



GANNAWARRA

Shire Council

Wednesday, 18 December 2019

6:30pm

Council Chambers

Kerang

AGENDA

Ordinary Council Meeting

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Tom O’Reilly
CHIEF EXECUTIVE OFFICER

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 - 20 November, 2019

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.
- because their residential amenity is likely to be altered if the matter is decided in a particular way.

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 three 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 three 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 three questions of up to two 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 NOVEMBER, 2019 TO 17 DECEMBER, 2019

Author: Mel Scott, Executive Assistant - Chief Executive Office

Authoriser: Tom O'Reilly, CEO

Attachments: 1 Assembly of Councillors - 9 December 2019

RECOMMENDATION

That Council note the records of Assembly of Councillors from 20 November, 2019 to 17 December, 2019.

EXECUTIVE SUMMARY

This report presents 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 Assembly of Councillors records as outlined in this report.



Assembly of Councillors Record Form

Date:	Monday, 9 December, 2019	
Time:	9:00am – 1:00pm	
Location:	Kerang Council Chambers	
In Attendance: (Councillors)	Cr Lorraine Learmonth Cr Charlie Gillingham Cr Brian Gibson Cr Jodie Basile	
Apologies:	Cr Mark Arians Cr Sonia Wright Cr Steve Tasker	
In Attendance: (Officers)	Stacy Williams, Geoff Rollinson, Phil Higgins, Wade Williams, Mel Scott, Roger Griffiths, Lisa Clue, Brent Heitbaum, Sid Hutchinson, Paul Fernee	
In Attendance: (Other)	Nil	
Matters Discussed:	<p>Council Reports:</p> <ul style="list-style-type: none"> • Council Policy Review • Election Period Policy • G06-2019 Supply of Road Making Materials • Proposed name changes to Koondrook Environmental Reserve and Koondrook Swimming Pool • Awarding of 2020 Australia Day Awards <p>Councillor Updates:</p> <ul style="list-style-type: none"> • Rating Strategy – Options Update • 2020/2021 Capital Budget – 1st Draft • Kerang Regional Park – Committee of Management • Cohuna Aviation Club Project Proposal • Cohuna Pool Condition Update <p>Councillor Strategic Briefing Update:</p> <ul style="list-style-type: none"> • 2019/2020 Capital Works Program Update • Drought Communities Programme Projects • Strategic Projects – Towards 2025 <p>Councillor Issues Raised</p>	
Conflict of Interest Disclosures		
Matter No.	Councillor/Officer making disclosure	Councillor/Officer left meeting Yes/No
Nil		
Completed By:	Geoff Rollinson – Director Infrastructure and Development	

8 BUSINESS REPORTS FOR DECISION

8.1 COUNCIL POLICY REVIEW

Author: Alissa Harrower, Governance and Compliance Coordinator

Authoriser: Phil Higgins, Director Corporate Services

Attachments:

- 1 Policy No. 074 - Information Privacy and Health Records**
- 2 Policy No. 109 - Procurement**
- 3 Policy No. 138 - Asbestos Management**

RECOMMENDATION

That Council:

- 1. Endorse the following reviewed policies:**
 - Policy No. 074 – Information Privacy and Health Records**
 - Policy No. 109 – Procurement**
- 2. Endorse the following new policy:**
 - Policy No. 138 – Asbestos Management**
- 3. Authorise the Chief Executive Officer to make amendments to the documents to correct any minor drafting errors that do not materially alter the intent of the policies.**

EXECUTIVE SUMMARY

Council officers undertake regular reviews of Council policies to ensure they are up to date and reflective of current practices and on occasion identify the need for a new policy. This report addresses two recently reviewed policies and one new policy:

- Policy No. 074 – Information Privacy and Health Records
- Policy No. 109 – Procurement
- Policy No. 138 – Asbestos Management

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. On occasion officers also identify the need for a new policy. New and 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 a Healthy Organisation

