the voting procedures in these Governance Rules.
- (6) Suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of Council.
- (7) No Motion can be accepted by the Chairperson or lawfully be dealt with during any suspension of standing orders, except a Motion to resume standing orders.
- (8) No Motion to suspend standing orders can be accepted by the Chairperson during a second extension of time for a Meeting.

## 14. Council's Common Seal

The Common Seal is a device which formally and solemnly records the collective will of Council.

The provisions in this Part are designed to protect the integrity of the Common Seal and describe when it may be affixed to a document as required by Section 14(2) (c) of the Act.

- (1) The Chief Executive Officer must ensure the security of Council's Common Seal at all times.
- (2) The affixing of Council's Common Seal to any document must be attested to by the signatures of:
  - (a) The Mayor, one Councillor and the Chief Executive Officer; or
  - (b) in the absence of the Mayor, by two Councillors and the Chief Executive Officer or any other member of Council staff authorised by Council; or
  - (c) in the absence of the Chief Executive Officer any two Directors can sign in substitution for the Chief Executive Officer.
- (3) Any use of the Common Seal must be reported to the next available Scheduled Council meeting.
- (4) A person must not use the Common Seal or any device resembling the Common Seal in contravention of any applicable Local Law.

The Common Seal is to be used only on the authority of the Council in respect of any legal matter (contract, mortgage, loan, etc.) and in respect to any reference (or other ceremonial matter). Such authority may take the form of direction or confirmation resolution.

Apart from the official use of the Seal as outlined, no person may use the Common Seal or any device resembling the Common Seal without the authority of the Council. Any person or organisation who wishes to seek the authority of the Council shall do so in writing.

### 14.1. Guidelines for the Use of the Common Seal

The seal shall be appended to any of the following documents;

- Contract for sale or purchase of land.
- Where contractor requires contract to be executed under seal.
- Any contract documentation (supplied by a tender) which includes terms and conditions of trade, and any formal deed.
- Ceremonial documents (such as Citizen of the Year Award).
- Where funding body requires funding agreements to be executed under seal.
- Any document that changes Council's legal position including;
  - Borrowings (including changes to overdraft facilities).
  - Significant contract variations.
- Where required by other legislative authorities (ie. on certification of residency for overseas pension).
- Any other legal documents Council is required to affix the seal to from time to time.

**15. Delegated Committees**

- (1) If Council establishes a Delegated Committee, these Rules will apply to the Delegated Committee Meetings with any necessary modifications.
- (2) For the purpose of sub- rule (1):
  - (a) a Council meeting is to be read as a reference to a Delegated Committee Meeting;
  - (b) a Councillor is to be read as a reference to a Member of the Delegated Committee; and
  - (c) a reference to the Mayor is to be read as a reference to the Chairperson of the Delegated Committee.
- (3) If Council establishes a Delegated Committee, Council may resolve that a provision of this governance rules do not apply to that Committee.

**16. Community Asset Committees**

- (1) The Governance Rules may apply to any Community Asset Committee established by Council.
- (2) Council may resolve, in establishing a Community Asset Committee which chapters of the Governance Rules apply but as a minimum must include Chapters 13 (Minutes).
- (3) A Community Asset Committee must report the minutes of all Committee Meetings to the next practicable Council meeting.
- (4) A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference adopted by Council.

**17. Audit and Risk Committee**

The Act provides for Council to establish an Audit and Risk committee to provide oversight.

- (1) The Governance Rules will apply to the Audit and Risk Committee established by Council unless otherwise provided in the Audit and Risk Charter.
- (2) Council may resolve, in establishing an Audit and Risk Committee that the meeting procedure chapter of these Governance Rules does not apply.
- (3) An Audit and Risk Committee must report the minutes of all Committee Meetings to the next practicable Council meeting.
- (4) An Audit and Risk Committee must act in accordance with its adopted Charter adopted by Council.



## 18. Election Period

- (1) Council will have in place an election period policy that:
  - (a) Governs decision making during a local government election period, including what may be considered at a Council meeting;
  - (b) Prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections;
  - (c) Sets out the conditions for any community engagement required to be undertaken during an election period, including consultations, Civic events, and activities of Advisory Committees established by Council;
  - (d) Sets out the requirements for any Council publications during a local government election period – including the website, social media, newsletters and advertising – to ensure Council does not publish materials that relate to issues that are the subject of election campaigns;
  - (e) Defines roles and responsibilities in relation to who is the spokesperson for Council during an election period;
  - (f) Sets out the requirements for a Councillor or member of Council staff who is a candidate in an election including a Federal, State or Council election.
- (2) At least once in each Council term and, not later than 12 months prior to the commencement of an election period, Council will review its election period policy.
- (3) The Election Period Policy forms part of these Governance Rules.
- (4) The operation of Council Advisory Committees shall be suspended upon the commencement of the election period ahead of a general Council election.
- (5) Any outstanding Delegate's Reports may still be reported to an ordinary meeting of Council during this period.
- (6) Council Committees shall resume meeting following the election and the appointment by the incoming Council of Councillors to each committee.

### 18.1. Election Period Policy

#### 18.1.1. Purpose

The Act requires Council to include an Election Period Policy (Policy) in its Governance Rules.

The purpose of this Policy is to ensure that the business of Council continues throughout an election period in a responsible and transparent manner, and in accordance with statutory requirements.

This Policy has been developed in order to ensure that general elections for Council are conducted in a manner that is fair and equitable to all candidates and is publicly perceived as such.

### 18.1.2. Scope

This Policy applies to all Councillors and employees of Council.

The provisions in this policy apply throughout the Election Period unless otherwise stated. The Act defines the Election Period as the period that starts at the time that nominations close on nomination day and ends at 6pm on Election Day and covers:

- (a) decisions that are made by Council, a special committee of Council, or a delegate of Council;
- (b) any material that is published by Council;
- (c) attendance and participation in functions and events;
- (d) the use of Council resources;
- (e) access to Council information; and
- (f) media services.

### 18.1.3. Policy

In the lead up to a general election, the Local Government sector adopts a caretaker period to avoid actions and decisions that may be interpreted as inappropriate nor will it make inappropriate use of resources during the election period that appear to influence voters or bind an incoming Council.

Council will establish written procedures for managing the business of Council during an election period. Councillors and employees must comply with the requirements of the procedures.

During the election period, section 69 of the Act prohibits any Council and Delegated Committees from making a decision that:

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

During the election period:

- a) Councillors do not use Council resources to assist a candidates election campaign;
- b) Councils public consultation during is limited to fulfilling Statutory obligations only;
- c) Council events will be kept to a minimum and will not include funding announcements or events likely to influence voting intentions; and
- d) Council media releases and comment will be limited to providing statutory information and information relating to the election process only;
- e) Information and briefing material prepared by Council staff for Councillors will relate only to factual matters or to existing Council services to assist Councillors in conducting normal day to day activities.

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

- (1) No later than 30 days prior to the commencement of the Election Period:
  - (a) all Councillors, Managers and Council officers are informed of the requirements and application of this policy; and
  - (b) a copy of this policy is given to all Councillors.
- (2) Matters of Council business requiring significant decisions are scheduled for Council to consider prior to the commencement of the election period, or deferred where appropriate for determination by the incoming Council.
- (3) All Candidates are familiar with the policy.

**18.1.4.** Further details can be found in the Swan Hill Rural City Council Election Period (Caretaker) Procedure PRO/GOV016.

**19. Conflict of Interest****19.1. Obligations with regard to conflict of interest:**

- (1) Councillors, members of Delegated Committees and Council staff are required to:
  - Avoid - all situations which may give rise to conflicts of interest;
  - Identify - any conflicts of interest; and
  - Disclose – or declare all conflicts of interest;

**19.2. Councillors and Members of Delegated Committees**

- (1) May not participate in discussion or decision-making on a matter in which they have a conflict of interest.
- (2) When disclosing a conflict of interest, Councillors must clearly state their connection to the matter.
- (3) All disclosures of conflicts of interest will be recorded in the minutes of a Council or Delegated Committee Meeting.
- (4) Council will maintain a Conflict of Interest Register which will be made available on Council's website.

**19.3. Procedure at a Council or Delegated Committee Meeting**

- (1) At the time indicated in the Agenda, a Councillor with a conflict of interest in an item on that agenda must indicate they have a conflict of interest by clearly stating:
  - (a) The item for which they have a conflict of interest; and
  - (b) Whether their conflict of interest is general or material; and
  - (c) The circumstances that give rise to the conflict of interest.
- (2) Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor or Member of a Delegated Committee must indicate to the meeting the existence of the conflict of interest and leave the meeting.
- (3) A Councillor who is not present at the designated time in the agenda for disclosures of conflicts of interest, must disclose their conflict of interest in the manner that required for the declarations of conflicts of interest at sub-rule (1) prior to leaving the meeting.
- (4) A Councillor or Member of a Delegated Committee who discloses a conflict of interest and leaves a Council meeting must not communicate with any participants in the meeting while the decision is being made.

**19.4. Procedure at other meetings organised, hosted or supported by Council**

- (1) A Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.
- (2) At the time indicated on the Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest and the matter in which the conflict of interest arises.
- (3) If there is no Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest as soon the matter arises.

- (4) At the time for discussion of that item, the Councillor will leave the discussion and not communicate with any members of the meeting for the duration of the discussion.
- (5) The existence of a conflict of interest will be recorded in the minutes of the meeting.
- (6) If there are no minutes kept of the meeting, the conflict of interest will be recorded in a meeting record and provided to Executive Support for recording in the register of Conflicts of Interest.
- (7) The meeting minutes or record will also record the duration of the discussion and whether the Councillor left the Meeting.
- (8) Meeting records and reports will be presented to Council for noting and inclusion on the public record.

#### **19.5. Council staff**

- (1) Must act in accordance with the Employee Code of Conduct.
- (2) Must not exercise a delegation or make a decision on any matter where they have a conflict of interest.
- (3) May be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions at Rule 6.6 and the Employee Code of Conduct.

#### **19.6. Procedure for disclosures of conflicts of interest by Council Staff**

- (1) Council staff must disclose the existence of all conflicts of interest in writing and in the form determined by the Chief Executive Officer.
- (2) All conflicts of interest disclosed by Council staff will be provided to the Governance team for recording in the register of Conflicts of Interest.
- (3) A Council staff member who has disclosed a conflict of interest may provide advice to Council or another staff member acting under delegation if:
  - (a) The number and qualifications of other people providing advice regarding the same matter is equal or greater; or
  - (b) The staff member who has disclosed the conflict of interest is the only staff member with expertise in the area; and
  - (c) The staff member's Director determines that the conflict of interest has not influenced the advice provided; and
  - (d) The existence of the conflict of interest is documented in all advice provided by that staff member, and in the case of verbal advice, is documented by the decision maker.

## 20. Joint council meetings

Regional collaboration provides benefits through collective procurement, increased advocacy and alignment for major projects. While on some matters that are worked on in partnership it's possible for the participating Councils to make their own decisions and determinations, in some circumstances, it may be beneficial to hold Joint Council Meetings as are provided for in the Act.

- (1) Council may resolve to participate in a Joint Council meeting to consider:
  - (a) Matters subject to discussion
  - (b) Collaborative projects
  - (c) Collaborative procurement
  - (d) Emergency Response
- (2) If Council has resolved to participate in a Joint Council meeting, the Chief Executive Officer (or delegate) will agree on Governance Rules with the participating Councils.
- (3) Where Swan Hill Rural City Council is the lead Council on a matter to be brought for consideration at a Joint Council meeting, the Mayor will be nominated to Chair the Joint Council meeting
- (4) At a majority of Councillors will be appointed to represent Council at a Joint Council meeting.
- (5) Consistent information will be provided to Councillors prior to any Joint Meeting and every endeavour will be made by the Chief Executive Officer to facilitate a joint briefing.
- (6) A joint briefing arranged in accordance with sub-rule (5) may be held electronically.

**APPENDIX 1 - Public Question Time Form**



**PUBLIC QUESTION TIME FORM**

**Please see the back of this form for more information about question time.**

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

Address: \_\_\_\_\_

Telephone: (AH) \_\_\_\_\_ (BH) \_\_\_\_\_

**Question (one question per form)**

**Please note that statements or opinions are not permitted during question time and will not be read.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_

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

**Privacy Statement:**

Council is collecting your name and address so that it may provide you with a written response if required to your question. If you do not provide this information, Council will be unable to provide you with a written response. Your telephone contact details are optional and may assist Council in seeking clarification from you on the information you are seeking. You may access or correct your personal information by contacting Council.

Your name will appear in the Council minutes along with details of the question and the Council response. The other personal information on the form will only be disclosed to Councillors' and Council Officers and will be retained on Council files until destroyed in accordance with the Public Records Act 1973.

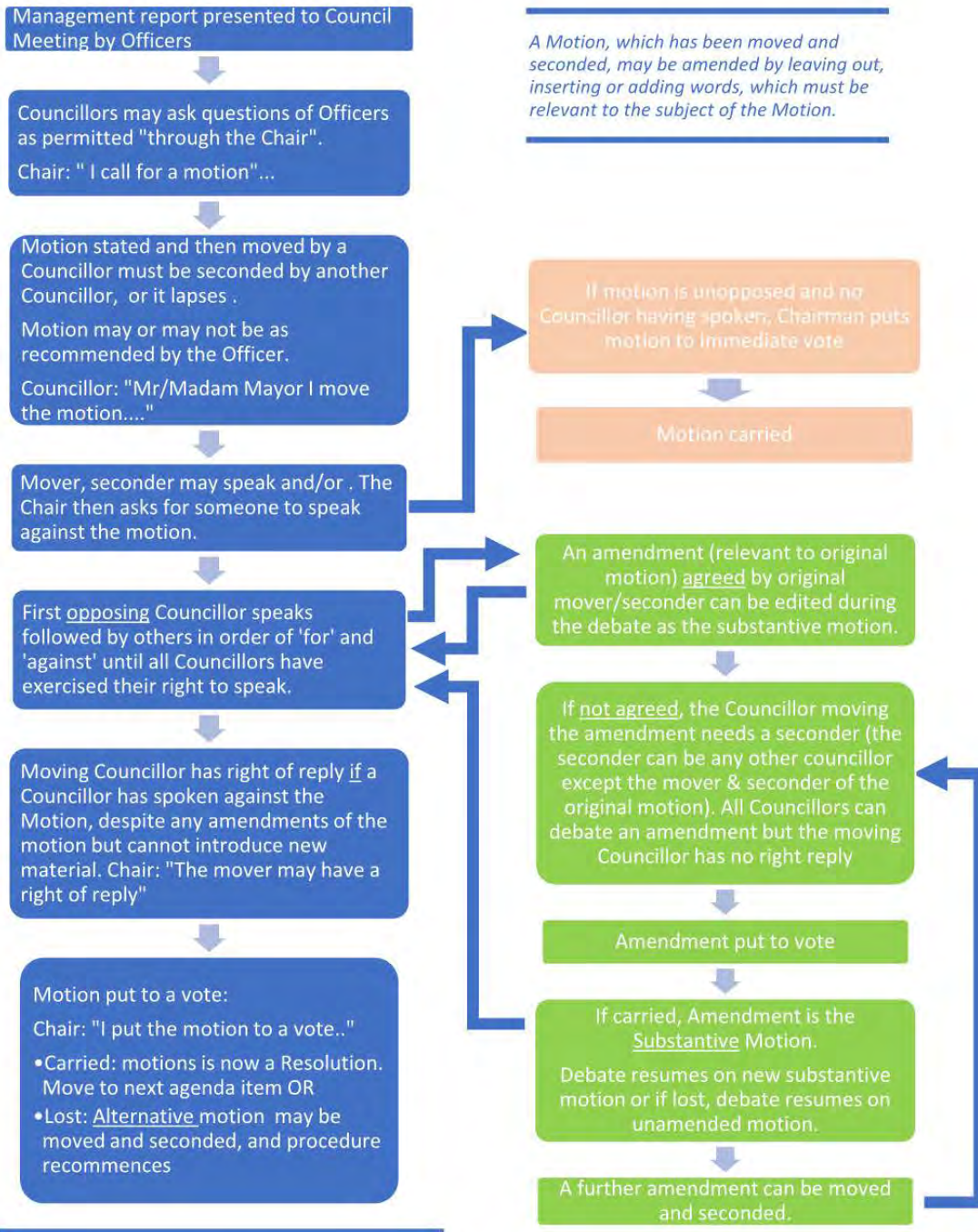
Council regularly seeks input from the public on a range of Council matters including preparation of the Community Plan which sets Council's key strategic direction for the next four years. If you wish to be consulted in future on Council's Community Plan, please tick this box .

