



GANNAWARRA

Shire Council

Wednesday, 17 October 2018

6.30pm

Council Chambers

Kerang

AGENDA

Ordinary Council Meeting

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1 ACKNOWLEDGEMENT OF COUNTRY

I would like to take this time to acknowledge the Traditional Custodians of the land, and pay my respect to elders both past and present

2 OPENING DECLARATION

We, the Councillors of the Shire of Gannawarra, declare that we will undertake the duties of the office of Councillor, in the best interests of our community, and faithfully, and impartially, carry out the functions, powers, authorities and discretions vested in us, to the best of our skill and judgement.

3 APOLOGIES AND LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES

Ordinary Meeting - 19 September, 2018

5 DECLARATION OF CONFLICT OF INTEREST

The *Local Government Amendment (Councillor Conduct and Other Matters) Act 2008*.

A Councillor, member of a special committee, or member of Council staff has a conflict of interest in a matter if he or she has a *direct interest* or an *indirect interest* in that matter.

A person has a direct interest in a matter if there is a likelihood that the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way. This includes where there is a likelihood that the person will receive a direct benefit or loss that can be measured in financial terms or that the residential amenity of the person will be directly affected if the matter is decided in a particular way.

A person has an indirect interest in a matter if the person has:

- a close association in the matter because a family member, a relative or a member of their household has a direct or indirect interest in the matter
- an indirect financial interest in the matter
- a conflicting duty – although there are circumstances where a person does not have a indirect interest because of a conflicting duty
- received an ‘applicable gift’
- become an interested party in the matter by initiating civil proceedings or becoming a party to civil proceedings in relation to the matter.

Disclosure of conflict of interest

If a Councillor or member of a special committee has a conflict of interest in a matter which is to be or is likely to be considered at a meeting of the Council or special committee, the Councillor or member must:

- if he or she will be present at the meeting, make a full disclosure of that interest by advising of the class and nature of the interest to either –
- the Council or special committee immediately before the matter is considered at the meeting, or

- in writing to the Chief Executive Officer (CEO). Where the disclosure is made to the CEO in writing, the Councillor or member need only disclose the class of interest to the meeting, immediately before the matter is considered.
- if he or she will not be present at the meeting, make a full disclosure to the CEO or Chairperson of the meeting, in writing, of the class and nature of the interest. If a Chairperson is given a written disclosure, he or she must give the written disclosure to the CEO.
- The CEO must keep written disclosures in a secure place for 3 years after the date the Councillor or member of the special committee who made the disclosure ceases to be a Councillor or member, and destroy the written disclosure when the 3 year period expires.
- While the matter is being considered or any vote taken, the Councillor or member of a special committee with the conflict of interest must leave the room and notify the Mayor or Chairperson of the special committee he or she is doing so. The Mayor or Chairperson must notify the Councillor or member that he or she may return to the room after consideration of the matter and all votes have been cast.
- A CEO or Chairperson of a special committee must record in the minutes of the meeting the declaration of the conflict of interest, the class of the interest and, if the Councillor or member has disclosed the nature of the interest to the meeting, the nature of the interest.
- A failure by a Councillor or member to comply with section 79 of the Act may result in a penalty of up to 100 penalty units and disqualification under section 29(2) of the Act.

6 QUESTION TIME

Question Time at Council meetings enables an opportunity for members of the public in the gallery to address questions to the Council of the Shire of Gannawarra.

QUESTIONS FROM THE GALLERY

- All questions are to be directed to the Chair.
- Members of the public may ask questions from the gallery and should provide their name (and organisation if relevant) at the beginning of their questions.
- There is a maximum number of 3 questions of up to 2 minutes each.
- Chair will respond or refer to Councillor or CEO.
- Sometimes a Councillor/officer may indicate that they require further time to research an answer. In this case, the answer will be provided in writing generally within 10 days.
- Where a question cannot be answered on the spot, the person is asked to write out their questions on a form provided to enable an accurate response to be prepared.
- Questions will be answered at the meeting, or later in writing, unless the Chairperson has determined that the relevant question relates to:
 - Personal matters
 - The personal hardship of any resident or ratepayers
 - Industrial matters
 - Contractual matters
 - Proposed developments
 - Legal advice
 - Matters affecting the security of council property
 - An issue outside the Gannawarra Shire Council core business
 - Or any other matter which the Council considers would prejudice it or any person

- A matter which may disadvantage the Council or any other person
 - Is defamatory, indecent, abusive or objectionable in language or substance
 - Is repetitive of a question already answered (whether at the same or an earlier meeting)
 - Is asked to embarrass an officer or another Councillor
-
- No debate or discussion of questions or answers shall be permitted and all questions and answers shall be as brief as possible.

7 ASSEMBLY OF COUNCILLORS

7.1 ASSEMBLY OF COUNCILLORS 20 SEPTEMBER 2018 TO 17 OCTOBER 2018

Author: Tom O'Reilly, CEO

Authoriser: Tom O'Reilly, CEO

Attachments:

1	Assembly of Councillors Record Form - 25 September 2018
2	Assembly of Councillors Record Form - 8 October 2018
3	Assembly of Councillors Record Form - 28 August 2018

RECOMMENDATION

1. That Council note the records of Assembly of Councillors from 20 September, 2018 to 17 October, 2018.
 2. That Council note the amended record of Assembly of Councillors for 28 August, 2018.
-

EXECUTIVE SUMMARY

To present to Council written records of Assembly of Councillors in accordance with section 80A of the *Local Government Act 1989*.

DECLARATIONS OF CONFLICT OF INTEREST

In accordance with Section 80B of the *Local Government Act 1989*, the Officer preparing this report declares no conflict of interest in regards to this matter.

COUNCIL PLAN

Council Plan 2017-2021: Good Governance and a Healthy Organisation.

BACKGROUND INFORMATION

In accordance with Section 80A of the *Local Government Act 1989* a written record of assembly of councillors must be reported at an ordinary Council meeting and minuted as soon as practicable.

The record must include:

1. The names of all Councillors and members of council staff attending
2. The matters considered
3. Any conflict of interest disclosures made by a councillor attending
4. Whether a Councillor who has disclosed a conflict of interest left the assembly.

CONSULTATION

Consultation with Councillors and staff has occurred to ensure the accuracy of the Assemblies of Councillors records.

CONCLUSION

To ensure compliance with Section 80A of the *Local Government Act 1989* it is recommended that Council note the Assemblies of Councillors records as outlined in this report.



Assembly of Councillors Record Form

Date:	Tuesday, 25 September, 2018
Time:	5:30pm – 7:30pm
Location:	Sir John Gorton Library, Cnr Shadforth St & Murray Valley Hwy, Kerang
In Attendance: (Councillors)	Cr Brian Gibson, Cr Charlie Gillingham, Cr Steve Tasker, Cr Jodie Basile, Cr Lorraine Learmonth, Cr Mark Arians, Cr Sonia Wright
Apologies	Nil
In Attendance: (Officers)	Geoff Rollinson, Jo Haw, Lisa Clue, Narelle O'Donaghue, Roger Griffiths, Brent Heitbaum
Matters Discussed:	<p>Presentation:</p> <ul style="list-style-type: none"> Cohuna Pool Update – Brent Heitbaum <p>Councillor Updates:</p> <ul style="list-style-type: none"> 2018/2019 Capital Works Program Update Meeting Procedure Local Law Review Economic Development Report <p>Councillor Issues Raised:</p> <ul style="list-style-type: none"> Kerang Sale Yards Victoria Street Tree Droving of Cattle Use of Local Contractors
Conflict of Interest Disclosures (Councillors)	Nil
Conflict of Interest Disclosures (Officers)	Nil
Completed By:	Geoff Rollinson – Acting Chief Executive Officer



Assembly of Councillors Record Form

Date:	Monday, 8 October, 2018
Time:	9.00am - 2.30pm
Location:	Kerang Council Chambers
In Attendance: (Councillors)	Cr Brian Gibson, Cr Mark Arians, Cr Charlie Gillingham, Cr Steve Tasker, Cr Lorraine Learmonth, Cr Sonia Wright (left at 1:40pm)
Apologies	Cr Jodie Basile
In Attendance: (Officers)	Tom O'Reilly, Geoff Rollinson, Stacy Williams, Lisa Clue, Jo Haw, Brent Heitbaum, Kellie Burmeister, Leigh Hollingsworth
Matters Discussed:	<p>Presentations:</p> <ul style="list-style-type: none"> • Third Reedy Lake Bypass Project - Ross Plunkett & Pat Feehan • Koondrook Caravan Park – Steve Bartlett <p>Council Reports:</p> <ul style="list-style-type: none"> • Council Policy Review • Local Law Review • G15-2018 Sampson's Bridge Replacement • G17-2018 3 Year Reseal Program • Heavy Plan Replacement Contract VP114616 – Purchase • 2018/2019 Community Grants Program • 2017/2018 Annual Report – Receive and Note <p>Councillor Updates:</p> <ul style="list-style-type: none"> • Community Resilience Update – Drought Response • Local Laws On Call Arrangements • Mayoral Election <p>Councillor Strategic Briefing Update:</p> <ul style="list-style-type: none"> • 2018/2019 Capital Works Program Update <p>Councillor Issues Raised</p>
Conflict of Interest Disclosures (Councillors)	Cr Gillingham declared an interest in item 2.6 – Community Grants for the Murrabit Football Club and Northern District Community Health and left the room during discussion.
Conflict of Interest Disclosures (Officers)	Nil
Completed By:	Tom O'Reilly – Chief Executive Officer



Assembly of Councillors Record Form

Date:	Tuesday, 28 August 2018
Time:	5:30pm-7:00pm
Location:	Meeting Room 1, Kerang Council Office
In Attendance: (Councillors)	Cr Brian Gibson, Cr Charlie Gillingham, Cr Jodie Basile, Cr Lorraine Learmonth
Apologies	Cr Steve Tasker, Cr Sonia Wright, Cr Mark Arians
In Attendance: (Officers)	Geoff Rollinson, Stacy Williams, Lisa Clue, Jo Haw, Roger Griffiths, Leigh Hollingworth
Matters Discussed:	<p>Capital Works 2018/19 Update</p> <p>Pipeline of Potential Projects</p> <ul style="list-style-type: none"> Tom Crouch and Robyn Lesley from Regional Development Victoria were in attendance for this discussion <p>VHM Mineral Sands Mining</p>
Conflict of Interest Disclosures (Councillors)	Nil
Conflict of Interest Disclosures (Officers)	Nil
Completed By:	Geoff Rollinson – Acting Chief Executive Officer

8 BUSINESS REPORTS FOR DECISION

8.1 COUNCIL POLICY REVIEW

Author: Alissa Harrower, Acting Manager Governance

Authoriser: Lisa Clue, Manager Governance

Attachments:

- 1 Policy No. 003 - Risk Management
- 2 Policy No. 068 - Dogs and Cats - Designated Areas
- 3 Policy No. 074 - Information Privacy and Health Records

RECOMMENDATION

That Council endorse the following reviewed policies:

- Policy No. 003 – Risk Management
- Policy No. 068 – Dogs and Cats – Designated Areas
- Policy No. 074 – Information Privacy and Health Records

EXECUTIVE SUMMARY

Council Officers undertake regular reviews of Council policies to ensure they are up to date and reflective of current practices. This report addresses the following policies which have recently been reviewed:

- Policy No. 003 – Risk Management
- Policy No. 068 – Dogs and Cats – Designated Areas
- Policy No. 074 – Information Privacy and Health Records

BACKGROUND

Council Officers undertake regular reviews of Council policies to ensure compliance with relevant Legislation and that they are reflective of current practice. Council policies are reviewed as needed, however most policies must be reviewed within either 12 months or two years of a Council Election. Reviewed policies are presented to Council for endorsement, or to be repealed if it has been determined the policy is no longer required.