Local Government Act 1989

Freedom of Information Act 1982

Privacy and Data Protection Act 2014

Health Records Act 2001

Victorian Charter of Human Rights and Responsibilities Act 2006

DISCUSSION

Policy No.	Policy Name	Comments
074	Information Privacy and Health Records	<p>This policy has been reviewed considering findings of the Office of the Victorian Information Commissioner (OVIC) examination of all Victorian local government privacy policies. Apart from minor changes to wording, amendments to the policy include:</p> <ul style="list-style-type: none"> • Inclusion of section about Gannawarra Shire Council • Further explanation of unique identifiers and transferring of personal information outside Victoria • Further explanation of processes to access and correct personal information • Further information on making a privacy complaint • Policy to be reviewed every two years.
109	Procurement	<p>This policy is a requirement of the <i>Local Government Act 1989</i> and details the principles, processes and procedures applied to the purchase of goods, services and works. It is a requirement that at least once in each financial year, a Council must review the current procurement policy and may amend the policy.</p> <p>Recommended adjustments have been made to reflect best practice and to further tighten language within the document to ensure matters are clearer to the reader.</p> <p>Amendments to the policy include:</p> <p>2.1.9 –inclusion of criteria to enable an assessment of the regional benefit generated in awarding works.</p> <p>2.1.8 – this inclusion relates to government grant programs where there is an emphasis on creating economic stimulus to the local community and will provide staff with the flexibility to generate local spend.</p> <p>2.4.2.2 – this amendment will enable staff to conduct projects in an efficient and timely manner, whilst ensuring compliance with CEO delegation limits.</p> <p>Schedule 1 – Council Staff Delegation – Purchasing approval limits are an operational matter, delegated by the Chief Executive Officer to Council positions. Amendments to these delegations are required, sometimes up to several times per month, dependant on staffing arrangements and organisational structure changes. The removal of Schedule 1 will provide a more efficient process when changes are required.</p>

Policy No.	Policy Name	Comments
138	Asbestos Management	This new Council Policy has been developed to provide guidance and direction by eliminating and managing exposure to asbestos in and around Gannawarra Shire Council buildings, sites and workplaces.

CONSULTATION

Members of Council's Executive Leadership and Management Teams responsible for the policy areas, and their relevant staff have been involved in the review and/or development of the policies. The cross functional Procurement Team was involved in the review of the Procurement Policy.

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

This report addresses two recently reviewed policies and one new policy for the consideration of Council to ensure compliance with relevant legislation and that they are reflective of current practice.



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

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

Health Privacy Principles (HPPs) are a set of eleven principles that regulate how health information is handled. These principles underpin the Health Act.

- HPP 1 – Collection
- HPP 2 – Use and Disclosure
- HPP 3 – Data Quality
- HPP 4 – Data Security
- HPP 5 – Openness
- HPP 6 – Access and Correction
- HPP 7 – Identifiers
- HPP 8 – Anonymity
- HPP 9 – Trans-border Data Flows
- HPP 10 – Transfer/closure of the Practice of a Health Service Provider
- HPP 11 – Making information available to another Health Service Provider



Information Privacy Principles (IPPs) are a set of ten principles that regulate how personal information is handled. These principles underpin the PDPA:

- IPP 1 – Collection
- IPP 2 – Use and Disclosure
- IPP 3 – Data Quality
- IPP 4 – Data Security
- IPP 5 – Openness
- IPP 6 – Access and correction
- IPP 7 – Unique Identifiers
- IPP 8 – Anonymity
- IPP 9 – Trans-border Data Flows
- IPP 10 – Sensitive Information

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.

3. ABOUT GANNAWARRA SHIRE COUNCIL

As a Council, it is our role to locally govern for all residents, visitors and ratepayers, and provide a range of programs and services that meet the needs of our community.

The functions of a Council as prescribed by the *Local Government Act 1989* are as follows:

- a) Advocate and promote proposals which are in the best interests of the local community;
- b) Plan for and provide services and facilities for the local community;
- c) Provide and maintain community infrastructure in the municipal district;
- d) Raise revenue to enable the council to perform its functions;
- e) Make and enforce local laws;
- f) Exercise, perform and discharge the duties, functions and powers of councils under this act and other acts;
- g) Any other function relating to the peace, order and good government of the municipal district.

Many of our powers and functions are assigned to us by other acts of parliament. We also enforce local laws which affect our residents, businesses and visitors to the shire.

Our contact details are:

Telephone: 03 5450 9333
Email: council@gannawarra.vic.gov.au
Post: PO Box 287, Kerang 3579

4. POLICY

What type of information does Council collect?

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 (IPPs) contained in the *Privacy and Data Protection Act*, and the eleven Health Privacy Principles (HPPs) contained in the *Health Records Act* as being the cornerstone of information privacy.