**PUBLIC QUESTION TIME PROCEDURE**

1. Public question time provides the community with the opportunity to ask questions directly of Council at a Council Meeting.
2. All questions must be submitted in writing and legible (one question per form).
3. A question must be received in writing by:
  - a. Letter to the Chief Executive Office, 45 Splatt Street, Swan Hill, Vic 3585 received by 10:00am on the day prior to the Council meeting; or
  - b. Leaving it at the reception desk at the Council Offices by 10:00am on the day prior to the Council meeting; or
  - c. Sending it by E-mail (council@swanhill.vic.gov.au) or facsimile transmission (Fax: 5036 2340) by 10:00am on the day prior to the Council meeting.
4. A time is set aside for public questions during a Council meeting at which time each question will be read after the Chairperson has looked at its contents and determined that the question is appropriate. Statements and opinions are not permitted during question time and will not be read to the meeting.
5. The Chairperson may disallow any question. This may be because the question is repetitive of a question already asked, objectionable, irrelevant, raises an issue of a confidential nature or is asked to embarrass a Councillor or Council officer. The Chairperson will provide reasons where a question is disallowed. Questions considered to be inappropriate will be made available to Councillors on request.
6. The Chairperson will nominate the appropriate Councillor or Council officer to answer the question or elect to answer it himself/herself. No debate or discussion of the questions or answers is permitted.
7. The Chairperson may elect to take a question on notice in which case a written response will generally be provided within five (5) working days.
8. Persons submitting questions must be present at the Council meeting for the question to be answered and must identify themselves when requested by the Chairperson to do so.
9. A summary of the text of the question and the response will be recorded in the minutes of the Council meeting.



10. APPENDIX 2 – Process of Conducting a Debate



*A motion is a proposal that is put before a meeting for discussion and a decision. If a motion is passed it becomes a resolution. Resolutions are binding and must be recorded in the minutes of the meeting.*

**Please Note:**

1. Only a Councillor who has not already spoken can move an Amendment.
2. If there is no Seconder the Motion or Amendment Lapses.

**APPENDIX 3 – Conducting a Mayoral and Deputy Mayoral Election****B.xx.xx ELECTION OF MAYOR 2022/23**

(Mayor) Mayor opens the meeting and introduces the report on the “Mayoral Term of Office” the CEO presents the report to determine the term of the mayor for one or two years and that the CEO conducts the Mayoral Election.

- Moved
- Seconded

**Mayoral Election**

CEO assumes the Chair (mayoral seat)

- (CEO) Thankyou Councillors. Let us commence the Mayoral Election as per report Bxx.xx. It is customary that the outgoing Mayor or Acting Mayor speaks to their achievements in the Mayoral Position prior to this election.

(CEO) Can I have a Motion Councillors to suspend standing orders for the Acting Mayor’s speech?

- Moved by a Councillor
- Seconded by a Councillor

Otherwise motion lapses and meeting moves to resume standing orders.

*The Mayor’s speech for the past 12 months*

- CEO may initiate applause

(CEO) Can I have a Motion, Councillors, to resume standing orders?

- Moved a Councillor
- Seconded by a Councillor

**(CEO) I will now outline of the Election Process**

- I will call for nominations and ask the nominee whether or not that they accept the nomination.
- Each nominees, in order of nomination, may speak for up to 5 minutes, prior to commencement of the Election Process.
- For the election process, voting is carried out with a clear show of hands in accordance with Council’s Governance Rule, so it may be seen here in the Council Chambers and through the electronic livestream broadcast, to see who a Councillor has voted for at the time the vote is taken.
- **If Council receives one (1) nomination**, that candidate must be declared elected;
- **If we Council receives two (2) nominations:**
  - I. A vote must be taken and the candidate who receives the absolute majority of votes number of votes of the Councillors (4) of the Council must be declared elected;
  - II. two candidates have been nominated and neither candidate receives the number of votes greater to half the Councillors of the Council (4), THEN a second vote will be conducted;
  - III. After a second vote, where two candidates have been nominated and **no candidate receives an absolute majority of votes (4) of the Councillors**, the I will seek the meeting to resolve to

conduct a new election at a meeting to be held at 6 pm the following day as per the LGA 2020 25(5).

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

- IV. If a new election results in the same outcome as the day before and **no candidate receives an absolute majority of votes (4) from the Councillors**, the I will seek the meeting to resolve to conduct a Ballot process to determine the Councillor who does not win the vote.
  - **If we receive more than two (2+) nominations, and no candidate receives the absolute majority (4) of Councillors votes, then:**
    - I. the candidate with the fewest votes received must be eliminated;
    - II. the names of the remaining candidates must be put to the vote again; and
    - III. the procedure in I and II above must be continued until there remain only two candidates, at which point the candidate to be declared elected is to be determined by the procedures outlined in sub-clause (b) of this clause in the Rules (2 nominations).
    - IV. in the event of two or more candidates having an equality of the lowest number of votes and one of them having to be declared a defeated candidate (where there are three or more candidates with equal votes), the Chief Executive Officer will conduct a vote by lot for one candidate to be defeated.

#### The Lot Process

(1) If a lot is required, the CEO will conduct the lot and the following provisions will apply:

- (a) The order of drawing lots shall be determined by the alphabetical order of the surname of the Councillors who received an equal number of votes, except that if two (2) or more such Councillors surnames are identical, the order shall be determined by the alphabetical order of the Councillor’s first name;
- (b) As many identical pieces of paper as there are Councillors who receive an equal number of votes shall be placed in a receptacle provided by the CEO;
- (c) Each candidate will draw one (1) lot; if the lot is being conducted to determine which candidate is to be duly excluded, the word “Excluded” shall be written on one (1) of the pieces of paper and the Councillor who draws the paper with the word “Excluded” written on it shall be declared to have been excluded.
- (d) If more can one candidate remains, a further drawing of lots will be conducted until one candidate remains and declared the Mayor.

Thankyou.

#### **(CEO) The Election Process Commences**

(CEO) I now call forward nominations for the position of Mayor of Swan Hill Rural City Council

Nominations must be moved by a Councillor (which can be themselves) and accepted by the nominee either in person or in writing and seconded by another Councillor;

- I <<Cr name>> nominate Cr XXXXX
- Chair then ask Cr XXXX – do you accept the nomination: Y/N
- Chair then calls for a Councillor to second the nomination
- I <<Cr name>> second the nomination for Cr XXXXX

(CEO) Are there any further nominations? Y/N

Each nominees, in alphabetical order, may speak for up to 5 minutes, prior to commencement of the Election Process.

#### **(CEO) Lets**

**Election Process**

At the Council Meeting to elect the Mayor, or at the direction of Council, the next meeting, Council must appoint Councillors to Delegated Committee positions, board positions, and Advisory

Committee positions.

**(CEO) Congratulations to the new Mayor and Deputy Mayor of Swan Hill Rural City Council. I will step out of the Chair for the new Mayor.**

**(CEO) Can I have a Motion Councillors to suspend standing orders to robe the Mayor (Nominating Councillor and former Mayor to robe the newly elected Mayor)**

Moved:

Seconded:

Photos

Resume standing orders

- Moved
- Seconded
- **New Mayor assumes the Chair.**

**(New Mayor)** Next report (B.xx.xy) to determine whether Council wishes to appoint a Deputy Mayor.

**Can I have a Motion Councillors, for the CEO to conduct the election for Deputy Mayor?**

- Moved
- Seconded

The position of Deputy Mayor is considered 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

The election of the Deputy Mayor will follow the same process as the election of the Mayor except that the Mayor will conduct the process, as per Section 27 of the LGA.

**Can I have a Motion Councillors** that Council Elect a Deputy Mayor. and the Mayor conduct the election of Deputy Mayor

- Moved
- Seconded

OR Lapsed – which means there will not a deputy Mayor and that an Acting Mayor may appointed if needed.

*If moved; Thankyou Councillors. As mentioned the election of Deputy Mayor to be conducted by the Mayor, is the same as the Mayoral election process.*

I now call forward nominations and seconders for the position of Deputy Mayor of Swan Hill Rural City Council

- I nominate Cr XXXXX. Chair then ask Cr XXXX – do you accept the nomination? Y/N

(If Yes) I call for a Councillor to second the nomination

- I second the nomination for Cr XXXXX.

Are there any further nominations? Y/N

Each nominee, in alphabetical order, may speak for up to 5 minutes, prior to commencement of the Election Process.

**Election Process**

**See above.**

**(Mayor) Congratulations to the new Deputy Mayor of Swan Hill Rural City Council.**

## **B.23.24 APPLICATION OF 2021/22 RATES SURPLUS**

**Responsible Officer:** Director Corporate Services  
**File Number:** S15-06-13  
**Attachments:** Nil

### **Declarations of Interest:**

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

### **Summary**

This report seeks a Council resolution for the application of surplus funds derived from the 2021/22 financial year.

### **Discussion**

The Financial Statements for 2021/22 were finalised in October 2022 and Council received clear audit opinions from the Auditor-General's Office.

Following the completion of the financial statements, a Rates Determination Result is calculated to determine a rates surplus or deficit from the financial year. The Rates Determination Result is a calculation which excludes non-cash items such as depreciation, profit/loss on sale of assets, non-monetary contributions from developers, etc.

The Original Budget was prepared to achieve a \$102,000 rates surplus, the Actual was a surplus of \$790,000.

The purpose of this report is to seek Council approval to the application of the \$790,000 in surplus funds.

A significant portion of the surplus (\$368,000) was derived from unspent employee costs. Local many other Council nationally, Council has experienced a number of position vacancies and had difficulties in recruiting for a number of positions. These vacant positions resulted in a saving of \$948,000, however this was offset by an additional \$580,000 in temporary employment costs for staff filing in while recruitment was being undertaken.

Other significant variances for the 2021/22 financial year were:

- Savings of \$166,000 in electricity costs, primarily from our council buildings that now have fully operational solar systems.
- Council insurance costs were \$119,000 below budget due to savings in our general asset insurance policies.
- Consultants costs were \$116,000 below budget due to the restructuring of the Project Management Office.

- Additional interest income of \$142,000. This was due to increased cash holdings due to capital works project delays and additional rates penalty interest.
- Market usage charges at the Swan Hill Livestock Selling Complex were \$218,000 below forecast due to a reduced number of stock passing through the complex.

Officers have considered a number of uses for this surplus and the suggested use of funds is as follows, and supported by the following:

- (1) Council has a project planned for 2023/24 for the Ultima Compost Facility. This is funded by a grant of \$891,400 and a Council contribution of \$495,700. Council leveraged the funds in the Waste Management Capital Works Improvements Reserve to ensure it was successful in receiving this grant. Funds in this reserve are put aside for future projects planned for our landfill sites to ensure Council complies with the ever increasing regulations imposed on these facilities. The funds in this reserve were not allowing for the funding of the compost facility. As these funds have now been allocated to the Ultima Compost Facility, projects that had been planned for future years will have to be delayed until funds in the reserve become available, or if the works are a necessity to continue the operation of the facility, Council will likely have to increase the garbage charge to fund the works. The use of this surplus to reinstate the reserve can lessen the likelihood of a shock to the rate payer via a significant increase to the garbage charge. It is recommended that \$475,000 be returned to the Waste Management Reserve for capital works improvements.
- (2) At the March 2023 Council meeting it was resolved to use \$60,000 of the forecast rates surplus for the 2022/23 year to fund the Swan Hill Integrated Transport and Land Use Strategy 2050 as a joint project with the Department of Transport. It is now confirmed that funds are available from the 2021/22 surplus, so it is recommended that this project be funded from this source and not from the forecast result for the current financial year.
- (3) 19 April 2022 Council resolved to allocate \$307,000 from the Lake Boga Southern Entrance Beautification Project to the Robinvale and Swan Hill Leisure Centre projects. This reallocation of funds was required to be able to undertake the tendered works on these two leisure centre facilities and successfully meet the funding requirements for over \$3M in grant funding. The allocation of this surplus will aid this project in being able to undertake more of the originally planned scope of works. It is recommended that \$255,000 be allocated to the Lake Boga Southern Entrance project.

### **Consultation**

The above application of the 2021/22 surplus funds was discussed by Councillors at the 4 April 2023 Council Assembly meeting.

### **Financial Implications**

The transfer of funds to the Waste Reserve helps to ensure funding for future projects can be accommodated in a timely manner and ensures there is likely to be funding available to begin the projects as soon as possible without having to delay the project while funding is being sourced.

Funding for the Lake Boga Southern Entrance Beautification Project could be sourced via grants if a funding stream presents, or via rates. However to prevent further delay on this project the allocation of the surplus may be preferred by Council.

### **Social Implications**

Having sufficient funds available in a specific purpose waste reserve, ensures Council can continue to provide these vital services to households and commercial/industrial businesses within the municipality.

Enhancement of the Lake Boga Southern Entrance provides a neat and welcoming landscape for visitors to the town and provide the community with an asset they can take pride in.

### **Economic Implications**

The increase in waste reserve balances will ensure Council is able to provide appropriate and timely waste facilities to residents of the municipality.

Improving the landscaping around the Southern Entrance of Lake Boga aims to attract visitors to the lake, make the lake more accessible and boost the local business economy.

### **Environmental Implications**

The additional funds in waste reserves, will close the funding gap that currently exists and provides those funds when required to meet EPA requirements in the creation of new landfill cell(s), and capping and revegetation of existing landfill sites across the municipality.

### **Risk Management Implications**

The risk management implications are generally assessed individually as part of the 10 Year Major Projects plan and through other Asset Management Plans.

### **Council Plan Strategy Addressed**

**Leadership** - Excellent management and administration.



### **Options**

Council may choose to adopt or amend the recommendation.

### **Recommendations**

**That Council note the report and approve the appropriation of the 2021/22 rate surplus to the following specific purposes:**

- 1. \$475,000 Waste Management Reserve (Capital Works Improvements).**
- 2. \$60,000 Swan Hill Integrated Transport and Land Use Strategy 2050.**
- 3. \$255,000 Lake Boga Southern Entrance project**

### **B.23.25 COUNCIL PLAN – PROGRESS REPORT FOR THE THIRD QUARTER OF 2022/23**

**Responsible Officer:** Director Corporate Services  
**File Number:** S16-28-03  
**Attachments:** 1 Council Plan – Progress Report March 2023

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

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

#### **Summary**

The purpose of this report is to present the Third quarter progress update of Council's performance against the Council Plan 2021-2025. The period reported is from 1 January 2023 to 31 March 2023.

The quarterly progress report, provided as an attachment, offers a summary of the progress against the four Council Plan areas; Liveability, Prosperity, Harmony and Leadership.

The intent of this report is to give Councillors and the community the confidence that Council is on track to meet its published commitments.

#### **Discussion**

In accordance with Section 90 of the *Local Government Act 2020*, Council developed and adopted a four-year Council Plan on 26 October 2021.

The plan is a strategic document outlining what Swan Hill Rural City Council will do to help achieve Council's and the community's vision for the municipality.

The plan describes Council's priorities and outcomes for its four-year term and how these will be resourced.

The plan has been divided into four strategic pillars:



Liveability

**We will be a healthy, connected and growing community supported by a range of infrastructure and services.**



Prosperity

**We will continue to build and strengthen a prosperous local economy, through sustainable growth and education. We will focus on creating jobs and wealth through adding value to existing strengths in all areas of our economy.**



Harmony

**We will be a welcoming community for all, recognised for our maturity and respect for each other.**



Leadership

**We will ensure accountable leadership, advocacy and transparent decision making.**

This report provides the third quarter update in relation to the actions taken and progress made to achieve these goals and strategic initiatives in the 2022/23 financial year.

Regular reporting to Councillors and the community is a key principle of transparency and good governance. This report will be provided to Council on a quarterly basis and published online for the community to access.

**Council has made progress on the following:**

**1.1.1.3. Continue to implement relevant actions of the Swan Hill Riverfront Masterplan** - Monash Drive Carpark / Path upgrade completed. Draft Update Landscape Masterplan Swan Hill Riverside Park - including Splash Park, Wharf and Pond upgrades completed. Irrigation works currently under construction. Clearance and site works completed former graincorp site. Initial meeting of the Swan Hill Railway overpass conducted. Board walk project has commenced. Preparing for the Swan Hill Light Show.

**1.1.3.5. Implement relevant actions from the CMRT strategy** - Finalised the study for A-Double access jointly with Gannawarra Shire. Received the final report with recommendation for improvements and gaps. Report needs to be presented to Council at an Assembly. The Freight Road Network Mapping and Infrastructure Investment Report was presented to the March Council meeting. This action is now complete.

**1.2.1.2. Prepare an advocacy document for renewable energy resources in the municipality** - The draft advocacy document for renewable energy resources that was developed last quarter and built upon previous

renewable prospectus documents is still being refined, where it will be taken to an ELT meeting this quarter for comment.