POLICY CONTEXT

Council Plan 2017 – 2021 - Good Governance and Healthy Organisation

DISCUSSION

Policy No.	Policy Name	Comments
003	Risk Management	Policy No. 003 outlines Council's commitment to managing risks and maximising opportunities in order to meet strategic objectives and is supported by Council's Risk Management Framework. There are no recommended changes to this Policy.

Policy No.	Policy Name	Comments
068	Dogs and Cats – Designated Areas	The purpose of this Policy is to provide direction on the public places in which cats and dogs are permitted. There are no changes recommended to this Policy.
074	Information Privacy and Health Records	The purpose of this Policy is to ensure that personal and health information received by the organisation is collected, handled and disposed of in a responsible manner and in accordance with the Information Privacy Principles incorporated within the <i>Privacy and Data Protection Act 2014</i> and the <i>Health Records Act 2001</i> . Minor changes to the Policy are recommended, reflecting changes in Government department titles.

CONSULTATION

The members of Council's Executive Leadership and Management Teams responsible for the policy areas have been involved in the review of the policies.

CONFLICT OF INTEREST

In accordance with Section 80B of the *Local Government Act 1989*, the Officer preparing this report declares no conflict of interest in regards to this matter.

CONCLUSION

The report addresses three recently reviewed policies for the consideration of Council to ensure compliance with relevant legislation and that they are reflective of current practice.



Risk Management

COUNCIL POLICY NO. 003

1. POLICY

Gannawarra Shire Council is committed to managing its risks and maximising its opportunities in order to meet its identified strategic objectives:

- 1.1 in accordance with International Standard of Risk Management (ISO31000).
- 1.2 by making available sufficient resources to undertake risk management activities.
- 1.3 by reviewing its Risk Management Policy and framework periodically and in response to relevant events or changes in circumstances.
- 1.4 by ensuring that accountabilities and responsibilities for managing risk are assigned, at appropriate levels throughout the organisation.
- 1.5 by considering objectives and criteria of all new projects, processes and activities, and projects, processes and activities under review in light of the strategic objectives.

Gannawarra Shire Council will ensure that it will deal with conflicts of interest in accordance with the *Local Government Act 1989* (Part 4. Council Administration Division 1A – Conduct and Interests).

Council's risk management performance will be monitored periodically, against identified indicators for appropriateness.

2. POLICY REVIEW

Council will review this policy as required but always within two years after a general election of the Council.

At the time of review, this policy was compliant with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

3. FURTHER INFORMATION

Members of the public may inspect all policies at Gannawarra Shire Council's Kerang and Cohuna office or online at www.gannawarra.vic.gov.au

Any enquiries in relation to this policy should be directed to the Director Corporate Services on (03) 5450 9333.

Altus Folder – 3.000518			
Originally adopted:	1995		
Reviewed:	31/11/2002	Minute Book Reference:	2455
Reviewed:	24/11/2004	Minute Book Reference:	3816
Reviewed:	27/06/2007	Minute Book Reference:	5895
Reviewed:	16/12/2009	Minute Book Reference:	7764
Reviewed:	19/12/2012	Minute Book Reference:	9658
Reviewed:	22/06/2016	Minute Book Reference:	12419
Reviewed:	17/10/2018	Minute Book Reference:	
To be reviewed by:	2022		



Dogs and Cats –Designated Areas

COUNCIL POLICY NO. 068

This Policy is made in accordance with Section 26 of the *Domestic Animals Act 1994*.

1. POLICY

That Council prohibit dogs from the following areas:

- Cohuna Ski Run, Island Road, Cohuna
- Municipal Swimming pools and surrounds
- School grounds throughout the municipality
- Murrabit Market

That Council prohibit cats from the following areas:

- Atkinson Park, Kerang
- Municipal Swimming pools and surrounds
- Town & Back Swamp, Kerang
- School grounds throughout the municipality

That Council permit dogs in the following areas, but only on a leash:

- All recreation grounds within the municipality whilst a sporting fixture is taking place
- Garden Park, Cohuna
- Parks and playgrounds where children's play equipment has been installed
- Apex Park, Cohuna
- Roads as defined under Section 3(2)(a) of the *Road Safety Act 1986*
- Atkinson Park, Kerang
- Gorton Point, Kangaroo Lake
- Gilrue Park, Cohuna

That dogs be permitted in other public places and in recreation grounds whilst a sporting fixture is not taking place, but dogs in such locations must be under 'effective voice control'.

That 'other public places' means any park, garden, reserve or other place of public recreation controlled by Council, but not areas where dogs have been prohibited or where dogs must be on a leash.

That 'effective voice control' is where the dog responds to the controlling person's command by the second call.



2. POLICY REVIEW

Council will review this policy as required but always within two years after a general election of the Council.

At the time of review, this policy was compliant with the *Victorian Charter of Human Rights and Responsibilities Act* 2006.

3. FURTHER INFORMATION

Members of the public may inspect all policies at Gannawarra Shire Council's Kerang and Cohuna office or online at www.gsc.vic.gov.au

Any enquiries in relation to this policy should be directed to the Local Laws Officer on (03) 5450 9333.

Altus Folder – 3.000518			
Originally adopted:	12/03/1996	Minute Book Reference:	394
Reviewed:	13/11/2002	Minute Book Reference:	2455
Reviewed:	27/06/2007	Minute Book Reference:	5894
Reviewed:	15/09/2010	Minute Book Reference:	8285
Reviewed:	17/07/2013	Minute Book Reference:	10156
Reviewed:	17/10/2018	Minute Book Reference:	
To be reviewed by:	2022		





Information Privacy and Health Records

COUNCIL POLICY NO. 074

1. PURPOSE

Council is committed to ensuring that personal and health information received by the organisation is collected, handled and disposed of in a responsible manner and in accordance with the Information Privacy Principles incorporated within the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*.

In fulfilling these objectives, Council will:

- balance the public interest in the free flow of information with the public interest in protecting the privacy of personal information;
- balance the public interest in promoting open access to public sector information with the public interest in protecting its security;
- promote awareness of responsible personal information handling practices; and
- promote the responsible and transparent handling of personal information.

This policy:

- a) applies to all Gannawarra Shire Council Councillors, officers and contractors;
- b) covers all personal information held by Council; and
- c) includes information we have collected from third parties.

2. DEFINITIONS

Personal information is recorded information that could identify a living person (including work related information and images).

Sensitive information includes information about a person's racial or ethnic origin, political opinions, philosophical or religious beliefs, sexual preferences or practices, criminal record or membership of trade unions, profession, political or trade associations.

Health information is information relating to a living or deceased person's physical, mental or psychological health.

3. POLICY

Collection of personal and health information

Forms used by Council to collect personal or health information will provide notice of the purpose of collecting the information and will refer individuals to this Policy for information concerning Council's collection, handling and disclosure practices and procedures.



Council acknowledges the ten Information Privacy Principles (IPP's) contained in the *Privacy and Data Protection Act 2014* as being the cornerstone of information privacy.

Information Privacy Principles

The 10 IPP's are as follows:

1. Collection
2. Use and disclosure
3. Data quality
4. Data security
5. Openness
6. Access and correction
7. Unique identifiers
8. Anonymity
9. Trans-border data flow
10. Sensitive information

The following departments within Council collect and use personal and health information:

- | | |
|-------------------------|---------------------------------|
| • Community Care | • Children's Services |
| • Building and Planning | • Environmental Health |
| • Local Laws | • Community Sustainability |
| • Library | • Rates and Property Valuations |
| • Risk Management | • Arts and Culture |
| • Accounts (Debtors) | • Human Resources/Payroll |
| • Infrastructure | • GIS |
| • Governance | |

Council will only collect personal information that is necessary for the fulfilment of one or more of its statutory functions and legitimate business activities, and will do so by lawful and fair means and not in an unreasonably intrusive way.

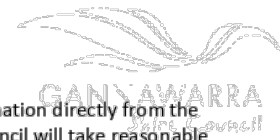
The following are some examples of circumstances where Council will obtain personal information:

- Details of residents receiving community services, eg child care, home care, community transport
- Planning and Building Permit applications
- Food premises and animal registrations
- Details of volunteers, visitors, committee members
- Ratepayer information
- Applications, enquiries, submissions, surveys and complaints
- Photographs taken at meetings and events
- CCTV footage
- Correspondence from the public
- Insurance claim information
- Immunisations and Maternal and Child Health information

Council may also collect sensitive information but will only so do where the person has given prior consent or as permitted under legislation.

The following Acts require the collection of personal information:

- *Domestic Animals Act 1994*
- *Health Records Act 2001*
- *Local Government Act 1989*
- *Planning and Environment Act 1987*
- *Valuation and Land Act 1960*



If it is reasonable and practical to do so, Council will only collect personal and health information directly from the individual. If personal information about an individual is collected from someone else, Council will take reasonable steps to make sure the affected individual is aware of this Policy.

Where it is lawful and practicable to do so, a person may be afforded the option of not identifying themselves when transacting with Council, however, identification is necessary when lodging a complaint with Council to prevent against malicious or non-genuine complaints.

Failure to provide personal information where required to do so may also obstruct Council in the fulfilment of its statutory functions and obligations.

Council's website can be visited anonymously as the site does not record or collect personal information other than information a person may choose to provide.

Use of personal and health information

Council will only use personal and health information for the purpose for which it was collected, for a related purpose that could easily be expected or where required by law (either privacy legislation or other laws).

At times, a person's consent may be sought to use or provide personal and/or health information to another organisation or for another purpose.

Unique identifiers (eg Medicare Number) created by another organisation will not be used as reference numbers or identifiers within Council.

Council may transfer personal information outside Victoria in circumstances where it is satisfied that the recipient of that information will handle the information in a fair and appropriate manner and reasonable steps have been taken to ensure that the information will not be used or disclosed inconsistently with the IPP's.

Disclosure of personal information

Where it is reasonable and lawfully required to do so, Council will disclose collected personal information to relevant agencies.

Personal information may be disclosed by Council in various circumstances including:

- When someone requests to view a Public Register which Council is required by law to maintain eg Building Permits, Submissions, Dogs/Cats, Certificates of Registration. Owner or occupier names are only included on Gannawarra Shire Council public registers when required by law;
- Where required by other legislation eg ownership information as detailed within the *Fences Act 1958*;
- Where required by contracted service providers who undertake duties on Council's behalf eg waste removal;
- When required by Council's legal advisors, insurance claim agents and insurance providers, for the purposes of complaints or insurance claim investigation and resolution; or
- When in accordance with the public interest, for example to statutory authorities for consultative purposes eg VicRoads, Department Environment, Land, Water and Planning (DELWP), Department of Health and Human Services (DHHS). All such disclosures are made under agreements requiring information to be handled in accordance with privacy legislation.