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

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

Council will only collect personal or health 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 do so where the person has given prior consent or as permitted by law.

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 or health 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.

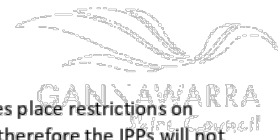
Council’s website can be visited anonymously as the site does not record or collect personal information other than information a person may choose to provide.

What does Council do with 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.

A unique identifier is a number or code that is assigned to someone’s record to assist with identification (similar to a drivers licence or Medicare number). Unique identifiers created by another organisation will not be used as reference numbers or identifiers within Council.



Council does not prohibit the transfer of personal information outside of Victoria, but it does place restrictions on when it can occur. This is because the *Privacy and Data Protection Act* is a Victoria law and therefore the IPPs will not apply to organisations in a different state, territory or country.

Council will only transfer personal or health information outside Victoria in accordance with the provisions outlined in the *Privacy and Data Protection Act* and *Health Records Act*.

What disclosures might be made by Council?

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.

How does Council ensure the information is accurate, up to date and secure?

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.

How can a person access or correct information held by Council?

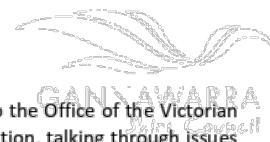
Following the collection of personal information, the individual whose information has been collected, may contact Council for access to that information. The individual can contact the most relevant Council department directly or Council's FOI/Privacy Officer using the contact details in the 'About Gannawarra Shire Council' section on page 2.

Access will be provided except in the circumstances outlined in the *Privacy and Data Protection Act*, for example, where the information relates to legal proceedings or where the *Freedom of Information Act 1982* applies. If an individual believes that their personal information is inaccurate, incomplete or out of date, the individual may request Council to correct the information. The request will be dealt with in accordance with the *Privacy and Data Protection Act*.

How does Council Handle Privacy complaints?

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 Gannawarra Shire Council, PO Box 287, Kerang Victoria 3579 or via email on council@gannawarra.vic.gov.au.

All complaints will be investigated and handled with discretion and confidentiality and in accordance with Council Policy No. 117 – Complaint Handling, and Council's Complaint Handling Procedure. Both documents are available from Council's website, www.gannawarra.vic.gov.au or provided upon request using the contact details in the 'About Gannawarra Shire Council' section on page 2.



If resolution is not satisfactorily achieved within Council, complaints may be re-directed to the Office of the Victorian Information Commissioner (OVIC). OVIC will try to resolve your complaint through conciliation, talking through issues and attempting to resolve your complaint in a way that is acceptable to everyone, and which upholds the objectives of the *Privacy and Data Protection Act*.

OVIC contact details are:

Post: PO Box 24274, Melbourne Victoria 3001
 Email: enquiries@ovic.vic.gov.au
 Telephone: 1300 006 842 (9am – 5pm, Monday to Friday)
 Website: www.ovic.vic.gov.au

5. RELATED PROCEDURES/GUIDELINES

N/A

6. REFERENCES/LEGISLATION

Privacy and Data Protection Act 2014
Health Records Act 2001
Freedom of Information Act 1982
Victorian Charter of Human Rights and Responsibilities Act 2006
Local Government Act 1989

7. POLICY REVIEW

This policy will be reviewed at least every two years.

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

8. 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
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:	13736
Reviewed:	18/12/2019		
To be reviewed by:	2021		



Procurement

COUNCIL POLICY NO. 109

1. PRINCIPLES

1.1. Background

Gannawarra Shire Council recognises that:

- Developing a procurement strategy and adopting appropriate best practice contracting and procurement principles, policies, processes and procedures for the purchase of all goods, services and works by Council, will enhance achievement of Council objectives, including, sustainable and social procurement; bottom-line cost savings, supporting local economies; achieving innovation; and better services for communities.
- The elements of best practice applicable to local government procurement incorporate:
 - broad principles covering ethics, value for money, responsibilities and accountabilities
 - guidelines giving effect to those principles
 - a system of delegations (i.e. the authorisation of officers to approve and undertake a range of functions in the procurement process)
 - procurement processes, with appropriate procedures covering minor, simple procurement to high value, more complex procurement.
- Council's contracting, purchasing and contract management activities endeavour to:
 - support the Council's corporate strategies, aims and objectives including, but not limited to those related to sustainability, protection of the environment and corporate social responsibility
 - take a long term strategic view of its procurement needs while continually assessing, reviewing and auditing its procedures, strategy and objectives
 - provide a robust and transparent audit trail which ensures that procurement projects are delivered on time, within cost constraints and that the needs of end users are fully met
 - are conducted, and are seen to be conducted, in an impartial, fair and ethical manner
 - achieve value for money and quality in the acquisition of goods, services and works by the Council
 - ensure that risk is identified, assessed and managed at all stages of the procurement process
 - use strategic procurement practices and innovative procurement solutions to promote sustainability and best value, in particular making use of collaboration and partnership opportunities
 - use social procurement to enhance sustainable and strategic procurement to effectively contribute towards building stronger communities and meeting the wider social objectives of the Council
 - comply with legislation, corporate policies or other requirements, ensuring that all staff responsible for procurement and contract management are aware of and adhere to the legislative requirements, Council standards and best practice.

1.2. Scope

This Procurement Policy is made under Section 186A of the *Local Government Act 1989*. The Act is the key legislative framework that regulates the process of all local government procurement in Victoria. Section 186A of the Act requires the Council to prepare, approve and comply with a Procurement policy encompassing the principles, processes and procedures applied to all purchases of goods, services and works by the Council.

This policy applies to all contracting and procurement activities at Council and is binding upon Councillors, Council staff and temporary employees, contractors and consultants while engaged by the Council.

The Act and the Procurement Policy of the Council is the primary reference point for how all procurement should be performed.

1.3. Purpose

The purpose of this Policy is to:

- provide policy and guidance to the Council to allow consistency and control over Procurement activities
- demonstrate accountability to rate payers
- provide guidance on ethical behaviour in public sector purchasing
- demonstrate the application of elements of best practice in purchasing
- increase the probability of obtaining the right outcome when purchasing goods and services.

1.4. Treatment of GST

All monetary values stated in this policy are GST inclusive.

1.5. Definitions and Abbreviations

Term	Definition
Act	<i>Local Government Act 1989.</i>
Commercial in Confidence	Information that, if released, may prejudice the business dealings of a party e.g. prices, discounts, rebates, profits, methodologies and process information.
Contract Management	The process that ensures both parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives required from the contract and in particular, to provide value for money.
Council Staff	Includes full-time and part-time Council staff, and temporary employees, contractors and consultants while engaged by the Council.
Probity	Within Local Government, the word "probity" is often used in a general sense to mean "good process." A Procurement process that conforms to the expected standards of probity is one in which clear procedures that are consistent with the Council's policies and legislation are established, understood and followed from the outset. These procedures need to consider the legitimate interests of suppliers and ensure that all potential suppliers are treated equitably.
Category Management	A 'Category' is an area of spend determined by known market boundaries separating different products, services or industries. Category management recognises that suppliers within a certain market are likely to have similarities which enable a tailored approach to procurement.
Procurement	Procurement is the whole process of acquisition of external goods, services and works. This process spans the whole life cycle from initial concept through to the end of the useful life of an asset (including disposal) or the end of a service contract.
e-Procurement	e-Procurement is integral to the overall development of procurement processes and involves the use of an electronic system/s to acquire and pay for supplies, services and works.
Corporate Social Responsibility (CSR)	Corporate Social Responsibility (CSR) is about taking positive action to demonstrate the Council's commitment to the local community and environment on which it impacts.
Sustainability	Activities that meet the needs of the present without compromising the ability of future generations to meet their needs.
Social Procurement	Social Procurement uses Procurement processes and purchasing power to generate positive social outcomes in addition to the delivery of efficient goods, services and works.
Tender Process	The process of inviting parties to submit a quotation by tender using public advertisement, followed by evaluation of submissions and selection of a successful bidder or tenderer.
Expression of Interest (EOI)	An invitation for persons to submit an EOI for the provision of the goods and/or services generally set out in the overview of requirements contained in the document. This invitation is not an offer or a contract
Request for Proposal (RFP)	A request for proposal is generally sent to the supplier market, designed to capture commercial information and pricing. Allows Council to assess suitability and evaluate responses against a set of pre-defined requirements

Term	Definition
Best Value	Best value in Procurement is about selecting the supply of goods, services and works taking into account both cost and non-cost factors including: <ul style="list-style-type: none"> • contribution to the advancement of the Council’s priorities; • non-cost factors such as fitness for purpose, quality, service and support; and • cost-related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works.
MAV	Municipal Association of Victoria

2. EFFECTIVE LEGISLATIVE AND POLICY COMPLIANCE AND CONTROL

2.1. Ethics and Probity

2.1.1 Requirement

The Council’s Procurement activities shall be performed with integrity and in a manner able to withstand the closest possible audit scrutiny.