**2.1.1.3. Support effective and responsive early years education opportunities in Manangatang, Woorinen South and Swan Hill** - The Victorian Government has announced that over the next decade, Four Year Old Kindergarten will transition to "Pre-Prep" - increasing to a universal 30-hour week program of play-based learning for every four-year-old child in Victoria. These reforms build on the Three- Year-Old Kindergarten, which continues as planned with a rollout of 5-15 hours a week of funded Three-Year -Old programs across the state. It is now necessary to go back to Manangatang and Woorinen South and look at the early years infrastructure needed to accommodate the additional hours of four-year-old Kindergarten. It is anticipated that this work will be undertaken over the next 6 months if possible.

**2.1.2.4. Develop a strategic plan for future success of the Pioneer Settlement** - This will commence once approval given via Heritage Victoria on exact location of pioneer settlement building. Known tender will commence for strategic planning.

**2.3.2.2. Deliver and review Councils capital works program and Major Projects Plan each year** - PMO has delivered projects worth \$ 9.4M since Oct21. Currently PMO have projects worth \$ 12.2Mn on board and have planned to deliver \$ 6M by Jun 23 and \$ 5M by Dec'23.

**3.1.3.2. Provide support and training (Governance, Leadership and Strategic Planning) for our small town progress/improvement groups** - Report being considered in March 2023 by Council Information has been provided on Governance to the Piangil Community Group and Piangil Memorial Park Committee. Community Plan consultation has begun with Lake Boga Progress association. The Nyah District Action Group are currently going through strategic planning for the Nyah Riverfront Masterplan. Council are currently working on a project proposal to develop resources for Governance, leadership and Strategic Planning on a web portal.

**3.2.3.2. Formal inclusion of Aboriginal and Torres Strait Islander input in Art Gallery programming and cultural activities** - Swan Hill First Nations artists are co curating with the gallery to stage an all First Nations exhibition in June 2023. A First Nations artist was appointed to the Advisory Committee in January 2023. Sunraysia Tafe Aboriginal art students' annual exhibition, date yet to be confirmed.

**4.1.2.1. Implement a Project Management Framework and system** – Project Management Framework and processes being rolled out via workshops with key staff across the organisation. Roll-out of updated framework in April 23.

Trainings to staff planned for May 23. A new reporting method introduced to capture progress of major projects.

- 4.2.1.4. Review our use of social media platforms across Council with a view of increasing Councils exposure and ensuring consistent moderation -** Media Policy and Procedure was approved on 21 Feb 2023. The addition of a new Councillor Media Policy was approved to ensure more appropriate inclusion of Councillors.

The following objectives were marked as in planning in the third quarter:

- 1.2.1.1. Support initiatives that align with policy such as the Circular Economy and provide tangible outcomes for the community, for example:** ↑ cleaner air for all, quality and smell ↓ litter, roadside dumping, co-mingling - Grant fund RV Household Education and Behaviour Change Fund - Round 2 was successful (\$60,918 Ex GST), inception meeting was held on Thurs 2 June 2022. Grant fund Deed agreed upon and was signed on 17 June 2022. The main focus and goal of the project is to educate and help residents to quickly adapt to and correctly use new household recycling and waste services. Council has been advised of success in two more grant fund applications: Stage 2 of Compost Facility Infrastructure \$961,400 and Transfer Station Upgrade Fund Rd 2 \$296,350. Grant application is being prepared for the purchase of a high compression mobile plastic baler through the SV Circular Economy Councils Fund Rd 3 program. Following great success with the Ag Plastic recovery trial at Swan Hill landfill late last year, a huge opportunity exists within the Loddon/Mallee region for such a facility. Grant funding is based on a 5 to 1 co-contribution arrangement.

- 1.3.1.2. Develop detailed plans for the Lake Boga - Swan Hill trail -** Economic Community Development preparing brief to engage a consultant for reviewing the alignment of the path.

- 3.2.1.1. Develop a Reconciliation Action Plan –** Registration has been paid and have a Registered Aboriginal Plan ID. Funding available in the 2023/2024 budget. Draft invitation for a consultant being developed.

- 3.2.1.3. Support our Aboriginal community to work towards a treaty or treaties** -Collaborating with ELT in April to establish parameters for Council advocacy and support for Treaty initiatives.

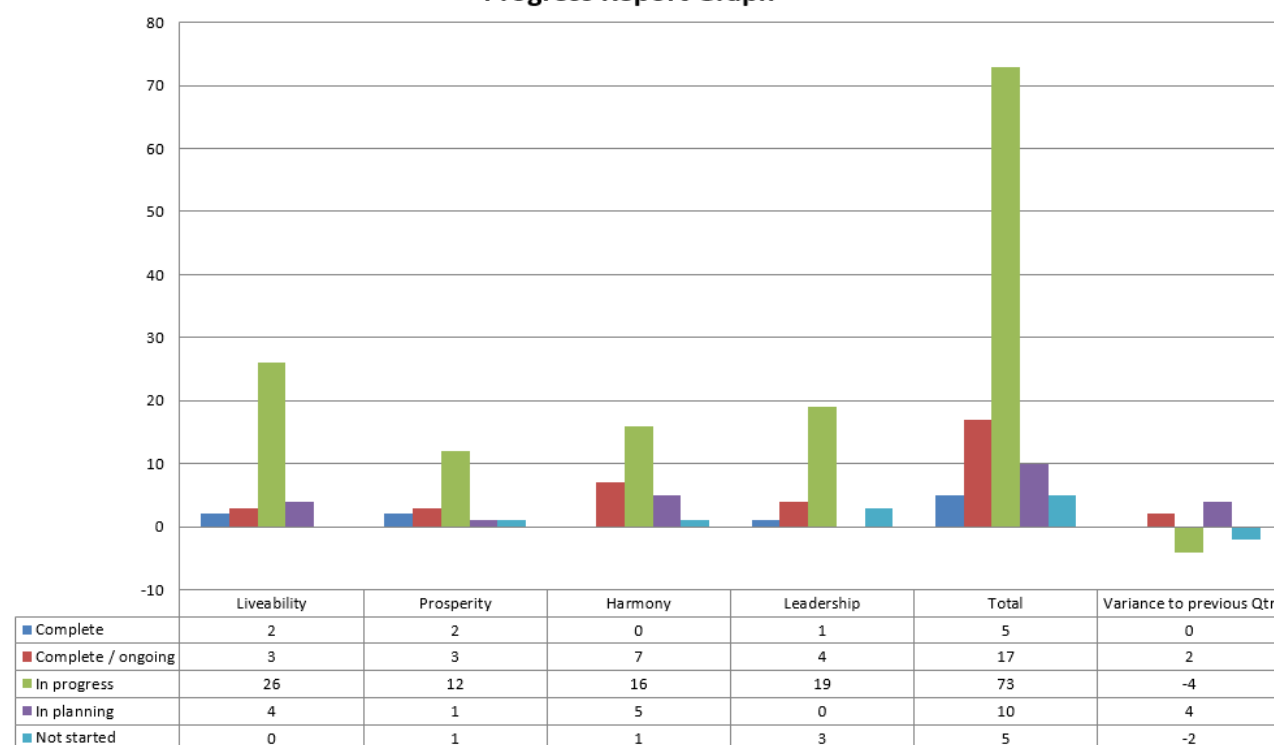
The following objectives were marked as complete and ongoing during third quarter:

- 2.3.2.1. Complete road network services review, identify and pursue funding opportunities, focusing on the agricultural sector and industry-** High

Performance Freight Vehicle (HPFV) strategy for both SHRCC and Gannawarra Shire completed by consultants. Finalisation of the report is due by June 30 2023. This strategy will be used for future grant fund applications. Final study report has been received. Report presented to the Council meeting to be held on Tuesday 21 March.

**4.1.3.1. Deliver projects on time, on budget and within scope** - Ongoing and achieving, however, projects are impacted by price rise and flood impacts. Impacted projects such Swan Hill Leisure Centre, Boardwalk, Activation of Lighting have obtained a time extension from funding body.

**Progress Report Graph**



## Consultation

Council consulted the community during the development of the Council Plan 2021-2025.

## Financial Implications

This report contains no financial implications, however many of the initiatives contained within the Council Plan requires Council to allocate funds in its 2022/23 budget to implement the Council Plan.

### **Social Implications**

The report is provided and made available to the community to increase awareness of the activities of Council, provide a mechanism for transparency and could increase community involvement in decision making at Council level.

### **Economic Implications**

Implementation of the actions will improve a number of economic outcomes for our community.

### **Environmental Implications**

Implementation of the actions will improve a number of environmental outcomes for our community.

### **Risk Management Implications**

Council is required to be compliant with the *Local Government Act 2020* in regards to the Council Plan and annual reporting. This quarterly report supports that compliance.

### **Council Plan Strategy Addressed**

**Leadership** - Transparent communication and engagement.

### **Options**

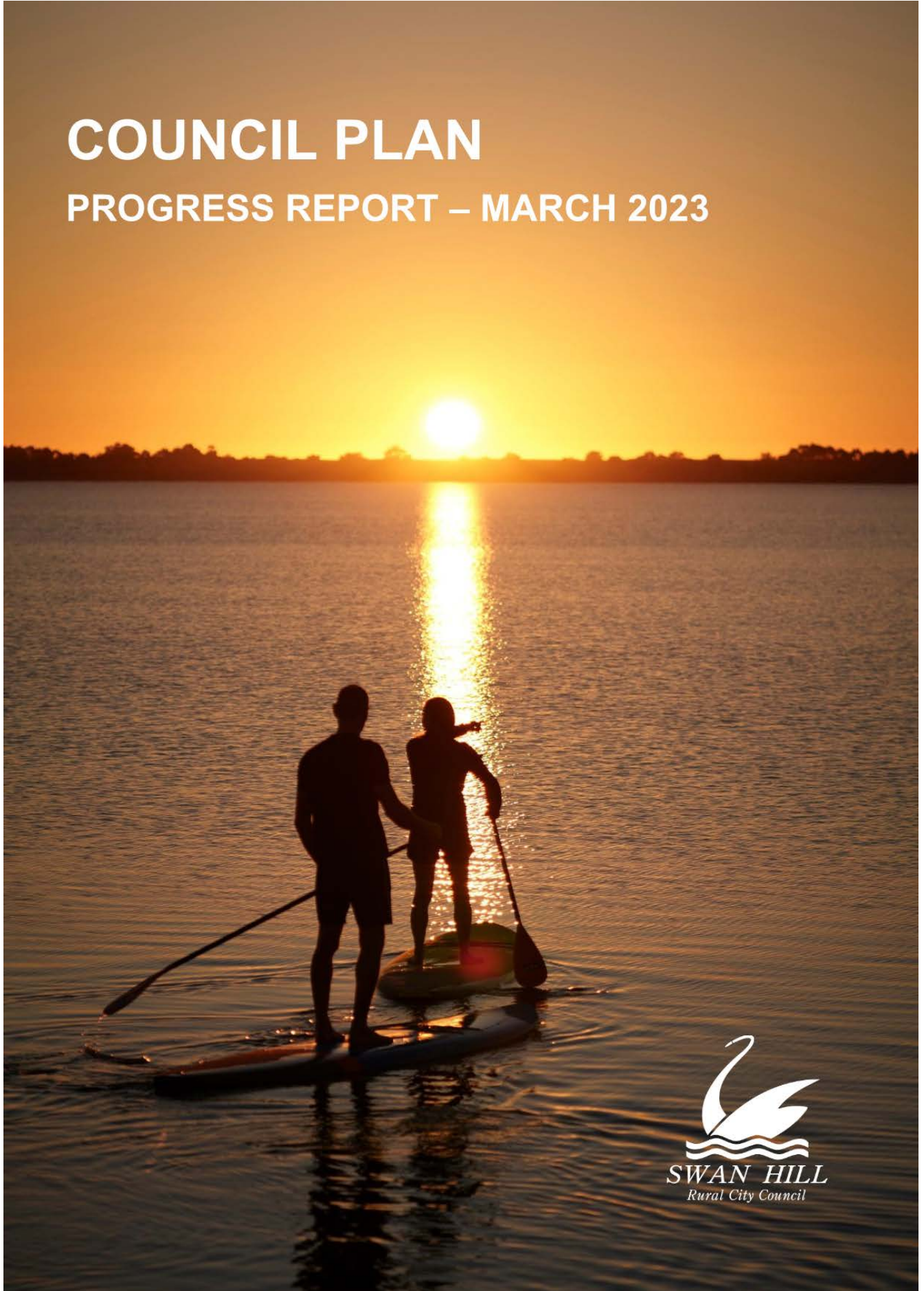
1. That Council adopts the third quarter Council Plan - Progress Report 2022/23 as presented.
2. That Council makes further changes to the third quarter Council Plan - Progress Report 2022/23 as presented.

### **Recommendation**

**Council adopt the third quarter Council Plan – Progress Report 2022/2023 as presented.**

# COUNCIL PLAN

## PROGRESS REPORT – MARCH 2023





# CONTENTS

Introduction	2
Overall results snapshot	3
Strategic Pillars	7
Liveability	8
Prosperity	16
Harmony	20
Leadership	26

# INTRODUCTION

## What is the Council Plan?

The Council Plan is a strategic document outlining what the Swan Hill Rural City Council (Council) will do to achieve Council's and the community's vision for the municipality. The 2021-2025 plan describes Council's Strategic Initiatives for its four-year term.

The Council Plan is an important document that drives everything the Swan Hill Rural City Council does over a four- year period. It sets the vision, priorities and outcomes for Council's term and lists how progress will be measured. The plan guides Council's annual budget, which determines the projects, services, events and other initiatives that will be funded and delivered in the next financial year.

Council is held accountable for its progress on the Council Plan's outcomes through quarterly progress reports, and annually in the Swan Hill Rural City Council's Annual Report.

## How we will track and measure our progress

Each of the Council Plan Initiatives has a number of actions that will track Council's progress. Council will report on its progress in completing the four-year priorities quarterly with updated progress commentary.

All actions will be marked with the following symbols to represent their current status:



Complete - the action has been completed.



Complete/ongoing - actions that span over a number of years that cannot be marked as completed until later years.



In progress - these actions are past the planning phase, and are in progress towards completion.



In planning - actions that are not complete or in progress but actions have been taken are marked as in planning stage.



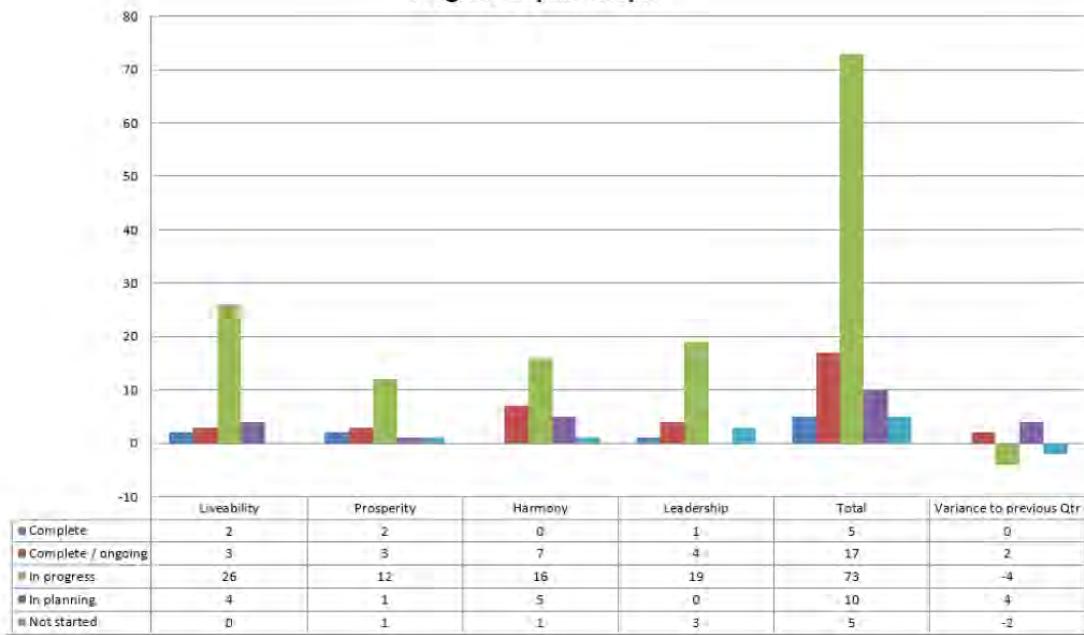
Not started - actions that have not been commenced at the time of reporting.

# OVERALL RESULTS SNAPSHOT

The Council Plan 2021-25 includes 29 initiatives and 110 actions through which the achievement of the Council Plan may be measured over its four-year term.

Each action has a nominated responsible officer who is a member of the Leadership Team, reflecting the importance placed on achieving targets. As some objectives/actions span over a number of years they cannot be marked as completed until later years.