Quality and security of personal information

Council takes reasonable steps to ensure the information it holds is accurate, complete and current.

A number of procedural, physical, software and hardware safeguards are used, together with access controls, secure methods of communication and back up and disaster recovery systems to protect information from misuse and loss, unauthorised access, modification and disclosure.

Stored information is also archived in accordance with the *Public Records Act 1973*, which determines when it is appropriate to retain or dispose of personal and health information.





Access and correction of personal information

Following the collection of personal information, the individual whose information has been collected, may contact Council for access to that information.

Where this is not appropriate, formal requests for access to documents will be handled in accordance with the *Freedom of Information Act 1982* and enquiries should be addressed to FOI Officer, Gannawarra Shire Council, PO Box 287, Kerang Victoria 3579 or via email on council@gannawarra.vic.gov.au.

Complaints Handling

If a person is dissatisfied with Council's handling of their personal and/or health information, a complaint may be made to Council's Privacy Officer. Complaints should be made in writing addressed to Information Privacy Officer, Gannawarra Shire Council, PO Box 287, Kerang Victoria 3579 or via email on council@gannawarra.vic.gov.au.

All complaints will be investigated in a timely, fair and reasoned way and a written response will be provided. All complaint details will be handled with discretion and confidentiality.

If resolution is not satisfactorily achieved within Council, complaints may be re-directed to:

Office of the Victorian Information Commissioner
PO Box 24274
Melbourne Victoria 3001
www.ovic.vic.gov.au

4. RELATED PROCEDURES/GUIDELINES

N/A

5. REFERENCES/LEGISLATION

Privacy and Data Protection Act 2014

Health Records Act 2001

6. POLICY REVIEW

This policy will be reviewed as required, but always within two years after a general election.

At the time it was reviewed, this policy was compliant with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

7. FURTHER INFORMATION

Members of the public may inspect all policies at Gannawarra Shire Council's Kerang and Cohuna office or online at www.gannawarra.vic.gov.au

Any enquiries in relation to this policy should be directed to the Manager Governance on (03) 5450 9333.

Altus Folder – 3.000518			
Originally adopted:	1995		
Reviewed:	31/11/2002	Minute Book Reference:	2455
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Reviewed:	16/12/2009	Minute Book Reference:	7764
Reviewed:	19/12/2012	Minute Book Reference:	9658
Reviewed:	22/06/2016	Minute Book Reference:	12419
Reviewed:	17/10/2018	Minute Book Reference:	
To be reviewed by:	2022		

8.2 LOCAL LAW REVIEW

Author: Lisa Clue, Acting Director Corporate Services

Authoriser: Lisa Clue, Acting Director Corporate Services

Attachments:

1	Governance Local Law 2018
2	Meetings Procedure
3	Procedure for Election of Mayor

RECOMMENDATION

That Council:

1. Commence the statutory process for the making of a Local Law and endorse the draft Governance Local Law 2018, including documents incorporated by reference, as a proposed Local Law for public exhibition and submissions under section 223 of the *Local Government Act 1989*;
2. Give public notice of the exhibition of the draft Governance Local Law 2018, including documents incorporated by reference, and invite public submissions under section 223 of the *Local Government Act 1989*;
3. Receives a further report following the public exhibition period.

EXECUTIVE SUMMARY

Council's current Meeting Procedure Local Law was adopted by Council in June, 2011. Since this time, there have been a number of amendments to the Act that have necessitated its review.

A draft Governance Local Law 2018 has been prepared incorporating by reference a Meetings Procedure and Procedure for the Election of Mayor.

This report seeks Council approval to commence the process of making a new Local Law to replace Local Law No. 7 (2011) Processes of Local Government (Meetings and Common Seal).

BACKGROUND

The *Local Government Act 1989* (the Act) requires councils to make local laws governing the conduct of meetings of the Council and Special Committees. Council is also required to regulate use of its Common Seal by way of a Local Law. It is common practice to include use of the common seal as part of the same local law that governs meeting procedures.

Council's current Meeting Procedure Local Law was adopted by Council in June, 2011. Since this time, there have been a number of amendments to the Act that have necessitated this review.

POLICY CONTEXT

Local Government Act 1989

Local Law No. 7 (2011) Processes of Local Government (Meetings and Common Seal)

Council Plan 2017 – 2021 – Good Governance and a Healthy Organisation

DISCUSSION

This review has considered amendments to the Act, best practice, legal advice and feedback from Councillors and Council staff.

It is proposed to name the Local Law 'Governance Local Law 2018' as this is a simpler and more contemporary title; refine its content to Use of the Common Seal, Enforcement and Penalties; and incorporate by reference two new documents, being 'Meetings Procedure' and 'Procedure for the Election of Mayor'.

To provide further guidance to both Council and the community, the following schedules have been included in the Meetings Procedure:

1. Question Time Guidelines and Form
2. Guidelines for Petitions and Joint Letters

Apart from formatting and correction of typographical and other minor errors, amendments to content within the Local Law and incorporated procedure documents include:

- Removal of references that are inconsistent with the Act.
- Amending the procedure for the election of Mayor to appoint the Deputy Mayor as Acting Mayor under section 73(3) of the Act. This will avoid the necessity of calling a Council meeting and/or obtaining a resolution to appoint an Acting Mayor if the Mayor is unavailable.
- Providing for the Chairperson to determine the order of Councillors debating a motion.
- Removal of the provision to lay a question on the table and so rely on 'Adjourning the Debate'.
- Clarity around notices of motion that may be rejected by the Chief Executive Officer.

Section 119 of the Act requires Council to give notice of its intention to make a local law both in the Government Gazette and by public notice and invite submissions under section 223 of the Act. Following the public notice and submission period, Council is required to review any submissions received (including hearing submissions if requested) and incorporate suggested amendments where appropriate. The Local Law will then be adopted by Council, gazetted and a copy provided to the Minister.

CONSULTATION

Councillors have been consulted on two occasions during the review, the first being a session led by Macquarie Local Government Lawyers, and a later Strategic Council Briefing. Council's Executive Leadership Team and governance staff have provided advice and feedback throughout the review process.

In accordance with section 119 of the Act, prior to making this local law, Council will give notice in the Government Gazette and a public notice stating:

- a) the purpose and general purport of the proposed local law; and
- b) that a copy of the proposed local law and an explanatory document can be obtained from Council offices; and
- c) that any person affected by the proposed local law may make a submission relating to the proposed local law under section 223 of the Act.

CONFLICT OF INTEREST

In accordance with Section 80B of the *Local Government Act 1989*, the Officer preparing this report declares no conflict of interest in regards to this matter.

CONCLUSION

The proposed Local Law incorporates a number of minor changes and a new format and has been reviewed by Macquarie Local Government Lawyers to ensure that it meets relevant guidelines and is consistent with the requirements of the Act.

This report seeks Council approval to commence the statutory process for the making of a Local Law and endorsement of the draft Governance Local Law 2018, including documents incorporated by reference, as a proposed Local Law for public exhibition and submissions under section 223 of the Act.

Council will review any submissions and amend the draft where appropriate, post exhibition.



GANNAWARRA SHIRE COUNCIL

GOVERNANCE LOCAL LAW 2018



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PART 1 - PRELIMINARY

1. Title

This Local Law is titled the Governance Local Law 2018.

2. Objectives of this Local Law

The objectives of this Local Law are to:

- (a) provide a mechanism to facilitate the good government of the Council through its formal meeting procedure to ensure effective and efficient Council decisions are made in a manner which acknowledges the role of local government within the Australian system of Government;
- (b) promote and encourage community participation in the system of local government by providing mechanisms for the Council to ascertain the community's views and expectations;
- (c) regulate and control the election of Mayor, any Deputy Mayor and the chairperson of any Special Committees;
- (d) regulate and control the procedures governing the conduct of meetings including:
 - (i) the notice required for meetings
 - (ii) the keeping of minutes;
- (e) regulate and control the use of the Council's seal;
- (f) provide for the administration of the Council's powers and functions;
- (g) provide generally for the peace, order and good government of the municipal district; and
- (h) repeal any redundant local laws.

3. The power to make this local law

The Council's power to make this Local Law is contained in sections 5, 91 and 111 of the *Local Government Act 1989*.

4. Commencement and Revocations

- (1) In this clause "commencement date" means the first working day following the gazettal of the Local Law in the Victorian Government Gazette.
- (2) This Local Law comes into operation on the commencement date.
- (3) On the commencement of this Local Law, Council's Local Law No. 7 (2011) Processes of Local Government (Meetings and Common Seal) is revoked.
- (4) Unless sooner revoked, this Local Law ceases to operate on the day which is 10 years after the day the Local Law came into operation.

5. Incorporated documents

The following documents are incorporated by reference into this Local Law:

- (a) Meetings Procedure; and
- (b) Procedure for Election of Mayor.

PART 2 - COMMON SEAL

6. The Council's Common Seal

- (1) The Chief Executive Officer must ensure the security of the Council's common seal at all times.
- (2) The Council's common seal may only be used on the authority of the Council given either generally or specifically unless the matter has been previously approved by Council and every document to which the seal is affixed must be signed by the Chief Executive Officer or some other senior officer authorised by him or her.
- (3) Any person who without authority uses the Council's common seal or any replica is guilty of an offence.

Penalty: 10 Penalty Units

PART 3 - ENFORCEMENT AND PENALTIES

7. Infringement Notices

- (1) An authorised officer may issue an infringement notice in the form of the notice approved by Council's Chief Executive Officer
- (2) The fixed penalty in respect of an infringement is the amount set out below:

Provision	Offence	Penalty Units
87 (Meeting Procedure)	Failing to comply with a direction of the chair	5
88 (Meeting Procedure)	Fraudulently signing a petition or joint letter	10
6(3) (Governance Local Law)	Using the common seal, or a replica of the common Seal without authority	10

Note: A penalty unit is currently \$100 as defined in section 110(2) of the *Sentencing Act 1991*.

8. Payment of Penalty

- (1) To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.
- (2) A person issued with an infringement notice is entitled to disregard the notice and defend the prosecution in court.

GANNAWARRA SHIRE COUNCIL MEETINGS PROCEDURE

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PART 1 - PRELIMINARY

1. Purpose

The purpose of this Meetings Procedure is to regulate the proceedings of meetings of the Council, special committees and advisory committees.