Progress Report Graph



Council has made progress on the following:

**1.1.1.3. Continue to implement relevant actions of the Swan Hill Riverfront**

**Masterplan** - Monash Drive Carpark / Path upgrade completed. Draft Update Landscape Masterplan Swan Hill Riverside Park - including Splash Park, Wharf and Pond upgrades completed. Irrigation works currently under construction. Clearance and site works completed former graincorp site. Initial meeting of the Swan Hill Railway overpass conducted. Board walk project has commenced. Preparing for the Swan Hill Light Show.

**1.1.3.5. Implement relevant actions from the CMRT strategy** - Finalised the study for A-

Double access jointly with Gannawarra Shire. Received the final report with recommendation for improvements and gaps. Report needs to be presented to Council at an Assembly. The Freight Road Network Mapping and Infrastructure Investment Report was presented to the March Council meeting. This action is now complete.

**1.2.1.2. Prepare an advocacy document for renewable energy resources in the municipality**

- The draft advocacy document for renewable energy resources that was developed last quarter and built upon previous renewable prospectus documents is still being refined, where it will be taken to an ELT meeting this quarter for comment.

**2.1.1.3. Support effective and responsive early years education opportunities in Manangatang, Woorinen South and Swan Hill**

- The Victorian Government has announced that over the next decade, Four Year Old Kindergarten will transition to "Pre-Prep" - increasing to a universal 30-hour week program of play-based learning for every four-year-old child in Victoria. These reforms build on the Three-Year-Old Kindergarten, which continues as planned with a rollout of 5-15 hours a week of funded Three-Year -Old programs across the state. It is now necessary to go back to Manangatang and Woorinen South and look at the early years infrastructure needed to accommodate the additional hours of four-year-old Kindergarten. It is anticipated that this work will be undertaken over the next 6 months if possible.

**2.1.2.4. Develop a strategic plan for future success of the Pioneer Settlement**

- This will commence once approval given via Heritage Victoria on exact location of pioneer settlement building. Known tender will commence for strategic planning.

**2.3.2.2. Deliver and review Councils capital works program and Major Projects Plan each year**

- PMO has delivered projects worth \$ 9.4 Mn since Oct-21. Currently PMO have projects worth \$ 12.2Mn on board and have planned to deliver \$ 6Mn by Jun'23 and \$ 5Mn by Dec'23.

- 3.1.3.2. Provide support and training (Governance, Leadership and Strategic Planning) for our small town progress/improvement groups** - Information has been provided on Governance to the Piangil Community Group and Piangil Memorial Park Committee. Community Plan consultation has begun with Lake Boga Progress association. The Nyah District Action Group are currently going through strategic planning for the Nyah Riverfront Masterplan. Council are currently working on a project proposal to develop resources for Governance, leadership and Strategic Planning on a web portal.
- 3.2.3.2. Formal inclusion of Aboriginal and Torres Strait Islander input in Art Gallery programming and cultural activities** - Swan Hill First Nations artists are co curating with the gallery to stage an all First Nations exhibition in June 2023. A First Nations artist was appointed to the Advisory Committee in January 2023. Sunraysia Tafe Aboriginal art student annual exhibition, date yet to be confirmed.
- 4.1.2.1. Implement a Project Management Framework and system** – Project Management Framework and processes being rolled out via workshops with key staff across the organisation. Roll-out of updated framework in April' 23. Trainings to staff planned for May' 23. A new reporting method introduced to capture progress of major projects.
- 4.2.1.4. Review our use of social media platforms across Council with a view of increasing Councils exposure and ensuring consistent moderation** - Media Policy and Procedure was approved on 21 Feb 2023. The addition of a new Councillor Media Policy was approved to ensure more appropriate inclusion of Councillors.

**The following objectives were marked as in planning in the third quarter:**

- 1.2.1.1. Support initiatives that align with policy such as the Circular Economy and provide tangible outcomes for the community, for example: ↑ cleaner air for all, quality and smell ↓ litter, roadside dumping, co-mingling** - Grant fund RV Household Education and Behaviour Change Fund - Round 2 was successful (\$60,918 Ex GST), inception meeting was held on Thurs 2 June 2022. Grant fund Deed agreed upon and was signed on 17 June 2022. The main focus and goal of the project is to educate and help residents to quickly adapt to and correctly use new household recycling and waste services. Council has been advised of success in two more grant fund applications: Stage 2 of Compost Facility Infrastructure \$961,400 and Transfer Station Upgrade Fund Rd 2 \$296,350. Grant application is being prepared for the purchase of a high compression mobile plastic baler through the SV Circular Economy Councils Fund Rd 3 program. Following great success with the Ag Plastic recovery trial at Swan Hill landfill late last year, a huge opportunity exists within the Loddon/Mallee region for such a facility. Grant fund is based on a 5 to 1 co-contribution arrangement.
- 1.3.1.2. Develop detailed plans for the Lake Boga - Swan Hill trail** Economic Community Development preparing brief to engage a consultant for reviewing the alignment of the path.

- 3.2.1.1. Develop a Reconciliation Action Plan** – Registration has been paid and have a Registered Aboriginal Plan ID. Funding available in the 2023/2024 budget. Draft invitation for a consultant being developed.
- 3.2.1.3. Support our Aboriginal community to work towards a treaty or treaties** – Collaborating with ELT in April to establish parameters for Council advocacy and support for Treaty initiatives.

**The following objectives were marked as complete and ongoing during third quarter:**

- 2.3.2.1. Complete road network services review, identify and pursue funding opportunities, focusing on the agricultural sector and industry-** High Performance Freight Vehicle (HPFV) strategy for both SHRCC and Gannawarra Shire completed by consultants. Finalisation of the report is due by June 30 2023. This strategy will be used for future grant fund applications. Final study report has been received. Report presented to the Council meeting to be held on Tuesday 21 March.
- 4.1.3.1. Deliver projects on time, on budget and within scope** - Ongoing and achieving, however, projects are impacted by price rise and flood impacts. Impacted projects such Swan Hill Leisure Centre, Boardwalk, Activation of Lighting have obtained a time extension from funding body.

# STRATEGIC PILLARS

The Community Vision is supported by four themed pillars – which form the key directions and focus of this Council Plan.

Our vision for the municipality anchors and connects these pillars to deliver real outcomes for the community.



**Liveability**

**We will be a healthy, connected and growing community supported by a range of infrastructure and services.**



**Prosperity**

**We will continue to build and strengthen a prosperous local economy, through sustainable growth and education. We will focus on creating jobs and wealth through adding value to existing strengths in all areas of our economy.**



**Harmony**

**We will be a welcoming community for all, recognised for our maturity and respect for each other.**



**Leadership**

**We will ensure accountable leadership, advocacy and transparent decision making.**















## Liveability






### 1. We will be a healthy, connected and growing community supported by a range of infrastructure and services




1.1. A modern municipality: Vibrant, connected and resilient				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
1.1.1. Attractive urban areas and regional townships	1.1.1.1. Finalise and implement rural living / rural residential strategy	2022/23	In Progress 	A brief for additional work to complete the Study has been finalised and distributed for select request for quote.
	1.1.1.2. Complete stage 1 of Vibrant Villages project	2021/22	Complete 	Vibrant Villages stage 1 project completed.(re:\$500,000 RDV funding) Nyah, Nyah West, Lake Boga and Woorinen.
	1.1.1.3. Continue to implement relevant actions of the Swan Hill Riverfront Masterplan.	2021-2025	In Progress 	Monash Drive Carpark / Path upgrade completed. Draft Update Landscape Masterplan - Swan Hill Riverside Park - including Splash Park, Wharf and Pond upgrades completed. Irrigation works currently under construction. Clearance and site works completed former graincorp site. Initial meeting of the Swan Hill Railway overpass conducted. Board walk project has commenced. Preparing for the Swan Hill Light Show.
	1.1.1.4. Complete and implement the Robinvale Riverfront Masterplan	2021-2025	In Progress 	Draft Robinvale Riverfront Master Plan 2022 completed including public exhibition period. Feedback provided back to Council. Draft to be adopted early 2023. Funding in the order of \$1.5m has been received to support the development new active & nature play precinct at Centenary Park. Preferred contractor engaged for skate park and cultural heritage management plan works currently underway. Engagement with Aboriginal Community on aspects of the playground to be undertaken.
	1.1.1.5. Develop Nyah Riverfront Masterplan	2021/22	In Progress 	Draft Nyah Riverfront Masterplan presented to Council at its May 2022 Meeting. Council resolved to place on public exhibition or public feedback. Masterplan to be presented back to council for approval early 2023. Funding received to support activating Nyah West community park, including new toilet facilities, stage and power upgrade. Toilet block position finalised after consultation with community, final discussions being conducted on the site of BBQ shelter.








	1.1.1.6. Develop Boundary Bend Riverfront Masterplan (Pending funding)	2022-2025	In Planning 	No funding in this years budget for this project - will commence once funding is available. A project bid will be made as a part of the 23/24 Budget process. Deferred to the 24/25 budget process.
	1.1.1.7. Develop a Small Town Strategy	2022/23	In progress 	Small Town residential land audit draft has been completed and is being reviewed by officers.
1.1.2. Ensure adequate provision of a variety of safe and secure housing	1.1.2.1. Explore the development or sale of Council and other government land in urban areas	2022/23	In Progress 	Council continues to review land ownership with a view for development or sale. For example Feldtmann Lane and development of land in Ronald Street, Robinvale for housing.
	1.1.2.2. Develop and build houses on Council owned property	2021-2025	In Progress 	Ronald St Project - Two houses are under offer, and the remaining two are for sale.
	1.1.2.3. Continue to Implement the Robinvale housing strategy	2021-2025	In Progress 	Three funded projects are underway to help in the provision of housing across the municipality. Two projects relate specifically to Robinvale - Seasonal Workers Accommodation Program and Robinvale housing Investment Strategy. The construction of 4 dwellings in Ronald Street is complete.
	1.1.2.4. Continue development of Tower Hill stages	2021-2025	In Progress 	Stage 13 released and sold as at 31 December 2021. Stage 14 construction completed, final approvals due end of December then sales plan confirmed (ballot process) Lots drawn 20 March 2023
	1.1.2.5. Assist South West Development Precinct developers	2021-2025	In Progress 	This is ongoing as developers require assistance.
	1.1.3. Excellent transport links to allow ease of movement	1.1.3.1. Advocate for a review of the Swan Hill Town Bus route	2022/23	In Progress 
1.1.3.2. Advocate for the completion of the Murray Basin Rail Project		2021-2025	In Progress 	Council continues to support the Rail Freight Alliance and its work in advocating for the completion of the Murray Basin Rail Project. Council has previously signed a petition seeking additional State government funding and has acknowledged the Federal Government's contribution of a further \$200m for the completion of the project.
1.1.3.3. Advocate for the continual improvement of the Murray Valley Highway and		2021-2025	In Progress 	Recent improvements to MVH following adoption of the Central Murray Regional Transport Strategy several years ago include completion of enhancements to the Lake




	upgrade of the Robinvale Sea Lake Road			Charm to Lake Boga section and construction of truck stops/rest areas between Robinvale and Swan Hill. A list of possible improvements has been provided to the department of transport for inclusion in the Murray Valley Highway strategy.
	1.1.3.4. Actively participate in the Central Murray Regional Transport Forum	2021-2025	Complete and Ongoing 	The technical group of the CMRT tech committee met 4 April 2022. The group has lost momentum through the 2022 Floods disruption. The newly appointed Director Infrastructure will be tasked with reinvigorating this group.
	1.1.3.5. Implement relevant actions from the CMRT strategy	2021-2025	Complete and Ongoing 	Finalised the study for A-Double access jointly with Gannawarra Shire. Received the final report with recommendation for improvements and gaps. The Freight Road Network Mapping and Infrastructure Investment Report was presented to Council 21 march 2023.

1.2. Careful and responsible management of our Environment for a sustainable future				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
1.2.1. Engage, empower and mobilise communities to prepare for, adapt to and mitigate the effects of a changing climate	1.2.1.1. Support initiatives that align with policy such as the Circular Economy and provide tangible outcomes for the community, for example: ↑ cleaner air for all, quality and smell ↓ litter, roadside dumping, co-mingling waste	2021-2025	In Planning 	Grant fund RV Household Education and Behaviour Change Fund - Round 2 was successful (\$60,918 Ex GST), inception meeting was held on Thurs 2 June 2022. Grant fund Deed agreed upon and was signed on 17 June 2022. The main focus and goal of the project is to educate and help residents to quickly adapt to and correctly use new household recycling and waste services. Council has been advised of success in two more grant fund applications: Stage 2 of Compost Facility Infrastructure \$961,400 and Transfer Station Upgrade Fund Rd 2 \$296,350. Grant application is being prepared for the purchase of a high compression mobile plastic baler through the SV Circular Economy Councils Fund Rd 3 program. Following great success with the Ag Plastic recovery trial at Swan Hill landfill late last year, a huge opportunity exists within the Loddon/Mallee region for such a facility. Grant fund is based on a 5 to 1 co-contribution arrangement.
	1.2.1.2. Prepare an advocacy document for renewable energy resources in the municipality	2022/23	In Progress 	The draft advocacy document for renewable energy resources that was developed last quarter which built upon previous renewable prospectus documents will be taken to an ELT meeting this quarter for input before being presented to council.
	1.2.1.3. Develop drainage strategies for key urban areas in the municipality	2023/24	In Planning 	A brief is being prepared to engage a consultancy to prepare a city-wide drainage strategy. During the major projects budget process for 23/24 FY, Council has allocated a further \$82,000 to this project for the development of a drainage model. The drainage model will help define appropriate drainage projects to support the drainage strategy. This project has also been submitted as an application, on 16 Feb 2023, under the Disaster Ready Fund Rd 1.
	1.2.1.4. Implement effective diversion and reuse of waste resources	2022/23	In Progress 	A grant application has been made for the implementation of a mattress recycling process to a value of \$355k. Council was successful in its application for a Mattress Processing Facility (Grant value \$167,500 with dollar for dollar contribution from Council). Deed of agreement still to be received and signed. Site inspection has been undertaken to determine the best location for the mattress facility. Site survey has been completed and draft layout plans prepared.
	1.2.1.5. Develop irrigation strategies for key urban areas in the municipality	2022/23	In Progress 	Strategy document under development with aim to control irrigation online. Riverside park project is expected to be completed in the next quarter. Riverside Park Irrigation Upgrade still not complete. Waiting on connection of recent power upgrade at Milloo St Pump Shed. New irrigation system currently being installed on Monash Drive opposite Pioneer Settlement. Cloud based controller units (control irrigation on phone/laptop) being installed at Showgrounds and Alan Garden Reserve sports fields. All grounds to get upgrade before end of financial year. McCallum St irrigation project completed using cloud based controller units. Cloud based controller

				units being rolled out on all sports fields. Currently installed at the Showgrounds and Tyntynder grounds. Works to install on remaining grounds will continue. All parks within 1.5k of controller will have receivers installed, which will result in parks/sportsfields irrigation controlled from phones, tablets and/or laptops.
1.2.2. Accessible open spaces and healthy rivers and lakes	1.2.2.1. Improve the presentation of the Lake Boga foreshore and its environs in collaboration with the community	2021-2025	In Progress 	An irrigation plan and cultural heritage assessment has been completed and approved for the southern end of Lake Boga (between Caravan Park and housing estates). A draft landscape master plan for this section of public land has now been completed and feedback is being sought from stakeholders within Council and the community. Consultant developed plans but no funding to deliver project. Operations Manager recently met with Economic Development unit to go over the plans that were developed for this project. Meeting again this month to discuss funding for the project and going to market to complete. Parks and Gardens team have met with PMO on 9/3/23 to review plans for Lake Boga Foreshore Irrigation Project. "must have" components of project requested were 1. PMO to allow for reinstatement in initial cost. 2. GSI cloud based controller to align with other units currently being installed 3. Roller door on pump shed 4. Town water for BBQ facilities.
	1.2.2.2. Prepare a Murray River and lakes access strategy for the municipality incorporating - camping / walking and bike tracks	2024/25	In Progress 	Working in partnership with Murray Region Tourism on the Swan Hill to Nyah trail. Included the waterway trails and camping masterplan in council 10 year major project plan. (unallocated)
	1.2.2.3. Plan and construct open space development of the decommissioned Number 9 Channel	2022/23	In Progress 	1. Concrete path, lighting, irrigation works complete. 2. Landscaping works awarded to local contractor, expected to start early April and complete by Mid-May

1.3. Building Healthy Communities				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
1.3.1. Encourage active and healthy lifestyles for people of all ages, abilities and interests	1.3.1.1. Continue to implement master plans for all recreation facilities	2021-2025	In Progress 	Detailed designs for Robinvale Football Change rooms completed. Consultant awarded for the Swan Hill Sporting Hub Designs and Governance Model. Designs for Nyah Recreation Reserve Cricket Practice net completed. Woorinen Recreation Reserve Netball Court Redevelopment completed. (re:\$300,000 Sport Recreation Victoria (SRV) funding) Robinvale Recreation Reserve sports oval lighting upgrade currently underway (re:\$250,000 SRV funding) Funding application for the construction Robinvale Football Change room submitted - unsuccessful.
	1.3.1.2. Develop detailed plans for the Lake Boga - Swan Hill trail	2022/23	In Planning 	Economic Community Development preparing brief to engage a consultant for reviewing the alignment of the path
	1.3.1.3. Support initiatives leading to better outcomes for children and families	2021-2025	In Progress 	One of the local networks that SHRCC Maternal and Child Health Service is a member of is called "Pregnancy and Early Years Collaborative". This network is to work with community to support families during pregnancy and early childhood years. Planning is currently underway for the second Swan Hill Pregnancy and Early Childhood Expo to be held on 4th May 2023 at the Swan Hill Town Hall. The Expo will be free of charge for all attendees and will include public health services, not for profit services and some local businesses. Further feedback about the Early Years Online Hub and pregnancy and early years services will be sought from attendees at the Expo that will help understand community needs and plan responsive service delivery.
	1.3.1.4. Partner with agencies to address preventable illnesses and active lifestyles	2021-2025	In Progress 	Council services continue to partner with other agencies and networks on health and wellbeing initiatives benefitting all age cohorts, from early years to youth and elderly. These partner organisations include Swan Hill District Health, Mallee Family Care, Robinvale District Health, Robinvale Our Place, headspace, Murray Valley Aboriginal Cooperative. Recently Council has been participating in an initiative led by the Centre for Excellence in Rural Sexual Health to trial a Sexually Transmitted Infection test vending machine that will be trialled in Swan Hill.
1.3.2. Spaces where people of all ages, abilities and backgrounds can flourish	1.3.2.1. Reinvigorate performance spaces across the area, including Robinvale Community Art Centre	2022/23	In Progress 	Fly Tower to be modified. Truss, Chain and block motors to be used to hang production equipment. Community Arts Centre and will be the resident to the community arts association. Joe Avati - Comedian scheduled to be the first performance in the theatre of Robinvale Community Arts Centre. Hoyts digital projector has been installed and the first movie night using new projector took place. A matinee movie session for families took place with an evening session taking place for teenagers. 80 attended over the two sessions. Robinvale Ballet Guild presented its first workshop with the Victorian State Ballet on 25 February 2023.