2. Definitions

In this local law, unless inconsistent with the context:

Act	Means the <i>Local Government Act 1989</i> .
Chair	Refers to the Chairperson.
Chairperson	Is the person who chairs a meeting of the Council or Special Committee of the Council.
Council	Means the Gannawarra Shire Council.
Councillor	Means a person who is an elected member of the Council.
Council Meeting	Includes Ordinary and Special meetings of the Council.
Deputy Mayor	Includes Deputy Shire President.
Division	Means a formal count of those for and those against a motion generally to remove any doubt as to whether the motion is supported or opposed.
Formal Motion	Means a motion which relates to a procedural matter only and which is not designed to produce any substantive result but used merely as a formal procedural measure.
Mayor	Includes Shire President.
Member	Refers to a person who is entitled to vote at a meeting of the Council or a Special Committee of the Council.
Minister	Means the Minister responsible for administering the Act.
Point of Order	Means an allowable interjection, including when another Councillor is speaking, which directs the Chairperson's attention to an apparent or alleged breach of order listed in clause 63.
Quorum	Means the minimum number of members of a Council or of a Special Committee of Council required by this local law to be present in order to constitute a valid meeting of the Council or the Special Committee respectively.
Suspension of Standing Orders	Means the suspension of the provisions of this Local Law to facilitate full discussion on an issue without formal constraints.

PART 2 – COUNCIL MEETINGS

Notices and Agendas

3. Dates and Times of Meetings

The date, time and place of all Council meetings are to be fixed by the Council from time to time and reasonable notice must be provided to the public.

4. Council may alter meeting dates

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

5. Special Council meetings

- (1) The notice necessary to call a meeting in accordance with section 84 of the Act must be delivered to the Chief Executive Officer in sufficient time to enable reasonable notice to be given to councillors.
- (2) In giving such notice, councillors should have regard to any need for preparatory investigations to enable the business to be undertaken.

6. Notice of meeting

- (1) A notice of meeting incorporating or accompanied by an agenda of the business to be dealt with must be served on every Councillor:
 - (a) For an ordinary meeting at least 48 hours before the meeting; and
 - (b) For a special meeting at least 24 hours before the meeting; and
 - (c) For a special committee meeting at least 48 hours before the meeting.
- (2) The notice or agenda for any meeting must state the date, time and place of the meeting and the business to be dealt with and must be sent by post, facsimile, email or otherwise delivered to each Councillor's place of residence or usual place of business (if applicable) or as otherwise specified by the Councillors.
- (3) A notice may be handed personally to a Councillor in any location within the time required, or may be delivered to another destination, provided a written authorisation of the relevant Councillor is held by the Chief Executive Officer.

7. Leave of Absence

It will not be necessary for a notice of meeting or agenda to be served on any Councillor who has been granted leave of absence, unless the Councillor has requested the Chief Executive Officer in writing to continue to give notice of any meeting to be held during the period of their absence.

8. Special (Emergency) Meetings

- (1) In the case of an emergency, the Chief Executive Officer or, in their absence, a senior officer, may call or postpone a meeting of the Council, without the necessity to comply with clauses 5 to 7 provided reasonable attempts are made to notify every Councillor.
- (2) The Chief Executive Officer or senior officer must submit a full written report of the circumstances requiring their action to the next ordinary meeting of the Council.

Quorums**9. Ordinary Council Meetings**

The quorum required for ordinary Council meetings will be a majority of the councillors capable of being elected to Council (as currently constituted).

10. Special Council Meetings

Subject to clause 13, the quorum required for special Council meetings will be the same as for an ordinary meeting.

11. Special Committee Meetings

The quorum for a special committee meeting will be a majority of the members for the time being appointed to that committee.

12. A Special (Emergency) Meeting

In the case of an emergency where the Chief Executive Officer, or in their absence a senior officer, has acted under clause 8, the quorum for a special (emergency) meeting will be a majority of the Councillors capable of being elected to Council.

13. Inability to Gain a Quorum

If a quorum cannot be obtained within 30 minutes of the scheduled starting time of any meeting or adjournment those Councillors present, or if there are no Councillors present, the Chief Executive Officer, or in their absence, a senior officer may adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

14. Inability to Maintain a Quorum

If during any meeting or any adjournment of the meeting, a quorum cannot be achieved and maintained, those Councillors present, or if there are no Councillors present, the Chief Executive Officer, or in their absence, a senior officer may adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

15. Inability to Achieve or Maintain a Quorum due to Conflicts of Interest of Councillors

If during any meeting or adjournment a quorum cannot be achieved or maintained due to the number of declarations of conflicts of interest by Councillors, the Chief Executive Officer, or in their absence, a senior officer may adjourn the meeting for a length of time sufficient to enable an exemption for the affected Councillors to be sought from the Minister.

16. Notice for Adjourned Meeting

The Chief Executive Officer may provide written notice of an adjourned meeting but where that is not practicable because time does not permit that to occur then, provided a reasonable attempt is made to contact each member, notice by telephone, facsimile, email, in person or by some other means will be sufficient.

PART 3 - MINUTES

17. Keeping of Minutes

The Chief Executive Officer is responsible for arranging the keeping of minutes on behalf of the Council.

18. No Debate on Confirmation of Minutes

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

19. Objection to Confirmation of Minutes

If a Councillor is dissatisfied with the accuracy of the minutes, then they must:

- (a) state the item or items with which they are dissatisfied; and
- (b) propose a motion clearly outlining the alternative wording to amend the minutes.

20. Deferral of Confirmation of Minutes

The Council may defer the confirmation of minutes until later in the meeting or until the next meeting as appropriate.

21. Contents of Minutes

- (1) In keeping the minutes of any meeting, the Chief Executive Officer must arrange the recording of minutes so as to show:
 - (a) the names of Councillors and whether they are present or absent and any explanation provided for their absence ;
 - (b) the names of Council Officers in attendance with their organisational title;
 - (c) the number of media and gallery attendees;
 - (d) any conflicts of interest that a Councillor or Council Officer has declared in relation to an item (or items) of business listed on the agenda
 - (e) a record of any Assemblies of Councillors since the previous Ordinary meeting of Council
 - (f) the arrival and departure times of Councillors and Council Officers during the course of the meeting (including any temporary departures or arrivals);
 - (g) every motion and amendment moved, including the mover (and seconder if relevant) of any motion or amendment;
 - (h) the outcome of every motion, that is, whether it was put to the vote and the result of either CARRIED, LOST, WITHDRAWN, LAPSED or AMENDED;
 - (i) procedural motions (which might be highlighted);
 - (j) where a division is called, a table of the names of every Councillor and the way their vote was cast; either FOR or AGAINST, or whether they ABSTAINED;
 - (k) when requested by a Councillor, a record of that Councillor's support or opposition for any motion;
 - (l) details of failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise;
 - (m) details of any question directed or taken upon notice;
 - (n) details of any deputations made to the Council;

- (o) the time and reason for any adjournment of the meeting or suspension and resumption of standing orders;
 - (p) disclosure of the declaration and the nature of any conflict of interest of a Councillor declared at or identified to a meeting; and
 - (q) any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or the reading of the Minutes.
- (2) In addition, the Minutes should:
- (a) bear the date and time the meeting was commenced, adjourned, resumed and concluded;
 - (b) be page numbered;
 - (c) contain consecutive item numbers which are clearly headed with a subject title and where appropriate sub-titles and file references; and
 - (d) contain an index which lists every item in the minutes.

PART 4 – BUSINESS OF MEETINGS

22. The Order of Business

- (1) The order of business of council meetings will be determined by the Chief Executive Officer, in consultation with the Mayor, to facilitate and maintain open, efficient and effective processes of government.
- (2) Although preparation should aim at consistent agendas from meeting to meeting, this should not preclude altering the order of business to enhance the fluent and open process of government of the Council, to meet identified needs of council or to take advantage of opportunities which may arise from time to time.
- (3) In determining the agenda, the Chief Executive Officer should consider
 - (a) the general attitude of the Council;
 - (b) convenience to the community and interested community groups particularly in relation to the administration of the municipal district;
 - (c) the sensitivity of issues;
 - (d) the interest of the community and community groups; and
 - (e) any other relevant factor which may impact on the fluent and open processes of the government of the Council.

23. Change to Order of Business

Once an agenda has been sent to Councillors, the order of business for that meeting may only be altered by resolution of the Council.

24. Chief Executive Officer may include items on an Agenda

The Chief Executive Officer may include any matter on an agenda which they think should be considered by the meeting.

25. Meetings of Special Committees

The provisions of clauses 23 to 25 apply to meetings of special committees of council except that the agenda will be relevant to the issues which are to be raised at each special committee meeting and any reference to Councillors in this Local Law extends to non-Councillor members of each special committee under section 86 of the Act and any reference to the Council is to be read as referring to the special committee under section 87 of the Act.

PART 5 – VOTING AT MEETINGS

26. How Determined

Subject to clause 44 in determining a question before a meeting of Council, the Chairperson will first call for those in favour of the motion and then those opposed to the motion and will declare the result to the meeting.

27. By Show of Hands

Voting on any matter will be by show of hands.

28. Casting vote

In the event of a tied vote, the Chairperson may exercise the casting vote in accordance with the Act

29. When a Division Permitted

- (1) Subject to clause 35, a division may be requested by any Councillor on any matter.
- (2) The request must be made to the Chairperson either immediately prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.

30. Procedure for a Division

Once a division has been requested in circumstances other than those dealt with in clause 35, the Chairperson will call for a show of hands by those Councillors voting for the motion and then those Councillors opposed to the motion.

31. Change between the Original Vote and the Division

No Councillor is prevented from changing their original vote at the voting on the division, and the voting by division will determine the council's resolution on the issue.

32. No Discussion Once Declared

Once a vote on a motion has been taken, no further discussion relating to the motion will be allowed unless the discussion is:

- (a) for a Councillor to request that his or her opposition to the motion be recorded in the minutes or a register maintained for that purpose; or
- (b) where a subsequent notice of motion follows a rescission motion.

33. Application to All Meetings

The provisions of clauses 26 to 32 apply to meetings of special committees of council to the extent that they are relevant to the proceedings of any special committee and any reference to Councillor in those clauses extends to any member of a special committee.

PART 6 – ADDRESSING THE MEETING

34. Addressing the Meeting

- (1) Any Councillor or person who addresses the meeting must direct all remarks through the Chair.
- (2) Any person addressing the Chair should refer to the Chairperson as:
 - (a) Madam Mayor/President;
 - (b) Mr Mayor/President;
 - (c) Madam Chairperson; or
 - (d) Mr Chairperson;as the case may be.
- (3) All Councillors, other than the Mayor, should be addressed as Cr (name).
- (4) All Officers, should be addressed as Mrs, Ms, Miss or Mr (name or office).

35. Suspension of Standing Orders

- (1) Subject to clause 40, the provisions of this Local Law may be suspended for a particular purpose by resolution of the Council.
- (2) The suspension of such provisions (standing orders) should be used to enable full discussion of any issue without the constraints of formal meeting procedure.
- (3) The purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.
- (4) It should not be used purely to dispense with the processes and protocol of the government of the Council.
- (5) Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary.

36. No Motions May Be Accepted During Suspension of Standing Orders

No motion may be accepted by the Chair or be lawfully dealt with during any suspension of standing orders.

37. Interruption for Point of Order

A Councillor who is addressing the meeting must not be interrupted unless called to order when they must sit down and remain silent until the Councillor raising the point of order has been heard and the question disposed of.

PART 7 - OTHER MEETING PROCEDURES

Matters Not Provided For

38. Matters Not Provided For

Where a situation has not been provided for under this Local Law, the Council may determine the matter by resolution.