	1.3.2.2. Incorporate child and family-friendly principles into development of outdoor spaces	2022/23	In Progress 	Part of ongoing Child Safety Standards work, in conjunction with other work areas including Parks and Gardens. The revised Child Safe Standards policy and Reportable Conduct procedure were presented to Council and adopted in November 2022. New members of staff have volunteered to join the Child Safe Standards Working Group and will commence working on Standard One in January 2023.
	1.3.2.3. Review and implement the public art policy	2021/22	Complete 	Public Art Policy formally adopted by Council 15 March 2022.

1.4. Foster Creative and Cultural opportunities				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
1.4.1. Promote and celebrate the creative and cultural pursuits within the region	1.4.1.1 Deliver creative industries projects across the region	2022/23	In Progress 	Continuing inter LGA and interstate opportunities using the Australian Creative Rural Economy (ACRE) Project as a vehicle. Currently planning for ACRE 2023 in partnership with Regional Arts Victoria, South West Arts NSW, Hay Shire Council and Murray River Council. Go North Arts Festival to support ACRE residency outcomes. Facilitated various workshops for local creatives
	1.4.1.2. Support local creatives in developing their businesses (Arts Action)	2022/23	Complete and Ongoing 	Local artist solo exhibition in Main Gallery. Planning for local First Nations group exhibition mid year. Facilitated various workshops for local creatives.
	1.4.1.3. Enhance artistic outreach programs in smaller towns and communities, including Fairfax Youth Initiative and ACRE programs	2022/23	In Progress 	Festival Director and Coordinator for the Fairfax Youth Initiative have been appointed under procurement contract role as part of the successful \$251,000 grant for Fairfax. Successful grant, receiving \$50,000 from Festivals Australia, Mallee. New website replacing town hall website, for events supported or produced by council in the region has been implemented. First of the Under The Stars series took place featuring RockWiz Live. Over 800 attended. A large number of the audience where from the surrounding towns and regional areas. Fairfax will be presenting a program as part of the festival, at the Robinvale community centre. An acoustic series will be presenting local and touring artists at the Cafe Bar and surrounding towns. Keep The Circle Unbroken presented by STHPA featuring 3 local artists was enthusiastically appreciated. The first Twilight Arts Market was presented at the hall with over 1000 attending.










**2. We will continue to build and strengthen a prosperous local economy, through sustainable growth and education. We will focus on creating jobs and wealth through adding value to existing strengths in all areas of our economy**







## Prosperity

2.1. Effective partnerships for prosperity				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
2.1.1. Support diverse educational opportunities that fosters life-long learning	2.1.1.1. Establish an effective relationship with the education sector through regular engagement	2022/23	In Progress 	Regular meeting with SuniTAFE to consider shared opportunities. April 22 - Attended the funding announcement for the purchase of electric and Hybrid Vehicles. Recent meeting and Tour at SuniTAFE Swan Hill.
	2.1.1.2. Advocate for the establishment of an education hub in Swan Hill	2023/24	In Progress 	Councillors supported grant application for Federal funding of a Country Universities Centre in Swan Hill. Application submitted March 2022. Grant application successful. Commonwealth Agreement currently being drawn up between the Government and the board of Community University Centre – Mallee.
	2.1.1.3. Support effective and responsive early years education opportunities in Manangatang, Woorinen South and Swan Hill	2023/24	In Progress 	The Victorian Government has announced that over the next decade, Four Year Old Kindergarten will transition to "Pre-Prep" - increasing to a universal 30-hour week program of play-based learning for every four-year-old child in Victoria. These reforms build on the Three- Year-Old Kindergarten, which continues as planned with a rollout of 5-15 hours a week of funded Three-Year - Old programs across the state. It is now necessary to go back to Manangatang and Woorinen South and look at the early years infrastructure needed to accommodate the additional hours of four-year-old Kindergarten. It is anticipated that this work will be undertaken over the next 6 months if possible.
	2.1.1.4. Assist youth with diverse employment pathways through the Empower and Engage! Programs	2022/23	Complete and ongoing 	Empower and Engage programs focusing on Manangatang and Robinvale - established links with Student Representative Councils at both schools, as well as VCAL classes and regular presence in both towns. Ongoing.



STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
2.1.2. Support our key industries	2.1.2.1. Establish a Terms of Reference and develop an Annual Plan with the AgriBusiness Advisory Committee	2022/23	In Progress 	Committee back meeting on a regular basis and looking to engage new members. Reviewing the Committee Terms of Reference and Annual Plan to ensure maximum benefit for Council. Report to be prepared on the future of this Committee to Council early 2023.
	2.1.2.2. Consider the establishment of an Industry Support Committee (Manufacturing and other)	2022/23	In Progress 	Discussion with Swan Hill Inc about the possible reactivation of the Industrial Committee. Preparation of a report to ELT and the Council on the benefit of establishing an Industry Support Committee given that the future development of industry and manufacturing is likely to feature in the Draft Economic Development Strategy. Presentation of report in August 2022. Listed for discussion with Swan Hill Inc at the April 2023 meeting of representatives and Council Officers before reporting to ELT and Council.
	2.1.2.3. Review the Economic Development Strategy to ensure a targeted focus on key outcomes	2022/23	In Progress 	Review of all current documentation relating to the Economic Development Strategy being undertaken to determine what has been achieved and what is still required to be done. Development of key economic and business development priorities that should form the basis of the next strategy being prepared. Suggested process to develop the Economic Development Strategy to be presented to ELT and Council in late July 2022. Council briefed on the process to review and develop a new strategy with Officers now engaged in meeting the time line outlined. Economic Development Strategy review has commenced with the first round of workshops conducted and information being gathered for review.
	2.1.2.4. Develop a strategic plan for future success of the Pioneer Settlement	2023/24	In Planning 	This will commence once approval given via Heritage Victoria on exact location of pioneer settlement building. Known tender will commence for strategic planning.
	2.1.2.5. Develop an Economic recovery plan in response to Covid-19	2021/22	Complete 	A response plan was developed in late 2020.
	2.1.2.6. Establish a Livestock Exchange Stakeholder committee to improve stakeholder engagement and to better meet the needs of Livestock Exchange users	2022/23	Complete 	Advisory committee established and appointed by Council in February 2022. Committee meets quarterly. Stakeholders are very engaged.

2.2. A thriving diverse economy				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
2.2.1. Encourage the growth and development of our economy	2.2.1.1. Develop a new planning scheme that is clear in its intention, supports growth and builds confidence and certainty in land use	2024/25	Not Started 	On work plan for 2024/25.
	2.2.1.2. Continue to support existing businesses to grow through the implementation of the Better Approvals process	2021-2025	In Progress 	Better Approvals team continue to support existing and proposed businesses in the municipality. SHRCC is one of three rural council participants in a new pilot program for business friendly council approvals.
	2.2.1.3. Actively pursue the establishment of a designated area migration agreement (DAMA)	2021-2023	In Progress 	Regional interest is limited. Once all nearby Councils have formally responded a further report will be presented to Council.


2.3. Infrastructure that enables prosperity				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
2.3.1. Digital connectivity that allows people to live, work and play across our region	2.3.1.1. Advocate for high speed broadband access to all businesses and residents	2022/23	In Progress 	Federal funding application - Connectivity Round 2. Funding application successful.
	2.3.1.2. Seek innovative solutions for broadband and mobile connectivity	2022/23	Complete and ongoing 	Funding application successful for new towers to support Woorinen, Nyah, Piangil and Murray Downs.
2.3.2. Assets for our current and future needs	2.3.2.1. Complete road network services review, identify and pursue funding opportunities, focusing on the agricultural sector and industry	2022/23	In Progress 	High Performance Freight Vehicle (HPFV) strategy for both SHRCC and Gannawarra Shire completed by consultants. Finalisation of the report is due by June 30 2023. This strategy will be used for future grant fund applications. Final study report has been received. Report presented to the Council meeting to be held on Tuesday 21 March.
	2.3.2.2. Deliver and review Councils capital works program and Major Projects Plan each year	2021-2025	Complete and ongoing 	PMO has delivered projects worth \$ 9.4 Mn since Oct-21. Currently PMO have projects worth \$ 12.2Mn on board and have planned to deliver \$ 6Mn by Jun'23 and \$ 5Mn by Dec'23.
	2.3.2.3. Review current assets and identify future needs - create a program to bridge the gap and identify funding requirements.	2021-2025	In Progress 	Asset Management Plans (AMP) for all asset classes being progressed. <ul style="list-style-type: none"> <li>- Transport and Stormwater have been updated to be ratified by CEO and included in long term planning (delayed due to flood impact on networks)</li> <li>- Open space AMP expected completion by APR 23</li> <li>- Fleet AMP Expected completion APR23</li> </ul> Other portfolios to be completed require the following prior to completion. <ul style="list-style-type: none"> <li>- Building Asset Condition Inspection (last completed 2017)</li> <li>- Buildings, Rec &amp; Leisure will both require significant stakeholder consultation</li> <li>- Pioneer Settlement may require heritage consultant due to nature of the assets</li> </ul>
	2.3.2.4. Continue to plan and seek funding to implement the development of community infrastructure	2021-2025	In Progress 	Submitted a funding application with both Federal and State Governments to support the Robinvale Riverfront Masterplan including a new nature / adventure playground and skate park. Outcome announcement in June 2022. Finalise Local Roads Community Infrastructure projects round 2 and 3. Funding application for a regional university centre in Swan Hill has been submitted. Application for funding for adventure playground and skate park in Robinvale successful with works to commence in July 2022. University submission unsuccessful. Regional University now proceeding. Over \$5.2 million worth of grants received.










**3. We will be a welcoming community for all, recognised by our maturity and respect for each other.**





**Harmony**

3.1. Communities that are safe, welcoming and inclusive				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
3.1.1. The diversity of our communities is celebrated	3.1.1.1. Engage with LGBTIQ+ community members to improve inclusion and community awareness through leadership of the Inclusion Network.	2022/23	In Progress 	Local LGBTIQ+ committee has been rejuvenated with secretarial now – Meeting was held in October 2022 to go through Swan Hill's Roadmap draft. Challenging resistance workshop to be delivered sometime in 2023 which is yet to be decided.
	3.1.1.2. Support co-designed development of multicultural events and activities	2022/23	Complete and Ongoing 	Council continues to support co designed events and activities, such as Harmony day and Robinvale lantern Festival.
	3.1.1.3. All-abilities events and activities are well-planned and promoted	2022/23	In Progress 	Ongoing - working with other multicultural groups to promote events grants, and providing knowledge of existing events, lining Harmony Day and Lantern Festival committees.
	3.1.1.4. Continue to develop the annual Harmony Day and Lantern Festival events.	2022/23	In Progress 	Harmony day to be held on 26 March 2023. Robinvale Lantern Festival held successfully on 9 September 2022, planning underway for the 2023 event. Greater liaison between multicultural agencies and community groups in the planning of these events.
3.1.2. Encourage the growth and positive development of our youth	3.1.2.1. Improve Youth Support Services outreach to young people in Manangatang and Robinvale	2022/23	Complete and ongoing 	Ongoing – Robinvale Youth Group and Manangatang Student representative council operates with a co-design model for all events.
	3.1.2.2. Ensure young people are involved in co-design of annual events	2023/24	Complete and ongoing 	Robinvale Youth Group is active with 18 current members- weekly meetings. NOVO Youth Council Active with 8 members - weekly meetings. Sexuality and Gender Alliance Group active with 20+ members - weekly meetings
	3.1.2.3. Support and redevelop the Fairfax Youth Initiative to enhance leadership outcomes for rural and remote youth involved in creative pursuits	2022/23	In Progress 	Strategic work underway for redesigned FYI model - multiple applications for funding for 2022-2025 submitted. Application for Federal Restart Investment to Sustain and Expand (RISE) submitted, successful with \$251,000 grant in March 2022. Artistic Director appointed and under contract, work has begun on establishment of a governing body. A further \$50,000 grant from the Commonwealth was successful in December 2022. The 2023 events are underway with workshops and grant expenditure for the key events. The










				Interim governing body is overseeing the works.
	3.1.2.4. Undertake the youth wellbeing actions from the Youth Strategy, specifically mental and sexual health.	2023/24	Complete and ongoing 	Ongoing - Empower and Engage programs focusing on Manangatang and Robinvale and focusing on mental health as a result of Covid - planned for resumption of school 2022 Sexual Health presentations delivered in 2022 and to be delivered in 2023/24 through partnerships with local high schools and community groups.

STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
3.1.3. Flourishing community organisations	3.1.3.1. Actively promote the benefits of Volunteering in all our communities, streamline the process to facilitate volunteering in Council activities and programs	2022 - 2024	In Progress 	Volunteer Day was celebrated in December 2022, and an action plan is being developed for the region to encourage volunteerism.
	3.1.3.2. Provide support and training (Governance, Leadership and Strategic Planning) for our small town progress/improvement groups	2022/23	In Progress 	Information has been provided on Governance to the Piangil Community Group and Piangil Memorial Park Committee. Community Plan consultation has begun with Lake Boga Progress association. The Nyah District Action Group are currently going through strategic planning for the Nyah Riverfront Masterplan. Council are currently working on a project proposal to develop resources for Governance, leadership and Strategic Planning on a web portal.
	3.1.3.3. Improve engagement with community based special interest groups	2022/23	In Planning 	Council to take a more active profile and to initiate meetings with service and other organisations
3.1.4. Our elderly and vulnerable are cared for	3.1.4.1. Support the development of Residential Aged Care services	2023/24	In Progress 	Respond to opportunities for development or increase of aged care places in the region. Detailed work on the aged care needs of the region is underway, from November 2022 to March 2023.
	3.1.4.2. Determine Council's role in aged care services	2022/23	In Progress 	Information update was provided to Councillors on current status of aged care reform in February 2022. New Commonwealth Government confirmed one-year extension to changes (1 July 2024). Detailed work on the aged care needs of the region is underway, from November 2022 to March 2023 with engagement of a consultant, to examine options, and enable a Council decision by 30 June 2023.
	3.1.4.3. Undertake actions in the Municipal Early to Middle Years Plan associated with improving services to greater assist vulnerable families	2022/23	In Progress 	Transition of the MCH Service in Robinvale from RDHS to the Early Years Centre at Robinvale College has been very successful and facilitates excellent communication and collaboration with the early years teachers at the kindergarten on the College site and Our Place personnel.
	3.1.4.4. Actively engage with local support networks to assist with accessibility and inclusion initiatives	2022/23	In Progress 	Ongoing - Youth Program working with schools, headspace, and other agencies such as health services to ensure inclusion in all events and programs. Planning for Mental Health Week events underway, Youth Ball and Youth Arts Festival held during October 2022. Accessibility support agencies now involved in major events such as Harmony Day.