Motions

39. Chairperson's Duty

Any motion or amendment which-

- (a) is defamatory; or
 - (b) is objectionable in language or nature; or
 - (c) is outside the powers of the Council; or
 - (d) is not relevant to the item of business on the Agenda and has not been admitted as urgent business; or
 - (e) purports to be an amendment but is not;
- must not be accepted by the Chairperson.

40. Moving a Motion

The procedure for any motion is:

- (a) The mover must state the motion without speaking to it;
- (b) Unless the motion is a formal motion, it must be seconded by a Councillor other than the mover;
- (c) If the motion is not seconded and is not a formal motion, the motion will lapse for want of a seconder;
- (d) If the motion is seconded, the Chairperson must ask: "Is the motion opposed?";
- (e) If no Councillor desires to speak for or against the motion, it must be declared to be carried without being voted on and will be treated as being passed unanimously;
- (f) If a Councillor indicates opposition, then the Chairperson must request-
 - (i) the mover to address the Council on the motion; and
 - (ii) the seconder to address the Council on the motion (who may, without speaking on the motion, reserve their address until later in debate); and
 - (iii) any Councillor opposed to debate the motion; and
 - (iv) any other Councillors for and against the motion to debate in turn.

The Chairperson will determine the order of Councillors debating the motion.

41. Right of Reply

- (1) The mover of an original motion which has not been amended may, once debate has been exhausted, have a right of reply to matters raised during debate.
- (2) After the right of reply has been taken, the motion must be immediately put to the vote without any further discussion or debate.

42. No Right of Reply for Amendments

No right of reply is available where an amendment is before the Council.

43. Moving an Amendment

A motion having been moved and seconded may be amended by leaving out, inserting or adding words which must be relevant to the original motion and framed so as to complement it as an intelligible and consistent whole.

44. Who May Propose an Amendment

An amendment may be proposed or seconded by any Councillor, other than the mover or seconder of the motion.

45. Who May Debate an Amendment

A Councillor may address the meeting once on any amendment, whether or not they have spoken to the motion but debate must be confined to the terms of the amendment.

46. How Many Amendments May Be Proposed

Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time. No second or subsequent amendment, whether to the motion or an amendment of it, can be taken into consideration until the previous amendment has been dealt with.

47. An Amendment Once Carried

If an amendment is carried, it then becomes the question before the meeting.

48. Foreshadowing Motions

- (1) At any time during debate, a Councillor may foreshadow a motion to inform the Council of their 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 that a particular motion before the Chair is 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 Chief Executive Officer is not required to have foreshadowed motions recorded in the Minutes until the foreshadowed motion is formally moved, but may do if it is thought appropriate.

49. Withdrawal of Motions

Before any motion is put to the vote, it may be withdrawn with leave of the Council.

50. Separation of Motions

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

51. Chairperson May Separate Motions

The Chairperson may decide to put any motion to the vote in separate parts.

52. Motions in Writing

- (1) The Chairperson may require any motion to be submitted in writing where it is lengthy, unclear or for any other reason.
- (2) The Chairperson may suspend the meeting while the motion is being written or may request the Council to defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

53. Debate must be relevant to the Motion

- (1) Debate must always be relevant to the question before the Chair, and if not, the Chairperson may request the speaker to confine debate to the subject motion.
- (2) If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chairperson may require the speaker to be seated and not speak further in respect of the matter then before the Chair.

54. Speaking Times

Unless a motion for an extension of time has been carried, the maximum speaking times will be:

- (a) the mover of a motion - 3 minutes;
- (b) the mover of a motion when exercising his or her right of reply - 3 minutes;
- (c) any other Councillor - 3 minutes;

Extension of Speaking Time

55. By Resolution of the Council

An extension of speaking time may be granted by resolution of the Council but only one extension is permitted for each speaker on any question.

56. When an Extension Can Be Proposed

A motion for an extension of speaking time must be proposed:

- (a) immediately before the speaker commences debate;
- (b) during the speaker's debate; or
- (c) immediately after the speaker has concluded debate.

57. No Extension After Next Speaker Commenced

A motion for an extension of speaking time cannot be accepted by the Chair if another speaker has commenced his or her debate.

58. Length of Extension

Any extension of speaking time must not exceed three minutes.

Points of Order**59. Chairperson to Decide**

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

60. Chairperson May Adjourn to Consider

- (1) The Chairperson may adjourn the meeting to consider a point of order otherwise they must rule on it as soon as it is raised.
- (2) All other matters before the meeting are to be suspended until the point of order is decided.

61. Final Ruling on a Point of Order

- (1) The decision of the Chairperson in respect to a point of order raised will not be open for discussion and will be final and conclusive unless a motion of dissent is moved and seconded.
- (2) A motion of dissent on a point of order must contain the provision, rule, practice or precedent in substitution for the Chairperson's ruling.
- (3) A motion of dissent in relation to a point of order is not a motion of dissent in the Chair and the Chairperson must at all times remain in the Chair and they will maintain their right to a second vote.
- (4) A motion of dissent on a point of order will take precedence over all other business and if carried must be acted on instead of the ruling given by the Chairperson.

62. Procedure for Point of Order

A Councillor raising a point of order must:

- (a) state the point of order; and
- (b) the clause, paragraph or provision constituting the point of order.

63. Valid Points of Order

A point of order may be raised in relation to:

- (a) a procedural matter;
- (b) a Councillor who is or appears to be out of order;
- (c) any act of disorder;
- (d) an error of fact;
- (e) where objectionable/offensive language has been used; or
- (f) a lack of relevance to the motion before Council.

64. Contradiction of Opinion

Rising to express a mere difference of opinion or to contradict a speaker will not be treated as a point of order.

65. Adjournment and Resumption of Meeting

- (1) The Chairperson or the Council may adjourn any meeting until a time and place to be determined at the time of the adjournment.
- (2) For the purpose of stating the time to which the meeting is adjourned, that time may be indicated as at the adjournment or conclusion of another meeting or event.

66. Formal Motions

- (1) Unless otherwise prohibited, a formal motion may be moved at any time and must be dealt with immediately by the Chairperson.
- (2) Formal motions are not required to be seconded.
- (3) The mover of a formal motion must not have moved, seconded or spoken to the question before the Chair or any amendment of it.
- (4) A formal motion cannot be moved by the Chairperson.
- (5) Unless otherwise provided, debate on a formal motion is not permitted and the mover does not have a right of reply.
- (6) Unless otherwise provided, a formal motion cannot be amended.

67. The Closure

- (1) A motion "That the motion be now put"-
- (2) The motion in sub-clause (1):
 - (a) is a formal motion which if carried in respect to an original motion, requires that the original motion must be put to the vote immediately without any further debate, discussion or amendment; and
 - (b) if carried in respect to an amendment, requires that the amendment be put to the vote immediately without any further debate or discussion and allows debate on the original motion to continue; and
 - (c) if lost, allows debate to continue unaffected; and
- (3) The Chairperson has the discretion to reject such a motion for closure if the motion upon which it is proposed has not been sufficiently debated.
- (4) Sufficient debate arises when those possessing different views have been given an opportunity to state them.

68. Adjourning the Debate

- (1) A motion may be moved "That the motion and amendments now before the meeting be adjourned until....."-.
- (2) The motion in sub-clause (1):
 - (a) is a formal motion which cannot be moved while any person is speaking or during the election of a Chairperson; and
 - (b) may be debated but may only be amended in relation to the time, date and place of the proposed adjournment.
 - (c) should provide a date or time to which the adjournment is sought but if no date or time is included, it may be relisted at the discretion of the Chief Executive Officer or upon a subsequent resolution of council.

Notice of Motion

69. Must be listed on Agenda

A Notice of Motion cannot be accepted by the Chairperson unless it has been listed on the Agenda for the meeting at which it is proposed to be moved.

70. Procedure

A Councillor may give notice of motion on any matter they want discussed at a meeting by delivering a Notice of Motion outlining the subject and the motion proposed for discussion to the Chief Executive Officer.

71. Rejection of a Vague Notice

The Chief Executive Officer:

- (a) may reject any notice of motion that is vague, defamatory, prejudicial to any person or Council or is outside the powers of Council, but before rejecting it must give the Councillor delivering the notice an opportunity to amend it; and
- (b) must notify the relevant Councillor of any notice of motion which has been rejected and give the reasons for its rejection.

72. Listing Notice on Agenda

Unless the notice specifies a particular meeting date, the Chief Executive Officer must list the Notice of Motion and if more than one, in the order they were received, on the next appropriate meeting agenda.

73. Register of Notices

The Chief Executive Officer must cause every notice of motion received to be sequentially numbered and maintained in a register.

74. May be moved by any Councillor and amended

A notice of motion listed on a meeting agenda may be moved by any Councillor present and, except where the Notice of Motion is to confirm a previous resolution of the Council, may be amended.

75. Except for Confirmation of Previous Resolution

If a notice of motion to confirm a previous resolution of the Council cannot be carried in its original form, it is lost.

76. If Lost

Unless the Council resolves to re-list at a future meeting a notice of motion which has been lost, a similar motion must not be put before the Council for at least three months from the date it was last lost.

Notice of Amendment or Rescission

77. Procedure

- (1) A Councillor may propose a motion to amend or rescind a decision of the Council provided:
 - (a) the decision has not been acted upon; and
 - (b) a notice is delivered to the Chief Executive Officer outlining:
 - (i) the decision proposed to be amended or rescinded; and
 - (ii) the meeting and date when the decision was made.

- (2) A decision will be acted upon once its details have been formally communicated to persons affected by or reliant on the decision or where a statutory procedure has been actioned as a result of that decision.
- (3) Any Councillor providing a Notice of Rescission Motion, is required to provide written justification that must include one or more of the following:
 - (a) the vote may not have accurately reflected the opinion held by the meeting due to the misunderstanding of the motion or for some other reason, or,
 - (b) new information or vital information that had been overlooked.
- (4) Once a Notice of Rescission Motion has been given, no further action is to be taken on the decision.

78. Listing Notice on Agenda

- (1) Unless the notice specifies a particular meeting date, the Chief Executive Officer must list the notice of amendment or rescission, and if more than one, in the order they were received, on the next appropriate meeting agenda, together with a brief report outlining the criteria required for the motion to be amended or rescinded.
- (2) The CEO must inform the Councillor whether or not the motion has met the above criteria and any grounds for refusal at the earliest opportunity.

79. Criteria to Amend or Rescind a Motion

For a decision of the Council to be amended or rescinded, the motion for amendment or rescission must be carried by a majority of the votes cast.

80. If Lost

Unless the council resolves to re-list at a future meeting a notice to amend or rescind which has been lost, a similar motion must not be put before the Council for at least three months from the date it was last considered.

81. If Not Moved

If a notice of amendment or rescission is not moved at the meeting for which it is listed, it will lapse.

82. May be Moved by any Councillor

A notice of amendment or rescission listed on a meeting agenda may be moved by any Councillor present but cannot be amended.

83. When Not Required

A notice of amendment or rescission is not required where the Council wishes to change a previous decision relating to policy of the Council.

84. Register of Notices

The Chief Executive Officer must cause every notice of amendment or rescission received to be sequentially numbered and to be maintained in a register.

85. Urgent and Other Business

Business which has not been listed on the Agenda may only be raised as urgent or other business by resolution agreed by the Council.

Public Participation

86. Question Time

- (1) At every ordinary meeting of the Council, time may be allocated to enable any member of the community to address the Council.
- (2) Sub-clause (1) does not apply during any period when the Council has resolved to close the meeting in respect of a matter under section 89(2) of the Act.
- (3) The Council may allocate reasonable time to each person who wishes to address the Council having regard to:
 - (a) the nature of the matter to be discussed;
 - (b) priorities in relation to other Council business;
 - (c) other members of the community present who also wish to address the Council;
 - (d) whether such an opportunity has already been provided to the person.
- (4) The Council may decide to defer discussion to a later date and the views of the person addressing the Council should be sought concerning that other date.
- (5) Question Time guidelines and form are provided in Schedule 1.

87. Addressing Council during Meetings

Any member of the public or community addressing the Council must extend due courtesy and respect to the Council and the processes under which it operates and must take direction from the Chairperson whenever called upon to do so.

88. Chairperson May Remove

- (1) Any person who has been called to order including any Councillor who fails to comply with the Chairperson's direction will be guilty of an offence.
Penalty: 5 Penalty Units
- (2) The Chairperson has the discretion to cause the removal of any person including a Councillor who disrupts any meeting or fails to comply with a direction.

89. Petitions and Joint Letters

- (1) A petition or joint letter presented to the Council must lay on the table until the next ordinary meeting of the Council and no motion, other than to receive the petition or joint letter may be accepted by the Chairperson, unless the Council agrees to deal with it earlier.
- (2) Any person who fraudulently signs a petition or joint letter which is presented to the Council is guilty of an offence.
Penalty: 10 Penalty Units
- (3) Any Councillor presenting a petition or joint letter will be responsible for ensuring that-
 - (a) they are familiar with the contents and purpose of the petition or joint letter; and
 - (b) the petition or joint letter is not derogatory or defamatory.
- (4) Guidelines for Petitions and Joint Letters are provided in Schedule 2.

Additional Duties of Chairperson**90. The Chairperson's Duties and Discretions**

In addition to other duties and discretions provided in this Local Law, the Chairperson-

- (a) must not accept any motion, question or statement which appears to the Chairperson to be derogatory, defamatory or embarrassing to any Councillor, member of staff, ratepayer or member of the public; and
- (b) must call to order any person who is disruptive or unruly during any meeting.

SCHEDULE 1 – QUESTION TIME GUIDELINES AND FORM

Question time at Council meetings provides an opportunity for members of the public in the gallery to ask questions of Gannawarra Shire Council

- All questions are to be directed to the Chair.
- Members of the public may ask questions from the gallery and should provide their name (and organisation if relevant) prior to asking a question.
- A maximum number of three questions may be asked, each up to two minutes.
- The Chair will respond or refer to a councillor or the CEO.
- A Councillor/officer may indicate that they require further time to research an answer. In this case, an answer will be provided in writing generally within ten days.
- When a question cannot be answered at the meeting, space is provided overleaf for the questions to be written in order for an accurate response to be prepared.
- Questions will be answered at the meeting, or later in writing, unless the Chairperson has determined that the relevant question relates to:
 - Personal matters
 - The personal hardship of any resident or ratepayer
 - Industrial matters
 - Contractual matters
 - Proposed developments
 - Legal advice
 - Matters affecting the security of Council property
 - An issue outside the Gannawarra Shire Council core business
 - A matter which may disadvantage the Council or any other person
 - Is defamatory, indecent, abusive or objectionable in language or substance
 - Is repetitive of a question already answered (whether at the same or an earlier meeting)
 - Is asked to embarrass a Councillor or Council officer
 - Any other matter which the Council considers would prejudice it or any person.
- No debate or discussion of questions or answers shall be permitted and all questions and answers shall be as brief as possible.

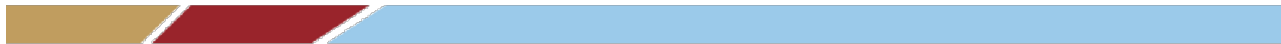
IF YOU WOULD LIKE A QUESTION ANSWERED BY COUNCIL PLEASE HELP US BY FILLING OUT THE SECTION BELOW SO THAT THE QUESTION CAN BE RECORDED AND RESPONDED TO.

Name	
Address	
Phone Number	
Email	

Question 1

Question 2

Question 3



SCHEDULE 2 – GUIDELINES FOR PETITIONS AND JOINT LETTERS

What is a petition?

A petition is a formal written request for action. For example, petitions may ask council to change a decision, policy or local law, or take action for a certain purpose or for the benefit of particular persons.

Presenting a petition to Council

The following information has been prepared to assist people who wish to lodge a petition with Council. It explains the rules governing petitions and provides a link to a petition template.

Alternatives to petitioning Council

Before commencing a petition, consider whether it is the most effective means of dealing with a grievance. In the first instance Council encourages persons to attempt to resolve a matter by contacting customer service staff on (03) 5450 9333. Additionally, councillors are always available to speak with persons on matters of concern.

Using a petition to have your view heard

Notwithstanding the above alternatives, petitions are one way the community can ensure its views are heard by Council.

Should the petition be sent to Council?

Check with Council that the matter comes under its jurisdiction. In other words does Council have the power to act to address the matter, or is it a matter for the state or federal government.

Writing a petition

- Prepare a clear message about what's wrong with the situation, why it needs to change, and how things can get better. For example:

The residents and ratepayers of Gannawarra Shire Council draw to the attention of the Council that there is a problem with speeding motorists at the intersection of ABC Street and XYZ Road.

Drivers coming along XYZ Road typically speed through this busy intersection at 70 km/h, endangering the lives of other motorists and pedestrians.

We therefore request that council replace the give way sign with a stop sign on XYZ Road.

- Choose language that is respectful and non-emotive. This is more likely to gain the support of others who share your view on the topic.
- State the request **on each page** of the petition.
- Don't attach any other documents to the petition – all the information being presented to the petitioners when they sign is all the information that is required.
- Make sure the signatories include their name, signature and address on the sheet.
- Don't let someone sign for anyone else, not even friends or family (unless they are incapable of signing).

Processing a petition

Petitions should be forwarded to the Chief Executive Officer. The CEO will provide a copy of petitions to all councillors and submit the petition to the next Council meeting.

The first named petitioner or the person submitting the petition will be advised of the outcome.

A pro-forma for petitions is available for download from the council's website at www.gannawarra.vic.gov.au.

For further information about the process for presenting petitions, please contact the Council's governance staff on (03) 5450 9333.



GANNAWARRA SHIRE COUNCIL PROCEDURE FOR ELECTION OF MAYOR

Election of Mayor and Chairs

- (1) The meeting to fill the vacancy of Mayor will be held:
 - (a) as soon as practicable after the declaration of the result of the election; or
 - (b) where the position of Mayor otherwise becomes vacant, as soon as practicable after the vacancy has occurred.
- (2) At any meeting to elect the Mayor, any councillor may be appointed as a temporary chair to deal with:
 - (a) the receipt of nominations for the election of Mayor; and
 - (b) the election of the Mayor.
- (3) The election of the Mayor, Deputy Mayor, Acting Mayor or Chairperson of a Special Committee must be undertaken by a show of hands.
- (4) In determining the election of the Mayor, the following will apply:
 - (a) where only one nomination is received, that councillor must be declared elected;
 - (b) where two nominations are received, the councillor with the majority of votes cast will be declared elected;
 - (c) where there are two or more nominations and all votes cast are equally divided between two or more nominees, the election must be determined by lot;
 - (d) where there are more than two nominations received and the result has not been determined under paragraphs (b) or (c) the nominee with the fewest number of votes cast must be eliminated (and if more than one of them, the nominee determined by lot) and the names of the remaining nominees must be put to the vote again;
 - (e) the procedure in paragraph (d) must be repeated until the circumstances in paragraph (c) apply or until there are only two nominees remaining in which case a further vote must be taken and the nominee with a majority will be declared elected or, if there is an equal division of votes, the election must be determined by lot.
- (5) If the Mayor is temporarily absent, including being unable to attend a Council meeting for any reason, the Deputy Mayor is the appointed Acting Mayor under section 73(3) of the Act unless there is no elected Deputy Mayor or such person is unavailable in which case an Acting Mayor is to be elected
- (6) Any election by Council of a Deputy Mayor or acting Chair of a council meeting or a chair of a special committee will follow the same procedure as that for an election of the Mayor.

8.3 G15-2018 SAMPSONS BRIDGE REPLACEMENT

Author: Leigh Hollingworth, Civic Projects Officer

Authoriser: Geoff Rollinson, Director Infrastructure and Development

Attachments: Nil

RECOMMENDATION

That Council award the tender G15-2018 for the replacement of Sampsons Bridge to Murray Constructions Pty Ltd for the lump sum, not subject to rise and fall, for the amount of \$668,800 incl. GST.

EXECUTIVE SUMMARY

To seek approval from Council to appoint Murray Constructions Pty Ltd as the successful tenderer for contract G15-2018 for the replacement of Sampsons Bridge on the Kerang-Leitchville Road.

A copy of the tender evaluation has previously been provided to the Councillors.

BACKGROUND

The project will replace the existing U-slab bridge over the Pyramid Creek with a two-lane concrete structure to withstand higher mass limits with a load capacity of SM1600 (160 tonne). The current bridge, which was built in 1967, is rated at T44 (44 tonne), however it is starting to fail on the underside of the U slabs. Given this, the current load limit is continually under review. A speed limit restriction of 80 kilometres per hour is currently in place.

Without significant works the speed limit will be further reduced and load limits may be placed on the bridge, contradicting the current load limit of the Kerang-Leitchville Road and resulting in a 23.6 kilometre detour if the bridge is unable to be used.

The replacement bridge will ensure the Kerang-Leitchville Road will remain an important intra and interstate transport link, providing an efficient, safer and effective first and last mile transport route solution for producers in the area. It will also enable the capacity of loads, thereby reducing the number of required trucks and travel times, improving productivity.

In addition to providing a critical supply chain link for produce, though gaining these transport efficiencies and increasing productivity, the replacement bridge will further encourage economic growth and activity within the Gannawarra Shire local government area.

POLICY CONTEXT

Council Plan 2017 – 2021: Built Environments

Strategy 6: Upgrade infrastructure to improve access to key commercial markets.

DISCUSSION

Tenders for the replacement of Sampsons Bridge closed on 12 September, 2018 and three submissions were received. Evaluation of the submissions included weighted criteria demonstrating price, capability, experience, sub-contractor capability, OH&S minimisation and local benefit, all of which were included in the tender specification package.

The budget for the project includes grant funding from the Federal Bridges Renewal Program of \$471,350 matched 1:1 from Council providing a total project budget of \$942,700.

At the close of tenders on Wednesday, 12 September, 2018 three tenders were received through Council's E-Tendering Portal, being:

Tenderer	Sampsons Bridge Reconstruction Pricing (inc. GST)
Murray Constructions Pty Ltd	\$668,800
Tenderer B	\$969,831
Tenderer C	\$867,532

All tenders received were conforming to the specification.