	<p>3.1.4.5. Review Community Access and Inclusion Strategy (CAIS).</p>	<p>2021/22</p>	<p>In Progress</p> 	<p>Community Access and Inclusion Strategy currently has no funding has been identified to assist with this, staff will look at alternatives to review the strategy in 2023-2024. An allocation to undertake this work has been included in the draft 2023-24 Budget.</p>
--	--	----------------	--	---

STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
3.1.5. All members of our Communities are supported	3.1.5.1. Work in partnership with local agencies to prevent all forms of Family Violence.	2021 - 2025	In Progress 	Application for Prevention of Family Violence funding submitted in late February 2022 was unsuccessful.
	3.1.5.2. Develop and implement a Gender Equality Action Plan (GEAP)	2021/22	Complete and ongoing 	The People matters survey was completed in July 2021, internal data extractions completed. Data from both was submitted to Gender Equality Commissioner by 1 December 2021. Data collected formed the basis of the GEAP. This was submitted to the Commission on 31 March 2022 and compliant as of June 2022. Actions of the GEAP continue to be implemented. There are 32 actions in the GEAP 14 have been completed, progress has also been made on 8 other actions.
	3.1.5.3. Ensure that we consider people of all abilities in the development of infrastructure and events	2021-2025	In Progress 	Swan Hill Riverfront all abilities equipment recently installed. Will be considered as part of the Gender Impact Assessments.
	3.1.5.4. Develop a Building Safer Communities program	2022/23	In Planning 	A list of potential community safety projects is being compiled for potential funding submissions, including CCTV in public parks. Potential for Riverside Swan Hill CCTV and safety fencing project in Caix Square Robinvale. Awaiting suitable funding rounds to open.






3.2. An engaged and respected Aboriginal community				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
3.2.1. Strengthening our trust, relationships and partnerships with Traditional Owners and the Aboriginal and Torres Strait Islander community	3.2.1.1. Develop a Reconciliation Action Plan	2022/23	In Planning 	Registration has been paid and have a Registered Aboriginal Plan ID. Funding available in the 2023/2024 budget. Draft invitation for a consultant being developed.
	3.2.1.2. Adequately resource Aboriginal Engagement	2022/23	In Progress 	New Council web page dedicated to engaging with local Aboriginals on key elements including welcome to country ceremonies, public art program and project developments. Funding request in 2022/23 budget for additional resources.
	3.2.1.3. Support our Aboriginal community to work towards a treaty or treaties	2021-2025	In Planning 	Collaborating with ELT in April to establish parameters for Council advocacy and support for Treaty initiatives.
3.2.2. Encourage and support community leadership	3.2.2.1. Continue to offer Aboriginal scholarships and leadership opportunities	2021-2025	In Progress 	Opportunities for scholarships advertised in February/March 2022. Scholarship advertising conducted with no applications received. Looking at other options, potential traineeships in this space. Host traineeships targeted to Aboriginal applicants yet to commence (WFP# 1.5)
	3.2.2.2. Continue to assist to develop Our Place identifying an Aboriginal language name and business model	2021/22	In Progress 	This work is ongoing and will be part of the planning for the new cultural and tourism hub at the Pioneer Settlement.
	3.2.2.3. Proactively support leadership within our Aboriginal community	2021-2025	Not Started 	Action Plan to be prepared on how to advance this process. Council needs to be briefed on the treaty process being undertaken by the State Government and the Traditional Owners.
3.2.3. Celebration and recognition of Aboriginal and Torres Strait history and culture	3.2.3.1. Investigate and seek funding for Aboriginal tourism opportunities	2022-2025	In Planning 	This is ongoing and is limited as Council is often not an acceptable body to apply. Application for Pentland Island funding for planning successful. Consultants to be engaged and work will be undertaken by June 2023
	3.2.3.2. Formal inclusion of Aboriginal and Torres Strait Islander input in Art Gallery programming and cultural activities	2021-2025	Complete and Ongoing 	Swan Hill First Nations artists are co curating with the gallery to stage an all First Nations exhibition in June. A First Nations artist was appointed to the Advisory Committee in January. Sunraysia TAFE Aboriginal art student annual exhibition, date yet to be confirmed.
	3.2.3.3. Support Aboriginal and Torres Strait Islander days of significance	2021-2025	Complete and Ongoing 	Funding support NAIDOC Week. Scheduled activities to again participate in NAIDOC Week have been planned. Council participated in National Sorry Day in May 2022.














## 1. We will ensure accountable leadership, advocacy and transparent decision making.







### Leadership



4.1. Excellent management and administration				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
4.1.1. Well managed resources for a sustainable future	4.1.1.1. Invest in the development of employees to enable a highly skilled and engaged workforce	2021-2025	In Progress 	Training needs analysis has been completed following the staff review process in September 2020 & 2021. The 2022 Organisational Training Plan was approved by ELT following the 2022 Staff Review Process. Training reports generated following the review process and nominated training has been arranged. Organisational Training Plan implementation has commenced.
	4.1.1.2. Promote a culture of continuous improvement with a focus on efficiency and customer service	2021-2025	In Progress 	Ongoing work will see improvements when the IT strategy is implemented and changes to customer interactions. June 22 LGA implementation completed with over 30 new policies, and plans that will impact on how we do business and improve customer service. Current roll out the new payroll system, throughout the organisation, 3 <sup>rd</sup> of the organisation on the system. HR System is currently being implemented and Laevo System. Financial hardship policy currently out for consultation. PMO continues to work on the project framework and reporting, It Department is looking at getting Agenda Management software to improve the council meeting agenda, minutes and actions. Customer service is currently working on customer engagement process with the view of improving the customer satisfaction.
	4.1.1.3. Embed rigor in our planning process to ensure long-term sustainability and continuity of Council's services	2021-2025	In Progress 	2021 Annual Report completed, Local Government Performance Reporting submitted and Service Performance report completed. 10 Year Major Project Plan approved, Council adopted 2022/23 Budget at its June Council meeting.
	4.1.1.4. Develop and implement a Workforce Development Plan	2021/22	Complete and ongoing 	Workforce Development Plan completed and approved in December 2021. Actions from the Workforce Development Plan are being implemented with six actions completed.
4.1.2. Provide robust governance and effective leadership	4.1.2.1. Implement a Project Management Framework and system	2021/22	In Progress 	Project Management Framework and processes being rolled out via workshops with key staff across the organisation. Roll-out of updated framework in April' 23.

				Trainings to staff planned for May' 23. A new reporting method introduced to capture progress of major projects.
4.1.2.2. Develop and implement a Strategic Asset Management plan and supporting Asset Management plans	2021/22	Complete and ongoing 		Strategic Asset Management Plan (SAMP) ratified at Council meeting 14 June 2022. The Transport Asset Management Plan (TAMP) and Stormwater Asset Management Plans (SWAMP) being updated to be ratified by CEO. Open Space Asset Management Plan due by APR 23.
4.1.2.3. Provide Councillors with professional development and support to ensure effective governance	2021-2025	In Progress 		Councillors provided with opportunities to attend MAV and LGPro courses and workshops. Two Councillors and CEO attended the ALGA Conference in Canberra from 19 June 2022 to 22 June 2022.
4.1.2.4. Work with Town Representative groups to better plan and deliver projects	2021-2025	In Progress 		Drafting ELT and Council Report on the Future Community Planning. Review report will consider options for improving our Community Planning processes and outcomes. To be presented to ELT by mid to late July 2022. Community Planning discussion needs to be conducted with Council and the Community to determine aspirations and expectations around service delivery. Community Representatives to Town Groups reviewed. Review of program and process being conducted. Workshop involving Town Committee Presidents and Secretaries planned for early 2023. Council staff assisting Town Committees with governance issues.

STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
4.1.3. Sound, sustainable: o Financial management o Excellence in service delivery o Strategic planning	4.1.3.1 Deliver projects on time, on budget and within scope	2021-2025	Complete and Ongoing 	Ongoing and achieving, however, projects are impacted by price rise and flood impacts. Impacted projects such Swan Hill Leisure Centre, Boardwalk, Activation of Lighting have obtained a time extension from funding body.
	4.1.3.2. Working to budget and ensure future planning to meet financial needs	2021-2025	Complete and Ongoing 	Preparation of the 2023/24 Annual Budget has been undertaken during January and February, with a Councillor review being undertaken on 28 February. We are now undertaking the process of updating Financial Plans using the 2023/24 budget as the base year for forecasts and then begin preparation of the public budget document. This is scheduled to be complete by the first week of April and advertised 21 April. We have recently undergone an internal audit on our accounts payable processes and awaiting the draft report. This audit aims to ensure we are following best practise and ensuring any risks in this areas are mitigated.
	4.1.3.3. Review two service delivery areas in years 2 (Parks and Gardens / Library) and 4 (Economic and Community development / Circular economy) of this Council Plan to improve and ensure accessibility and consistency of our customer experience	2022/23 & 2024/25	Not Started 	Not commenced

4.2. Transparent communication and engagement				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
4.2.1. Effective and authentic engagement with our community	4.2.1.1. Review our Community Engagement Strategy to ensure our engagement is meeting the needs of the community	2022/23	In Progress 	Planning for the review of 2019/22 Communication and Community Engagement Strategy has commenced.
	4.2.1.2. Embed the Community Engagement principles and practices across the organisation	2023/24	In Progress 	Community engagement training will be offered to key staff in the organisation, training will be based on the Community engagement Guidelines and potentially delivered by a consultant. Still investigating training options.
	4.2.1.3. Build constructive relationships with special interest groups in our community	2021-2025	In Progress 	This is ongoing and will continue to change as projects are initiated and progress.
	4.2.1.4. Review our use of social media platforms across Council with a view of increasing Councils exposure and ensuring consistent moderation	2021/22	Complete 	Working closely with the Town Hall to increase engagement through Socials. Library have created an Instagram account. Media Policy and Procedure approved at February council meeting. The addition of a new Councillor Media Policy was approved to ensure more appropriate inclusion of Councillors.
4.2.2. Visible presence in our community	4.2.2.1. Maximising the opportunities for Councillors and senior staff to represent Council at relevant community meetings, functions and events	2021-2025	Not Started 	Restricted opportunities due to COVID-19 limitations
	4.2.2.2. Continue quarterly Coffee with a Councillor around the municipality	2021-2025	In Progress 	Coffee with a Councillor (CwC) will be held bi-monthly at events throughout the municipality, discussions held concluded that stand alone events are not effective at engaging our community. CwC schedule has been prepared for 2023.
	4.2.2.3. Arrange structured tours of the municipality where Councillors and senior staff meet with key community groups	2022/23	Not Started 	COVID-19 has not permitted the commencement of structured tours.
	4.2.2.4. Create a culture where staff are ambassadors for the Council	2021-2025	In Progress 	Review and continue to improve internal communication tools. Acknowledge and reward staff appropriately

4.3. Bold leadership, strong partnerships and effective advocacy				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
4.3.1. Create meaningful partnerships across our communities	4.3.1.1. Continue involvement in community groups	2021-2025	In Progress 	Ongoing
	4.3.1.2. Support Robinvale with its Committee for Robinvale Euston (C4RE)	2022/23	In Progress 	Robinvale Euston Workforce Network (REWN) established with external funding in May 2022, and Council is a partner with the Coleman Foundation program in Robinvale which supports the REWN. The REWN has now met in February and is overseeing a suite of Government grants, which refining the governance structure into a formal entity. Three projects have been supported to assist improving the local workforce.
	4.3.1.3. Support the health and wellbeing partnerships that address preventable illnesses.	2023/24	In Progress 	Finalising the transition from the Primary Care Partnership model to the Primary Health Unit model, took place 31 March 2022. Council is a partner in the local Health and Wellbeing, LGBTQ+ and Mental Health committees, and supports their ongoing initiatives. Council is now divided between two Primary Health Units (Mallee and Murray) and initial reference group meetings held in March 2023.
	4.3.1.4. Continue to support and work with Swan Hill Incorporated	2021-2025	In Progress 	CEO meets with Swan Hill Inc. on monthly basis to discuss opportunities. Conducted a workshop with Swan Hill Inc. Representatives to discuss developing a closer working relationship and how to work on projects that both organisations have funding for. Council has accepted the Marketing and Annual Plan provided by the Swan Hill Inc. Board and will continue to work together on joint projects to promote the township and surrounds. Council continue to work closely with Swan Hill Inc. on projects.
4.3.2. Strong relationship with State and Federal governments to influence advocacy and funding opportunities	4.3.2.1. Continue to advocate on the following issues: <ul style="list-style-type: none"> <li>• Improved Healthcare for our people, including a new hospital for Swan Hill</li> <li>• A new Murray River Bridge at Swan Hill</li> <li>• Complete the Murray Basin Rail Project</li> <li>• Housing and enabling infrastructure</li> <li>• Better use of environmental water and the development of a plan specific to the Murray River between Swan Hill and Robinvale.</li> </ul>	2021-2025	In Progress 	Construction of 4 houses in Ronald St Robinvale, part funded by State Government Grant. Various studies on housing opportunities in Robinvale and the region were completed in 2022. Advocacy against proposal by State Government to remove rates from social housing. Representations to Federal and State Governments on need for improved water and wastewater infrastructure for small towns.
	4.3.2.2. Review Council's advocacy strategy on an annual basis	2021-2025	In Progress 	Advocacy Strategy adopted on 21 May 2019 - review by 30 June 2022. Investigating new (more modern) ways of producing this information - through media and website. Advocacy document reviewed January 2023.

4.3.3. Working together in promotion of the municipality	4.3.3.1. Positively promote our region as a great place	2021-2025	In Progress 	Continue with Tourism promotion across the municipality and region and during all recruitment.
	4.3.3.2. Continue to work with Murray River Tourism and Swan Hill Incorporated to promote the municipality	2021-2025	In Progress 	Former CEO Board member of Murray River Tourism Board. We continue to work actively on issues of mutual interest eg. Workshop scheduled for February 2022. CEO and Chair of Swan Hill Inc. meet monthly to discuss opportunities and issues of common interest.





**B.23.26 S5 INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER**

**Responsible Officer:** Director Corporate Services  
**File Number:** 74-00-23  
**Attachments:**  
1 Maddocks Letter 20-01-2023  
2 S5 Delegation to CEO

**Declarations of Interest:**

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

**Summary**

Section 11 of the Local Government Act (2020) enables Council to delegate to the Chief Executive Officer, with specified exemptions, 'any power, duty or function of a council under this Act or any other Act' and delegate the Chief Executive Officer the power to delegate a power of the Council, other than power of delegation, to another member of council staff.

Maddocks, in their attached letter, has recommended that Council should refresh the Chief Executive Officer's delegations on a regular basis.

**Discussion**

In order to comply with the various legislative requirements, Council delegates a range of powers and responsibilities to the Chief Executive Officer. These delegations are made in accordance with section 11 of the Local Government Act 2020.

The delegation of Council powers and obligations are managed by the Maddocks 'delegations and authorisations service'. Maddocks monitors changes to State legislation, and every six months provides a listing of the sections of legislation that a municipality could delegate to enable efficient and effective delivery of services.

As per letter attached from Maddocks dated 20 January 2023 it has been advised that all Instruments of Delegation should be updated, or refreshed, on a regular basis to ensure that they incorporate all recent legislative developments. The six monthly reviews of legislative changes have resulted in the recommended amendments in the attached document, as summarised in the attached letter from Maddocks.

The delegation to the Chief Executive Officer is a 'delegation by exception'.

### **Consultation**

This is a statutory requirement of Council and as such consultation is not part of the process.

### **Financial Implications**

Not applicable.

### **Social Implications**

Ensures the CEO has the appropriate delegation to implement the Council Plan.

### **Economic Implications**

Ensures the CEO has the appropriate delegation to implement the Council Plan.

### **Environmental Implications**

Ensures the CEO has the appropriate delegation to implement the Council Plan

### **Risk Management Implications**

Appropriate delegation ensures the organisation can run effectively and efficiently.

### **Council Plan Strategy Addressed**

*Leadership* - Excellent management and administration.

### **Options**

1. That Council adopt the **S5** delegation as presented.
2. That Council adopt the **S5** delegation with variations, noting that the efficiency of Council operations would be affected.