The evaluation criteria and weighting contained in the tender conditions for G15-2018 were as follows:

	Criteria	Weight
1	Financial costs to Council - including rates for variations etc. and any additional overhead costs and/or liabilities Council could bear (such as WorkCover).	30%
2	Tenderer's and any nominated sub-contractors' resources, technical and financial capabilities to successfully complete the contract.	30%
3	Tenderer's and any nominated sub-contractor's experience on similar projects and standing, experience and skill within the industry.	20%
4	Tenderer's and any nominated sub-contractor's OH&S record and procedures and ability to minimise Council's insurance risks.	10%
5	Tenderers and nominated sub-contractor's operational base including assessment of business, staff location, materials purchasing and sub-contractor locations (Local Benefit)	10%

The following table summarises the weighted score assigned to each tenderer using the evaluation criteria as listed above:

Tenderer	Weighted Score
Murray Constructions Pty Ltd	8.29
Tenderer B	6.75
Tenderer C	7.5

A copy of the tender evaluation has previously been provided to the Councillors.

Given the length of detour required, the time programmed for the bridge replacement until opening to full traffic is critical. Murray Constructions Pty Ltd have indicated the shortest construction period. Given the method of construction being all precast, the bridge will be fully operational immediately after construction.

The tender submitted by Murray Constructions is under allocated budget. Council officers will discuss options with the funding body in regards to any remaining funds.

CONSULTATION

Relevant Council staff have been involved with the development of the specification and the attached evaluation process.

CONFLICT OF INTEREST

In accordance with Section 80B of the *Local Government Act 1989*, the Officer preparing this report declares no conflict of interest in regards to this matter.

CONCLUSION

Given the short construction period, the pricing and the ability of Murray Constructions Pty Ltd to undertake the works, it is recommended that Council award Contract G15-2018 Replacement of Sampsons Bridge to Murray Constructions Pty Ltd for the lump sum amount of \$668,800 inclusive of GST (\$608,000 ex GST), not subject to rise and fall.

8.4 HEAVY PLANT REPLACEMENT CONTRACT VP114616 - PURCHASE

Author: Col Shepherd, Acting Manager Operational Services

Authoriser: Geoff Rollinson, Director Infrastructure and Development

Attachments: Nil

RECOMMENDATION

That Council award contract VP114616 to Hitachi Construction Equipment for the supply and delivery of a John Deere Road Grader for the lump sum payment not subject to rise and fall for the amount of \$407,000 (GST inclusive).

EXECUTIVE SUMMARY

Tenders were called for the supply and delivery of one Road Grader for the purpose of road maintenance, construction and sundry debtor works. This will also enable Council staff to comply with Council's Road Management Plan and the Council Plan 2017 - 2021. Five potential suppliers were invited to submit tenders, however three did not respond. Consequently only two tenders were received for evaluation.

A copy of the tender evaluation has previously been provided to the Councillors.

BACKGROUND

Heavy Plant Replacement is an item listed on the Capital Works Program every year with funds allocated depending on the need for replacement vehicles and plant. The 2018/19 financial year Heavy Plant budget allocation is \$825,000. In accordance with the replacement schedule, the Caterpillar 12H purchased in 2000, which has now completed 16,000hrs, is due for replacement.

It is expected that Council will recover approximately \$80,000 for the current road grader at auction, the sale price is dependent on the demand at the time of auction.

POLICY CONTEXT

Council Plan 2017-2021: Sustainable natural and built environment:

Strategy 4: Implement Council's Capital Works Program.

Strategy 7: Managing facilities and assets now and into the future.

DISCUSSION

The evaluation criteria and weighting contained in the contract conditions for VP114616 were as follows.

Criteria	Weight
1. Specification Compliance	30%
2. Price of the tender	20%
3. Standing/Reputation of equipment and tenderer within the industry	20%
4. Range of warranty services and location of tenderer's service, parts, technical and backup facilities	20%

Criteria	Weight
5. Local Benefit	10%

The following table summarises the weighted score assigned to each tenderer using the evaluation criteria listed above:

Tenderer	Cost (GST Inc.)	Score	Weighted Score
Tenderer A	\$422,290	45/100	8.9
Hitachi Construction Equipment	\$407,000	45/100	9.35

A copy of the tender evaluation has previously been provided to the Councillors.

CONSULTATION

All relevant Council staff and external contractors were consulted on this matter.

CONFLICT OF INTEREST

In accordance with Section 80B of the *Local Government Act 1989*, the Officer preparing this report declares no conflict of interest in regards to this matter.

CONCLUSION

Rigorous testing of the two graders offered has been conducted by Council Staff. Due to the ease of maintenance and operator comfort, the John Deere Road Grader is the preferred machine.

The John Deere Road Grader supplied by Hitachi Construction Equipment is also considered the best option for both value and service to Council and is the preferred tenderer.

8.5 G17-2018 - THREE YEAR RESEAL PROGRAM

Author: Brent Heitbaum, Assets and Design Manager

Authoriser: Geoff Rollinson, Director Infrastructure and Development

Attachments: Nil

RECOMMENDATION

That Council award contract G17-2018 – Three Year Reseal Program to Primal Surfacing Pty Ltd for a three year contract period at the tendered schedule of rates subject to rise and fall with works carried out annually to the limit specified within Council’s Capital Works Budget.

EXECUTIVE SUMMARY

To seek approval from Council to appoint Primal Surfacing Pty Ltd as the successful tenderer for the schedule of rates contract G17-2018 for the Three Year Reseal Program.

A copy of the tender evaluation has previously been provided to the Councillors.

BACKGROUND

Council manages and maintains over 500km of sealed roads within the municipality. To ensure these roads are maintained at a level that ensures both safety and longevity of the network, the seal must be replaced (resealed) before it begins to fail.

Council Officers undertake a condition survey of the road network every three years. This condition information drives the reseal program to ensure that roads are resealed as required based on the condition of the seal. This survey was undertaken in September, 2018 with the results expected in the next few weeks, this will allow for the preparation of the selected roads and subsequent future sealing program.

POLICY CONTEXT

Council Plan 2017 – 2021: Built Environments, Strategy 4: Implement Council’s Capital Works Program

Road Asset Management Plan – 2015

Road Management Plan – 2017

DISCUSSION

Tenders for the Three Year Reseal Program closed at 4:00pm on 26 September, 2018 and four submissions were received as detailed below. Evaluation of the submissions included weighted criteria demonstrating price, capability, experience, sub-contractor capability, OH&S minimisation and local benefit, all of which were included in the tender specification package.

The tender was advertised as a three year contract with a schedule of rates subject to rise and fall. The schedule of rates allows flexibility for the location of work over the three year period to match the behaviour of the sealed network over this time.

The 2018/2019 Capital budget allocation is \$935,000 including GST.

All tenders received were conforming to the specification.

The evaluation criteria and weighting contained in the tender conditions for G17-2018 were as follows:

Criteria		Weight
1	Financial costs to Council - including rates for variations etc. and any additional overhead costs and/or liabilities Council could bear (such as WorkCover).	50%
2	Tenderer's and any nominated sub-contractors' resources, technical and financial capabilities to successfully complete the contract.	15%
3	Tenderer's and any nominated sub-contractor's experience on similar projects and standing, experience and skill within the industry.	15%
4	Tenderer's and any nominated sub-contractor's OH&S record and procedures and ability to minimise Council's insurance risks.	10%
5	Local Benefit	10%

The following table summarises the weighted score assigned to each tenderer using the evaluation criteria as listed above:

Tenderer	Weighted Score
Tenderer A	6.32
Primal Surfacing Pty Ltd	7.23
Tenderer C	7.08
Tenderer D	6.24

All tenders submitted are conforming to the specification and all are of equal standing in the industry with similar capabilities. The pricing schedule submitted by each tenderer was compared to the previous two programs to ascertain a comparative price unique to the Shire's conditions. The tender submitted by Primal Surfacing Pty Ltd was the most cost competitive.

Primal Surfacing Pty Ltd have successfully completed Council's reseal program since 2010 over multiple contracts and have the resources to successfully complete the annual program in the timing required.

A copy of the tender evaluation has previously been provided to the Councillors.

CONSULTATION

All relevant Council Officers have been consulted in the preparation of this report and recommendation.

CONFLICT OF INTEREST

In accordance with Section 80B of the *Local Government Act 1989*, the Officer preparing this report declares no conflict of interest in regards to this matter.

CONCLUSION

Given the above it is recommended that Council award Contract G17-2018 – Three Year Reseal Program to Primal Surfacing Pty Ltd for the three year contract period at the tendered schedule of rates subject to rise and fall and works carried out annually to the limit specified within Council's Capital Works Budget.

8.6 2018/2019 COMMUNITY GRANTS PROGRAM**Author:** Shae Dixon, Administration Officer**Authoriser:** Stacy Williams, Director Community Wellbeing

Attachments: 1 Community Support Category 2018/19 - Recommendations
 2 Community Events Category 2018/19 - Recommendations

RECOMMENDATION

That Council approve applications to 2018/19 Council Community Grants Program, totalling \$65,682 in the Community Support category and \$16,725 in the Events category.

EXECUTIVE SUMMARY

The 2018/2019 Council Community Grants program closed for applications on 3 September, 2018.

A total of 16 applications were assessed for the Community Support category and seven for the Events category.

Council officers have undertaken an assessment of the applications submitted. This assessment has included the eligibility criteria set by Council within the grant guidelines, weighting of eligible projects against the application requirements and how projects align with Council's 2017-2021 Council Plan, Community Profiles and other strategies.

The purpose of this report is to advise Council of applications received in the 2018/2019 Community Grants Program and seek approval of applications totalling \$65,682 in the Community Support category and \$16,725 in the Events category.

BACKGROUND

The revised framework for Council's Community Grants program was approved by Council in November 2017. The revised framework included the setup of an online application system called SmartyGrants with a budget of \$90,000 allocated as follows:

	Allocated	Recommended grants
SmartyGrants fee:	\$7,500	\$7,500
Community category (new):	\$64,500	\$65,682
Events category (new):	\$18,000	\$16,725
TOTAL	\$90,000	\$89,907

A listing of recommended applications is included as two attachments to this report.

It is recommended that 16 applications submitted to the Community Support category and 7 applications submitted to the Events category be approved by Council. Each of these applications has demonstrated compliance with Council's overall objectives. Applications have been assessed as meeting the eligibility criteria set by Council in the grant guidelines and have submitted complete applications that have included letters of support and quotes where applicable. They

support the objectives of the Council Plan 2017-2021, Community Profiles and other Council strategies.

In this funding round, the recommended projects include projects and events which focus on improvements to community facilities and buildings, equipment to support local volunteer groups, and projects that develop both new events and complement and grow existing events, both large and small.

Applications recommended for approval would find it difficult to compete for grant support from external funding sources, or have made unsuccessful attempts to secure external funding in the past.

The next round of Council's Community Grants will open in August 2019.

POLICY CONTEXT

The Council Community Grants program aligns with the 2017-2021 Council Plan Key Focus Areas: Connectivity and Strong Healthy Communities - Strategic Objectives of 'Support volunteer participation to meet the needs of our community', 'Encourage and build community events' and 'Provide a range of opportunities that promote active and healthy lifestyles and social connectedness'.

CONSULTATION

The Council Community Grants program was advertised in local print and social media as well as on Council's website for the period 30 July 2018 through to the closing date of 3 September 2018.

CONFLICT OF INTEREST

In accordance with Section 80B of the Local Government Act 1989, the Officer preparing this report declares no conflict of interest in regards to this matter.

CONCLUSION

The 2018/2019 Council Community Grants program saw a positive response from community groups across the Gannawarra Shire with the quality of applications very high.

Projects recommended for approval have demonstrated compliance with relevant community profile priorities and will address clearly identified community needs. These projects, if supported by Council, will also assist community driven initiatives that enable and support increased community pride, morale and volunteerism.

Community Grants - Recommendations to Council

Organisation Name	Project Title	Total Project Cost	Amount Recommended
Northern District Community Health	Our Murray Street Garden	\$14,770	\$5,000
Lalbert Landcare Group	Lalbert Projecting into the Future	\$5,406	\$4,156
Barham-koondrook Historical Society Inc	Digitising Historical Records	\$2,475	\$1,455
Leitchville Bowls Club Inc.	Shady View	\$30,370	\$5,000 *
Kerang Amateur Swimming and Life Saving Club	Kerang Swimming club training aids	\$2,957	\$1,478
Baptcare Northaven	Life Long learning and Social Inclusion of our Aged	\$10,000	\$5,000
Lions Club of Cohuna Inc.	Cohuna 'Leo' Donut Van	\$22,593	\$2,000 *
Cohuna Squash Club incorporated	Cohuna Squash club maintenance and signage upgrade	\$3,635	\$2,000
Kerang District Health	Adding weight to the community gym	\$4,999	\$5,000
Myall Public Hall Committee	Myall Pioneer and Remembrance Display	\$4,830	\$4,830
Northern District Dance Association	Interior Painting	\$10,000	\$5,000
Kerang Scout Group	Kerang Scouts Air-conditioning	\$8,350	\$5,000
Quambatook Amity Club	Heating/Cooling for Quambatook Recreation Reserve	\$5,433	\$4,783
Tragowel Progress Association Inc	Tragowel Community Carpet Bowls	\$4,980	\$4,980
Cohuna Golf Bowling Club	Come & Try Cohuna	\$12,000	\$5,000
Central Victorian Gymnastics Inc	Cohuna Tumble Tots Equipment Upgrade	\$10,000	\$5,000
		\$152,799	\$65,682

Community Support Budget	\$64,500
Over-spend	\$1,182

*Grant Dependent

Events Category

Organisation Name	Project Title	Total Project Cost	Amount Recommended
Kerang Progress Association Incorporated	Kerang New Year's Eve Party In The Park	\$13,000	\$3,000
Dingwall Community Hall	Dingwall Winter Lunch	\$1,225	\$500
Kerang Music Society	Choirs and More...!	\$1,100	\$500
Northern District Dance Association	Annual Ball Weekend	\$4,000	\$2,000
Murrabit Football Club	Murrabit Cod Challenge	\$24,750	\$4,500
Victoria State Emergency Service Kerang Unit	Kerang Emergency Services Afternoon	\$2,420	\$1,225
Kerang Traders Incorporation	Artistic Piano Musical Event	\$9,959	\$5,000
		\$56,454	\$16,725

Community Events Budget	\$18,000
Under-spend	\$1,275

8.7 2017/2018 ANNUAL REPORT - RECIEVE AND NOTE

Author: Narelle O'Donoghue, Manager Community Health

Authoriser: Stacy Williams, Director Community Wellbeing

Attachments: 1 2017/2018 Annual Report (under separate cover)

RECOMMENDATION

That Council:

1. Receive the 2017/2018 Annual Report and note that it was submitted to the Local Government Minister prior to 30 September 2018
2. Make the 2017/2018 Annual Report publically available and provide a copy to the State Library of Victoria

EXECUTIVE SUMMARY

The Gannawarra Shire Council 2017/2018 Annual Report has been completed. The Independent Auditor's Reports for both the 2017/2018 Financial Statements and 2017/2018 Performance Statement were received on 20 September, 2018. A copy of the report was submitted to the Minister for Local Government on 26 September, 2018. The report meets the requirements of the *Local Government Act 1989* and public notice has been given in accordance with the Act that the report will be received by Council at this meeting.

BACKGROUND

Council is required under Section 131 of the *Local Government Act 1989* to prepare an Annual Report and provide it to the Local Government Minister within three months of the end of each financial year or such longer period as the Minister may permit in a particular case. It must contain:

1. A report of its operations during the financial year
2. Audited standard statements for the financial year
3. Audited financial statements of the financial year
4. A copy of the performance statement prepared under Section 132
5. A copy of the report on the performance statement prepared under Section 133

As per Section 134 of the *Local Government Act 1989*, 14 days public notice has been given advising that the Annual Report will be received by Council at this meeting and that copies of the Annual Report can be obtained either at Council's Customer Service Centres or on Council's website.

POLICY CONTEXT

Council is required under Section 131 of the *Local Government Act 1989* to prepare an Annual Report and provide it to the Local Government Minister within three months of the end of each financial year or such longer period as the Minister may permit in a particular case.

DISCUSSION

The preparation of the Annual Report is a requirement of the *Local Government Act 1989*.

CONSULTATION

The Department of Environment, Land, Water and Planning has produced a Local Government Better Practice Guide for both the Report of Operations and the Performance Reporting, which has been closely followed in the production of the Annual Report.

A range of resources have been used to gather the information in the Annual Report including the Australian Bureau of Statistics Census 2016, Council Minutes, media releases and other reporting documents for the past financial year.

Council's Executive Leadership Team and staff have been consulted as to the accuracy of the information relating to their areas of expertise.

CONFLICT OF INTEREST

In accordance with Section 80B of the *Local Government Act 1989*, the Officer preparing this report declares no conflict of interest in regards to this matter.

CONCLUSION

The 2017/2018 Annual Report was submitted to the Minister for Local Government as per Section 131 of the *Local Government Act 1989* and is now presented to Council for final endorsement prior to printing and wider distribution.

8.8 PETITION - VICTORIA SQUARE GUM TREE

Author: Tom O'Reilly, CEO

Authoriser: Tom O'Reilly, CEO

Attachments: Nil

RECOMMENDATION

That Council receive the petition relating to the gum tree in Victoria Square, Kerang.

EXECUTIVE SUMMARY

A petition relating to the Victoria Square, Kerang gum tree and containing 121 names, has been received by Council.

Local Law No. 7 (2011) requires that a petition presented to Council must lay on the table until the next Ordinary meeting of the Council and no motion, other than to receive the petition may be accepted by the Chairperson, unless the Council agrees to deal with it earlier.

This report seeks a resolution of Council to receive the petition so that it may be referred to Officers for preparation of a report to the November Ordinary Council meeting.

BACKGROUND

A petition containing 121 names, relating to the Victoria Square, Kerang gum tree has been received by Council. The petition suggests the use of a chain saw sculptor to sculpture each branch in the way of Australian birds and animals – particularly those significant to our local area.

As Councillors are aware, Council officers are currently working with arborists to ascertain the status of the health of the tree.

POLICY CONTEXT

Gannawarra Shire Council Local Law No. 7 (2011) Processes of Local Government (Meetings and Common Seal), (Further Amendment) Local Law.

DISCUSSION

Gannawarra Shire Council Local Law No. 7 (2011) Processes of Local Government (Meetings and Common Seal), (Further Amendment) Local Law clause 96 states:

'A petition or joint letter presented to the Council must lay on the table until the next ordinary meeting of the Council, and no motion, other than to receive the petition or joint letter may be accepted by the Chairperson, unless the Council agrees to deal with it earlier.'

Given Council Officers are currently working with arborists to identify options to ascertain the status of the health of the tree, it is appropriate for Council to resolve to receive the petition so that it may be referred to Officers for preparation of a report to the November Ordinary Council meeting.

CONSULTATION

No consultation was required to occur for this matter.

CONFLICT OF INTEREST

In accordance with Section 80B of the *Local Government Act 1989*, the Officer preparing this report declares no conflict of interest in regards to this matter.

CONCLUSION

Given Council Officers are currently working with arborists to ascertain the status of the health of the tree, a Council resolution to receive the petition so that it may be referred to officers for preparation of a report to the November Ordinary Council meeting is appropriate on this occasion.

9 INFORMATION REPORTS

Nil

10 URGENT ITEMS**11 NOTICES OF MOTION**

Nil

12 DELEGATES REPORTS**12.1 DELEGATES REPORT - 20 SEPTEMBER, 2018 TO 17 OCTOBER, 2018****Author:** Melissa Scott, Executive Assistant - Chief Executive Office**Authoriser:** Tom O'Reilly, CEO**Attachments:** Nil**EXECUTIVE SUMMARY**

Delegate Reports from 20 September, 2018 to 17 October, 2018

Cr Brian Gibson

20 September	St Joseph's Gannawarra Golden Shoe Trophy Launch
21 September	Kerang Primary School Gannawarra Golden Shoe Trophy Launch
27 September	McCann Crescent Park Opening – Kerang
5 October	Regional Roads Victoria Regional Engagement Stakeholder Roadshow – Northern Region – Kerang
9 October	Mental Health Week Community Walk – Kerang Citizenship Ceremony – Kerang
11 October	GRIP Student Leadership Program Follow up Meeting - Kerang

Cr Jodie Basile

27 September	McCann Crescent Park Opening – Kerang
13 October	Head to Head Mental Health Meeting – Kerang

Cr Steve Tasker

26 September	Murrabit Cross Community Planning Group Meeting – Murrabit
9 October	Koondrook Development Committee Meeting – Koondrook
10 October	GRIP Student Leadership Program Follow up Meeting - Murrabit

Cr Lorraine Learmonth

21 September	The Judge – Gannawarra Refugee Group
4 October	Gannawarra Arts Meeting – Kerang
8 October	Cohuna Recreation Reserve Meeting
9 October	Citizenship Ceremony – Kerang
10 October	Leitchville Progress Association Meeting
15 October	Seniors Week Day Trip – Boort
16 October	Murray Tourism Annual Meeting - Echuca

Cr Sonia Wright

8 October Cohuna Progress – Recreation Reserve Meeting – Cohuna
 12 October Loddon Murray Community Program Lunch – Cohuna
 15 October Cohuna Progress Association Meeting - Cohuna

This table represents attendances at Council meetings and briefings:

Function Attended	Councillor (✓)						
	Gibson	Arians	Basile	Gillingham	Learmonth	Tasker	Wright
Council Strategic Briefing (25 September)	✓	✓	✓	✓	✓	✓	A
Council Briefing (8 October)	✓	✓	A	✓	✓	✓	✓
Ordinary Council Meeting (19 September)	✓	✓	✓	✓	✓	✓	✓

A = Apology

13 CONFIDENTIAL ITEMS

Nil