### **Recommendation**

**That Council adopt the delegations as presented.**

## Email Letter


  
Maddocks

Lawyers  
Collins Square, Tower Two  
Level 25, 727 Collins Street  
Melbourne VIC 3008  
Australia

Telephone 61 3 9258 3555  
Facsimile 61 3 9258 3666

info@maddocks.com.au  
www.maddocks.com.au

DX 259 Melbourne

<b>From</b> Maryam Popal	<b>Date</b> 20 January 2023
<b>Direct</b> 03 9258 3305	<b>Email</b> Maryam.Popal@maddocks.com.au
<b>Partner</b> Melanie Olynyk	

DATE	23 JAN 2023	516-08-01
WORKING		
DOCS		
SW/20		
SW/21		

Our Ref MSB-MARP-628721

Dear subscriber

### Delegations and Authorisations Service Update First Update for 2023

We are pleased to provide you with our first update to the Delegations and Authorisations Service for 2023. This takes into account legislative changes which were assented to, or made, on or after 22 July 2022, and some other miscellaneous changes, which affect council's powers, duties and functions.

This update is contained on the new Maddocks Digital platform, which can be accessed by clicking the following link: <https://indepth.maddocks.com.au/>.

As always, please carefully review this explanatory letter and refer to the updated instruments to ensure that you are aware of the recent legislative changes that affect your council's delegations and authorisations.

#### Changes made in this update

This update amends our S5, S6, S7 and S11 Instruments. We outline some of the changes to each Instrument below.

##### 1. Changes to the S5 Instrument Delegation, Council to the CEO (S5)

We have made a change to the S5 with respect to expenditure limitations. As you may recall, s 11(5) of the *Local Government Act 2020* states that a delegation that includes the power to make any expenditure must specify a maximum monetary limit that cannot be exceeded. We have found that councils deal with this in different ways and so we have endeavoured to keep the template general so that it can be tailored to suit each particular council.

##### 2. Changes to the S6 Instrument of Delegation, Council to other Members of Council staff (S6)

The following changes have been made to the S6:

- 2.1. The execution of the S6 Instrument has been amended to enable Council's Chief Executive Officer (CEO) to sign the Instrument, where a **resolution** has been made by Council for the CEO to sign the Instrument.

[628721 36010098\_1]



Maddocks

- 2.2. Regulations 25(a) and (b) of the Planning and Environment Regulations 1987 have been slightly amended by the Planning and Environment Amendment Regulations 2022, to refer to the public availability requirements.
  - 2.3. Section 52 of the *Cemeteries and Crematoria Act 2003* has been inserted relating to the duty to report annually to the Secretary.
3. **Changes to the S7 Instrument of Sub-delegation, from the CEO to Members of Council staff (S7)**

The following changes have been made to the S7:

- 3.1. The *Child Wellbeing and Safety Act 2005* was amended pursuant to the *Child Wellbeing and Safety (Child Safe Standards Compliance and Enforcement) Amendment Act 2021* (**Child Wellbeing Amendment Act**), which commenced on 1 January 2023, and so we have:
  - 3.1.1. Inserted s 23A to the provision relating to s 19, which requires Council, as relevant entity, to comply with Child Standards generally. We have also inserted in the conditions and limitations column that the provisions apply where Council is a Schedule 1 entity (pursuant to amended Schedule 1 under s 17 of the Child Wellbeing Amendment Act).
  - 3.1.2. Inserted reference to 'information' under s 25, as amended by s 15 of the Child Wellbeing Amendment Act.
  - 3.1.3. Removed ss 26, 27 and 29, as these have been substituted with new provisions relating to authorised officers (pursuant to ss 21, 22 and 24 of the Child Wellbeing Amendment Act).
  - 3.1.4. Inserted new s 29A(2) relating to the function of receiving notice of inspection of premises (pursuant to s 24 of the Child Wellbeing Amendment Act).
  - 3.1.5. Amended s 30(1) to s 30(1A) (pursuant to s 25 of the Child Wellbeing Amendment Act).
  - 3.1.6. Inserted new s 34C relating to complying with an adverse publicity order (pursuant to s 30 of the Child Wellbeing Amendment Act).
  - 3.1.7. Amended s 36 to insert reference to 'sector regulator' (pursuant to s 32 of the Child Wellbeing Amendment Act).
  - 3.1.8. Inserted new ss 36A and 36B relating to the function of receiving an 'official warning' and 'infringement notice'. New s 36C(1) has also been inserted relating to the power to make an enforceable undertaking, and subsection 36C(3) has been added relating to the power to withdraw or vary the enforceable undertaking. These changes are made in accordance with s 33 of the Child Wellbeing Amendment Act.
  - 3.1.9. Amended ss 41I and 41J to remove reference to the Commission and replace it with sector regulator (pursuant to s 36 of the Child Wellbeing Amendment Act).
  - 3.1.10. Amended the full name of the Commission for Children and Young People to just the Commission.
- 3.2. The Child Wellbeing Amendment Act also made amendments to the *Education and Training Reform Act 2006*, and so we have:
  - 3.2.1. Inserted s 4.2.2(1)(g) relating to the function of receiving education, information and advice pursuant to s 56 of the Child Wellbeing Amendment Act.



- 3.2.2. Pursuant to s 76 of the Child Wellbeing Amendment Act, inserted:
- 3.2.2.1. s 5.8.18 relating to the function of receiving a notice to comply from the Authority.
  - 3.2.2.2. s 5.8.24 relating to the function of receiving an official warning from the Authority.
  - 3.2.2.3. s 5.8.26 relating to the power to make an enforceable undertaking, as well as the power to withdraw or vary the enforceable undertaking.
  - 3.2.2.4. s 5.8.30 relating to the duty to comply with an adverse publicity order.
- 3.3. The *Valuation of Land Act 1960* was amended by the *Windfall Gains Tax and State Taxation and Other Acts Further Amendment Act 2022*, and so a new s 13Q(5) has been inserted relating to windfall gains tax. However, it is not yet in force. It will commence on a date to be proclaimed or on 1 July 2023.
- 3.4. We have inserted ss 50(2)(b), 56, 57, 58 and 60 of the *Circular Economy (Waste Reduction and Recycling) Act 2021* relating to functions and powers of councils. These are in force.
- 3.5. We have amended the provisions relating to the *Environment Protection Act 2017 (EPA 2017)* in light of the Environment Legislation Amendment Act, as follows:
- 3.5.1. Inserted s 242(2) and (2A) regarding the appointment of authorised officers for the purposes of the power or functions delegated to councils. This is in force.
  - 3.5.2. Inserted s 242(2B) regarding the duty to prepare and give a written report to the Authority regarding the exercise of the powers and functions by authorised persons. This is in force.
  - 3.5.3. Insert s 347(7) relating to the appointment of employees or officers of council for the purpose of taking proceedings for offences under ss 25, 27, 286, 287 and 288. This is in force.
  - 3.5.4. Inserted new ss 50A and 51A. These provisions are not yet in force and will commence on a date to be proclaimed, or on 1 June 2023.
- We also note that s 50(3) will be repealed pursuant to s 30 of the Environment Legislation Amendment Act but this is **not yet** in force and so it has not yet been applied.
- 3.6. We have inserted a note to the *Sex Work Act 1994* that the Act will be repealed on 1 December 2023 pursuant to *Sex Work Decriminalisation Act 2022*. This was foreshadowed in our previous Update.
- 3.7. The *Local Government Act 1989* has been amended by the *Local Government Legislation Amendment (Rating and Other Matters) Act 2022*. These changes relate to service rates and charges. However, the changes are not yet in force. They will commence on a date to be proclaimed or on 20 June 2023. We have made note of the changes below and will insert the changes for the next update:
- 3.7.1. New s 169(1AA) relates to the power to grant a rebate or concession in relation to any rate or charge.
  - 3.7.2. New s 171B relates to the power to enter into a payment plan relating to unpaid rates or charges.



- 3.7.3. New s 180A relates to the duty to provide notice before commencing proceedings for recovery of unpaid debt in certain circumstances.
- 3.7.4. New s 181AA(3) relates to the duty to comply with guidelines issued by the Minister.
- 3.7.5. Section 163(4) is to be amended.
- 3.7.6. Section 172(1) is to be amended.
- 3.8. Section 34 and Schedule 2 clause 3(1) and (2) of the *Housing Act 1983* have been amended to replace Director with Homes Victoria.
- 3.9. Section 45 of the *Transfer of Land Act 1958 (TLA)* has now been amended. The change has been made in circumstances where s 45(1) refers to Council's power to sign a transfer of land in respect of which a decision to acquire or dispose of land has been made under the *Local Government Act 2020 (LGA 2020)*. Section 45(1) of the TLA works in conjunction with ss 112, 114 or 116 of the LGA 2020, depending on whether Council is acquiring or disposing of an interest in land (including an easement interest) and whether the counterparty is a private or public body.
- 3.10. Section 59B(1) of the *Emergency Management Act 2013* has been amended to correctly refer to subsection (b).
- 3.11. Section 84Y of the *Domestic Animals Act 1994* has been amended to insert 'receive'. Section 84DD(2) is also now in force as foreshadowed in the previous update.
- 3.12. Sections 49A, 49B and 49C of the *Great Ocean Road and Environs Protection Act 2020* are now in force.

#### 4. Changes to the S11 Instrument of Appointment and Authorisation (S11)

The following changes have been made to the S11:

- 4.1. Footnote 7 has been amended relating to s 171 of the EPA 2017, which now provides that a residential noise enforcement officer can be a member of Council staff or a specified person, that is a skilled contractor.
- 4.2. Section 242(2) of the EPA 2017 has been inserted under Part B, for the appointment of authorised officers for the purposes of the power or function delegated to Council under s 437(1) of the EPA Act. A footnote has also been inserted.
- 4.3. Section 347(7) of the EPA 2017 has been inserted under Part C, where Council has been delegated powers or functions in relation to any offences against ss 25, 27, 286, 287 or 288 of the Act. A footnote has also been inserted.

#### Local Laws

While this has been mentioned in our previous updates, we again remind councils of the importance of delegating not only the powers, duties and functions existing under legislation, but also any council powers, duties and functions existing in any local laws made by their council.

Our Delegations and Authorisations Service covers only the former and so it is up to each council to ensure that it reviews all of its local laws and, where appropriate, delegates relevant powers, duties and functions.



**Updating your instruments**

As always, we recommend that you re-make all of your council delegations regularly to ensure that they remain up to date and cover all relevant provisions. This includes the S5 Instrument.

If you have any questions about this Update, please direct your queries to Maryam Popal ([maryam.popal@maddocks.com.au](mailto:maryam.popal@maddocks.com.au)) or myself ([melanie.olynyk@maddocks.com.au](mailto:melanie.olynyk@maddocks.com.au)).

Yours sincerely  
Maddocks

A handwritten signature in black ink, appearing to be "eW", is written over the name "Maddocks".

Transmission authorised by:  
Melanie Olynyk  
Partner

INSTRUMENT OF DELEGATION

S5 INSTRUMENT OF DELEGATION TO THE CHIEF  
EXECUTIVE OFFICER

18 APRIL 2023



Instrument of Delegation

In exercise of the power conferred by s 11(1) of the Local Government Act 2020 (the Act) and all other powers enabling it, the Swan Hill Rural City Council (Council) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 18 April 2023.
2. the delegation
  - 2.1. is subject to any conditions and limitations set out in the Schedule;
  - 2.2. must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.3. remains in force until Council resolves to vary or revoke it.

**Delegation Sources**

- Local Government Act 2020

**Titles**

Abbreviation	Position
CEO	Chief Executive Officer

**S5 Instrument of Delegation to The Chief Executive Officer**

Local Government Act 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
11(1)	<p>SCHEDULE</p> <p>The power to</p> <ol style="list-style-type: none"> <li>1. determine any issue;</li> <li>2. take any action; or</li> <li>3. do any act or thing</li> </ol> <p>arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.</p>	CEO	<p>The delegate must not determine the issue, take the action or do the act or thing</p> <ol style="list-style-type: none"> <li>1. if the issue, action, act or thing is an issue, action, act or thing which involves                         <ol style="list-style-type: none"> <li>1.1 entering into a contract exceeding the value of \$1,000,000;</li> <li>1.2 making any expenditure that exceeds \$1,000,000;</li> <li>1.3 unless it is expenditure made under a contract already entered into or is expenditure which Council is, by or under legislation, required to make in which case it must not exceed \$2,000,000;</li> <li>1.4 appointing an Acting Chief Executive Officer for a period exceeding 28 days;</li> <li>1.5 electing a Mayor or Deputy Mayor;</li> <li>1.6 granting a reasonable request for leave under s 35 of the Act;</li> <li>1.7 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;</li> </ol> </li> </ol>

Local Government Act 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			1.8 approving or amending the Council Plan; 1.9 adopting or amending any policy that Council is required to adopt under the Act; 1.10 adopting or amending the Governance Rules; 1.11 appointing the chair or the members to a delegated committee; 1.12 making, amending or revoking a local law; 1.13 approving the Budget or Revised Budget; 1.14 approving the borrowing of money; 1.15 subject to section 181H(1)(b) of the Local Government Act 1989, declaring general rates, municipal charges, service rates and charges and specified rates and charges; 2. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution; 3. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; 4. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a

Local Government Act 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			4.1 policy; or 4.2 strategy adopted by Council; 5. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 11(2)(a)-(n) (inclusive) of the Act or otherwise; or 6. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff. 7. awarding a contract exceeding the value of \$1,000,000;

**B.23.27 S6 INSTRUMENT OF DELEGATION TO MEMBERS OF COUNCIL STAFF**

<b>Responsible Officer:</b>	Director Corporate Services
<b>File Number:</b>	74-00-23
<b>Attachments:</b>	1 Maddocks Letter 20-01-2023
	2 S6 Delegation to members of Council Staff
	3 S6 Delegation additional

**Declarations of Interest:**

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

**Summary**

In order to deliver services to the community and discharge obligations placed on Council by legislation in an efficient and effective manner, Council has in place a range of delegations to members of Council staff. Periodically these delegations need to be reviewed and, if appropriate, updated. This report recommends changes to some delegations made by Council to members of Council staff.

The changes are the result of legislative changes to the relevant Acts, or changes to position titles or organisational structure.

The vast majority of the delegations have not changed.

Some new Acts or Regulations have come into force. Delegations for these new Acts or Regulations are included in the attached document.

**Discussion**

In order to comply with the various legislative requirements, Council delegates a range of powers and accountabilities to appropriately qualified and experienced members of Council staff. These delegations are made in accordance with section 11 of the Local Government Act 2020. A delegation may be made subject to limitations on these powers, such as the need to inform Council of a determination.

The powers and obligations delegated are mostly procedural in nature, allowing the delivery of services in accordance with Council policy, adopted strategies and plans, the approved budget, and discharging Council obligations in accordance with legislative requirements.

The delegation of powers and obligations to Council staff by Council is managed by the Maddocks 'delegations and authorisations service'. Maddocks monitors changes to State legislation, and every six months provides a listing of the sections of legislation that a municipality could delegate to enable efficient and effective delivery of services.

The six monthly reviews of legislative changes have resulted in the recommended amendments in the attached document which are summarised in the attached letter from Maddocks.

Council delegations are made to positions in the organisation rather than to individual members of staff to avoid the need to change the delegation upon the departure of a staff member or the staff member taking up a different position in the Council.

### **Consultation**

Community consultation is not appropriate for the subject of this report.

### **Financial Implications**

Ensures staff have the appropriate delegation to implement the Council Plan.

### **Social Implications**

Ensures staff have the appropriate delegation to implement the Council Plan.

### **Economic Implications**

Ensures staff have the appropriate delegation to implement the Council Plan.

### **Environmental Implications**

Ensures staff have the appropriate delegation to implement the Council Plan.

### **Risk Management Implications**

Appropriate delegation ensures that the organisation can operate efficiently and effectively.

### **Council Plan Strategy Addressed**

*Leadership* - Excellent management and administration.

### **Options**

1. That Council accept the **S6** delegation as presented.
2. That Council adopt the **S6** delegations with variations, noting that the efficiency of Council operations would be affected.

### **Recommendation**

**That Council adopt the delegations as presented.**

## Email Letter


  
Maddocks

Lawyers  
Collins Square, Tower Two  
Level 25, 727 Collins Street  
Melbourne VIC 3008  
Australia

Telephone 61 3 9258 3555  
Facsimile 61 3 9258 3666

info@maddocks.com.au  
www.maddocks.com.au

DX 259 Melbourne

<b>From</b> Maryam Popal	<b>Date</b> 20 January 2023
<b>Direct</b> 03 9258 3305	<b>Email</b> Maryam.Popal@maddocks.com.au
<b>Partner</b> Melanie Olynyk	

23 JAN 2023	S16-08-01
WORKING	
POSTED	
SERIALIZED	
INDEXED	

Our Ref MSB-MARP-628721

Dear subscriber

### Delegations and Authorisations Service Update First Update for 2023

We are pleased to provide you with our first update to the Delegations and Authorisations Service for 2023. This takes into account legislative changes which were assented to, or made, on or after 22 July 2022, and some other miscellaneous changes, which affect council's powers, duties and functions.

This update is contained on the new Maddocks Digital platform, which can be accessed by clicking the following link: <https://indepth.maddocks.com.au/>.

As always, please carefully review this explanatory letter and refer to the updated instruments to ensure that you are aware of the recent legislative changes that affect your council's delegations and authorisations.

#### Changes made in this update

This update amends our S5, S6, S7 and S11 Instruments. We outline some of the changes to each Instrument below.

#### 1. Changes to the S5 Instrument Delegation, Council to the CEO (S5)

We have made a change to the S5 with respect to expenditure limitations. As you may recall, s 11(5) of the *Local Government Act 2020* states that a delegation that includes the power to make any expenditure must specify a maximum monetary limit that cannot be exceeded. We have found that councils deal with this in different ways and so we have endeavoured to keep the template general so that it can be tailored to suit each particular council.

#### 2. Changes to the S6 Instrument of Delegation, Council to other Members of Council staff (S6)

The following changes have been made to the S6:

- 2.1. The execution of the S6 Instrument has been amended to enable Council's Chief Executive Officer (CEO) to sign the Instrument, where a **resolution** has been made by Council for the CEO to sign the Instrument.

[628721 36010098\_1]





Maddocks

- 2.2. Regulations 25(a) and (b) of the Planning and Environment Regulations 1987 have been slightly amended by the Planning and Environment Amendment Regulations 2022, to refer to the public availability requirements.
  - 2.3. Section 52 of the *Cemeteries and Crematoria Act 2003* has been inserted relating to the duty to report annually to the Secretary.
3. **Changes to the S7 Instrument of Sub-delegation, from the CEO to Members of Council staff (S7)**

The following changes have been made to the S7:

- 3.1. The *Child Wellbeing and Safety Act 2005* was amended pursuant to the *Child Wellbeing and Safety (Child Safe Standards Compliance and Enforcement) Amendment Act 2021* (**Child Wellbeing Amendment Act**), which commenced on 1 January 2023, and so we have:
  - 3.1.1. Inserted s 23A to the provision relating to s 19, which requires Council, as relevant entity, to comply with Child Standards generally. We have also inserted in the conditions and limitations column that the provisions apply where Council is a Schedule 1 entity (pursuant to amended Schedule 1 under s 17 of the Child Wellbeing Amendment Act).
  - 3.1.2. Inserted reference to 'information' under s 25, as amended by s 15 of the Child Wellbeing Amendment Act.
  - 3.1.3. Removed ss 26, 27 and 29, as these have been substituted with new provisions relating to authorised officers (pursuant to ss 21, 22 and 24 of the Child Wellbeing Amendment Act).
  - 3.1.4. Inserted new s 29A(2) relating to the function of receiving notice of inspection of premises (pursuant to s 24 of the Child Wellbeing Amendment Act).
  - 3.1.5. Amended s 30(1) to s 30(1A) (pursuant to s 25 of the Child Wellbeing Amendment Act).
  - 3.1.6. Inserted new s 34C relating to complying with an adverse publicity order (pursuant to s 30 of the Child Wellbeing Amendment Act).
  - 3.1.7. Amended s 36 to insert reference to 'sector regulator' (pursuant to s 32 of the Child Wellbeing Amendment Act).
  - 3.1.8. Inserted new ss 36A and 36B relating to the function of receiving an 'official warning' and 'infringement notice'. New s 36C(1) has also been inserted relating to the power to make an enforceable undertaking, and subsection 36C(3) has been added relating to the power to withdraw or vary the enforceable undertaking. These changes are made in accordance with s 33 of the Child Wellbeing Amendment Act.
  - 3.1.9. Amended ss 41I and 41J to remove reference to the Commission and replace it with sector regulator (pursuant to s 36 of the Child Wellbeing Amendment Act).
  - 3.1.10. Amended the full name of the Commission for Children and Young People to just the Commission.
- 3.2. The Child Wellbeing Amendment Act also made amendments to the *Education and Training Reform Act 2006*, and so we have:
  - 3.2.1. Inserted s 4.2.2(1)(g) relating to the function of receiving education, information and advice pursuant to s 56 of the Child Wellbeing Amendment Act.



- 3.2.2. Pursuant to s 76 of the Child Wellbeing Amendment Act, inserted:
- 3.2.2.1. s 5.8.18 relating to the function of receiving a notice to comply from the Authority.
  - 3.2.2.2. s 5.8.24 relating to the function of receiving an official warning from the Authority.
  - 3.2.2.3. s 5.8.26 relating to the power to make an enforceable undertaking, as well as the power to withdraw or vary the enforceable undertaking.
  - 3.2.2.4. s 5.8.30 relating to the duty to comply with an adverse publicity order.
- 3.3. The *Valuation of Land Act 1960* was amended by the *Windfall Gains Tax and State Taxation and Other Acts Further Amendment Act 2022*, and so a new s 13Q(5) has been inserted relating to windfall gains tax. However, it is not yet in force. It will commence on a date to be proclaimed or on 1 July 2023.
- 3.4. We have inserted ss 50(2)(b), 56, 57, 58 and 60 of the *Circular Economy (Waste Reduction and Recycling) Act 2021* relating to functions and powers of councils. These are in force.
- 3.5. We have amended the provisions relating to the *Environment Protection Act 2017 (EPA 2017)* in light of the Environment Legislation Amendment Act, as follows:
- 3.5.1. Inserted s 242(2) and (2A) regarding the appointment of authorised officers for the purposes of the power or functions delegated to councils. This is in force.
  - 3.5.2. Inserted s 242(2B) regarding the duty to prepare and give a written report to the Authority regarding the exercise of the powers and functions by authorised persons. This is in force.
  - 3.5.3. Insert s 347(7) relating to the appointment of employees or officers of council for the purpose of taking proceedings for offences under ss 25, 27, 286, 287 and 288. This is in force.
  - 3.5.4. Inserted new ss 50A and 51A. These provisions are not yet in force and will commence on a date to be proclaimed, or on 1 June 2023.
- We also note that s 50(3) will be repealed pursuant to s 30 of the Environment Legislation Amendment Act but this is **not yet** in force and so it has not yet been applied.
- 3.6. We have inserted a note to the *Sex Work Act 1994* that the Act will be repealed on 1 December 2023 pursuant to *Sex Work Decriminalisation Act 2022*. This was foreshadowed in our previous Update.
- 3.7. The *Local Government Act 1989* has been amended by the *Local Government Legislation Amendment (Rating and Other Matters) Act 2022*. These changes relate to service rates and charges. However, the changes are not yet in force. They will commence on a date to be proclaimed or on 20 June 2023. We have made note of the changes below and will insert the changes for the next update:
- 3.7.1. New s 169(1AA) relates to the power to grant a rebate or concession in relation to any rate or charge.
  - 3.7.2. New s 171B relates to the power to enter into a payment plan relating to unpaid rates or charges.



- 3.7.3. New s 180A relates to the duty to provide notice before commencing proceedings for recovery of unpaid debt in certain circumstances.
- 3.7.4. New s 181AA(3) relates to the duty to comply with guidelines issued by the Minister.
- 3.7.5. Section 163(4) is to be amended.
- 3.7.6. Section 172(1) is to be amended.
- 3.8. Section 34 and Schedule 2 clause 3(1) and (2) of the *Housing Act 1983* have been amended to replace Director with Homes Victoria.
- 3.9. Section 45 of the *Transfer of Land Act 1958 (TLA)* has now been amended. The change has been made in circumstances where s 45(1) refers to Council's power to sign a transfer of land in respect of which a decision to acquire or dispose of land has been made under the *Local Government Act 2020 (LGA 2020)*. Section 45(1) of the TLA works in conjunction with ss 112, 114 or 116 of the LGA 2020, depending on whether Council is acquiring or disposing of an interest in land (including an easement interest) and whether the counterparty is a private or public body.
- 3.10. Section 59B(1) of the *Emergency Management Act 2013* has been amended to correctly refer to subsection (b).
- 3.11. Section 84Y of the *Domestic Animals Act 1994* has been amended to insert 'receive'. Section 84DD(2) is also now in force as foreshadowed in the previous update.
- 3.12. Sections 49A, 49B and 49C of the *Great Ocean Road and Environs Protection Act 2020* are now in force.

#### 4. Changes to the S11 Instrument of Appointment and Authorisation (S11)

The following changes have been made to the S11:

- 4.1. Footnote 7 has been amended relating to s 171 of the EPA 2017, which now provides that a residential noise enforcement officer can be a member of Council staff or a specified person, that is a skilled contractor.
- 4.2. Section 242(2) of the EPA 2017 has been inserted under Part B, for the appointment of authorised officers for the purposes of the power or function delegated to Council under s 437(1) of the EPA Act. A footnote has also been inserted.
- 4.3. Section 347(7) of the EPA 2017 has been inserted under Part C, where Council has been delegated powers or functions in relation to any offences against ss 25, 27, 286, 287 or 288 of the Act. A footnote has also been inserted.

#### Local Laws

While this has been mentioned in our previous updates, we again remind councils of the importance of delegating not only the powers, duties and functions existing under legislation, but also any council powers, duties and functions existing in any local laws made by their council.

Our Delegations and Authorisations Service covers only the former and so it is up to each council to ensure that it reviews all of its local laws and, where appropriate, delegates relevant powers, duties and functions.



Maddocks

**Updating your instruments**

As always, we recommend that you re-make all of your council delegations regularly to ensure that they remain up to date and cover all relevant provisions. This includes the S5 Instrument.

If you have any questions about this Update, please direct your queries to Maryam Popal ([maryam.popal@maddocks.com.au](mailto:maryam.popal@maddocks.com.au)) or myself ([melanie.olynyk@maddocks.com.au](mailto:melanie.olynyk@maddocks.com.au)).

Yours sincerely  
Maddocks

Transmission authorised by:  
Melanie Olynyk  
Partner

INSTRUMENT OF DELEGATION

S5 INSTRUMENT OF DELEGATION TO THE CHIEF  
EXECUTIVE OFFICER

18 APRIL 2023

Instrument of Delegation

In exercise of the power conferred by s 11(1) of the Local Government Act 2020 (the Act) and all other powers enabling it, the Swan Hill Rural City Council (Council) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 18 April 2023.
2. the delegation
  - 2.1. is subject to any conditions and limitations set out in the Schedule;
  - 2.2. must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.3. remains in force until Council resolves to vary or revoke it.

**Delegation Sources**

- Local Government Act 2020

**Titles**

<b>Abbreviation</b>	<b>Position</b>
CEO	Chief Executive Officer

### S5 Instrument of Delegation to The Chief Executive Officer

Local Government Act 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
11(1)	<p>SCHEDULE</p> <p>The power to</p> <ol style="list-style-type: none"> <li>1. determine any issue;</li> <li>2. take any action; or</li> <li>3. do any act or thing</li> </ol> <p>arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.</p>	CEO	<p>The delegate must not determine the issue, take the action or do the act or thing</p> <ol style="list-style-type: none"> <li>1. if the issue, action, act or thing is an issue, action, act or thing which involves                         <ol style="list-style-type: none"> <li>1.1 entering into a contract exceeding the value of \$1,000,000;</li> <li>1.2 making any expenditure that exceeds \$1,000,000;</li> <li>1.3 unless it is expenditure made under a contract already entered into or is expenditure which Council is, by or under legislation, required to make in which case it must not exceed \$2,000,000;</li> <li>1.4 appointing an Acting Chief Executive Officer for a period exceeding 28 days;</li> <li>1.5 electing a Mayor or Deputy Mayor;</li> <li>1.6 granting a reasonable request for leave under s 35 of the Act;</li> <li>1.7 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;</li> </ol> </li> </ol>



Local Government Act 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<p>1.8 approving or amending the Council Plan;</p> <p>1.9 adopting or amending any policy that Council is required to adopt under the Act;</p> <p>1.10 adopting or amending the Governance Rules;</p> <p>1.11 appointing the chair or the members to a delegated committee;</p> <p>1.12 making, amending or revoking a local law;</p> <p>1.13 approving the Budget or Revised Budget;</p> <p>1.14 approving the borrowing of money;</p> <p>1.15 subject to section 181H(1)(b) of the Local Government Act 1989, declaring general rates, municipal charges, service rates and charges and specified rates and charges;</p> <p>2. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;</p> <p>3. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;</p> <p>4. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a</p>

Local Government Act 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			4.1 policy; or 4.2 strategy adopted by Council; 5. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 11(2)(a)-(n) (inclusive) of the Act or otherwise; or 6. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff. 7. awarding a contract exceeding the value of \$1,000,000;

**INSTRUMENT OF DELEGATION**

**ADDITIONAL S6**

**18 APRIL 2023**

**Delegation Sources**

- Planning and Environment Act 1987

**Positions**

Abbreviation	Position
CEO	Chief Executive Officer
DDP	Director Development & Planning
DM	Development Manager

## additional S6

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s61(1)A	power to determine permit application, either to decide to grant a permit.	CEO, DDP, DM	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006.  Where no objections are received in relation to the permit application.
s61(1)B	power to determine permit application, to decide to grant a permit with conditions.	CEO, DDP, DM	the permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006.  Where no objections are received in relation to the permit application.
s61(1)C	power to determine permit application or to refuse a permit application.	CEO, DDP	the permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006.

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

### **C.23.5 COUNCILLOR ASSEMBLIES - RECORD OF ATTENDANCE AND AGENDA ITEMS**

**Responsible Officer:** Chief Executive Officer  
**File Number:** S15-05-06  
**Attachments:** 1 Councillor Attendance and Agenda items

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

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

#### **Summary**

The following report provides attendance 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**

***Leadership*** - Bold leadership, strong partnerships and effective advocacy.

### **Options**

Council Assemblies are reported to ensure good governance and transparency.

### **Recommendation**

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

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA**  
**28 March 2023 at 1.00pm, Swan Hill Town Hall – Council Chambers**

**AGENDA ITEMS**

- Major Projects
- MOU with VHM
- Loddon Mallee Regional Housing Strategy Report
- Belgravia Leisure branding proposal
- Pioneer Settlement summer visitation update (flood impact)
- Council expenses policy
- Sustainable Fruit Fly Management in the Murray Valley beyond 2025
- Governance Rules

**ADDITIONAL ITEMS DISCUSSED**

- Nil

**ATTENDANCE**

Councillors

- Cr Ann Young
- Cr Bill Moar
- Cr Stuart King
- Cr Les McPhee
- Cr Jacquie Kelly

**Apologies**

- Cr Nicole McKay
- Cr Chris Jeffery

**Leave of Absence**

- Nil

**OFFICERS**

- Scott Barber, Chief Executive Officer
- Bruce Myers, Director Community and Cultural Services
- Peter Ross, Acting Director of Infrastructure
- Jess Warburton, Acting Director Development and Planning
- Bhan Pratap, Director Corporate Services
- Ash Free, Finance Officer
- Dennis Hovenden, Acting Economic & Development Manager
- Dione Heppell, Liveability and Project Development Coordinator
- Nicholas Mudge, Environment and Sustainability Officer
- Helen Morris, Organisational Development Manager

**Other**

- Tim Free, Belgravia
- Graham Howard and VHM limited representatives

**CONFLICT OF INTEREST**

Nil



**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA  
4 April 2023 at 1.00pm, Swan Hill Town Hall – Council Chambers**

**AGENDA ITEMS**

- MOU with VHM
- Aged Care Reform Update
- Swan Hill Drag Racing Club
- Swan Hill Drag Strip presentation
- Lake Boga Caravan Lease
- 2021/22 Rate Surplus
- RV Friendly Policy
- KSI Third Quarter
- Delegations
- Event Support Fund Slight Policy and Procedure Update

**ADDITIONAL ITEMS DISCUSSED**

- Nil

**ATTENDANCE**

Councillors

- Cr Bill Moar
- Cr Stuart King
- Cr Les McPhee
- Cr Jacquie Kelly
- Cr Ann Young
- Cr Chris Jeffery

**Apologies**

- Cr Nicole McKay

**Leave of Absence**

- Nil

**OFFICERS**

- Scott Barber, Chief Executive Officer
- Bruce Myers, Director Community and Cultural Services
- Leah Johnston, Director Infrastructure
- Kate Jewell, Acting Director Development and Planning
- Bhan Pratap, Director Corporate Services
- Ash Free, Finance Officer
- Dennis Hovenden, Acting Economic & Development Manager
- Helen Morris, Organisational Development Manager
- Sarah Rogers, Economic Development and Event Officer/COVID Support Officer

**Other**

- Gary Rovere and representatives of the Swan Hill Drag Club

**CONFLICT OF INTEREST**

Nil

**SECTION D – NOTICES OF MOTION**

**SECTION E – FORESHADOWED ITEMS**

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

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

**SECTION H – IN CAMERA ITEMS**