2.1.2 Conduct of Councillors and Council Staff

Councillors and Council staff shall at all times conduct themselves in ways that are, and are seen to be, ethical and of the highest integrity and will:

- treat potential and existing suppliers with equality and fairness
- not seek or receive personal gain
- maintain confidentiality of Commercial in Confidence information such as contract prices and other sensitive information
- present the highest standards of professionalism and probity
- deal with suppliers in an honest and impartial manner that does not allow conflicts of interest
- provide all suppliers and tenderers with the same information and equal opportunity
- be able to account for all decisions and provide feedback on them.

2.1.3 Tender Processes

All tender processes shall be conducted in accordance with the requirements of this policy and any associated procedures, relevant legislation, relevant Australian Standards and the Act.

2.1.4 Conflict of Interest

Councillors and Council staff shall at all times avoid situations in which private interest’s conflict, or might reasonably be thought to conflict, or have the potential to conflict, with their Council duties.

Councillors and Council staff involved in the procurement process, in particular preparing tender documentation, including writing tender specifications, tender opening, and tender evaluation panels, must:

Avoid conflicts, whether actual, potential or perceived, arising between their official duties and their private interests. Private interests include the financial and other interests of Councillors and Council staff, plus their relatives and close associates.

Declare that there is no conflict of interest. Where future conflicts, or relevant private interests arise, Council staff must make their manager, or the chairperson of the relevant tender assessment panel or board aware and allow them to decide whether the officer should continue to be involved in the specific Procurement exercise.

Observe prevailing Council guidelines on how to prevent or deal with conflict of interest situations; and not take advantage of any tender related information whether or not for personal gain.

2.1.5 Fair and Honest Dealing

All prospective contractors and suppliers must be afforded an equal opportunity to tender or quote.

Impartiality must be maintained throughout the procurement process so it can withstand public scrutiny.

The commercial interests of existing and potential suppliers must be protected.

Confidentiality of information provided by existing and prospective suppliers must be maintained at all times, particularly commercially sensitive material such as, but not limited to prices, discounts, rebates, profit, manufacturing and product information.

2.1.6 Gifts and Hospitality

No Councillor or member of Council staff shall, either directly or indirectly solicit or accept gifts or presents from any member of the public involved with any matter that is connected with the duties of the officer or Councillor in the making of a decision. Councillors and staff will adhere to conduct principles within the Code of Conduct for Councillors and the Code of Conduct for Staff respectively. Councillors and Council staff must exercise the utmost discretion in accepting hospitality from contractors or their representatives, or from organisations, firms or individuals with whom they have official dealings. Councillors and Council staff should also avoid the ambiguous situation created by visiting the premises of a contractor, organisation, firm or individual uninvited and/or not on official business.

Councillors and staff who have occasion to use either a Council supplied credit card or fuel card are not to under any circumstance use these transactions to collect points on personal rewards cards.

Offers of bribes, commissions or other irregular approaches from organisations or individuals (no matter how flimsy the evidence available), must be promptly brought to the attention of the CEO.

2.1.7 Disclosure of Information

Commercial in Confidence information received by the Council must not be disclosed and is to be stored in a secure location.

Councillors and Council staff are to protect, by refusing to release or discuss the following:

- allocated Council budgets for proposed tenders
- information disclosed by organisations in tenders, quotation or during tender negotiations
- all information that is Commercial in Confidence information
- pre-contract information including but not limited to information provided in quotes and tenders or subsequently provided in pre-contract negotiations
- discussion with potential suppliers during tender evaluations should not go beyond the extent necessary to resolve doubt on what is being offered by that supplier.

2.1.8 Local Benefit

Where applicable, Council will include a weighted evaluation criterion on tenders and quotations so that an assessment of the local benefit generated in awarding the works can be determined.

Local benefit is defined as the benefit generated in accepting goods or services in terms of:

- Employment generated within the Gannawarra Shire
- Materials or goods purchased from businesses within the Gannawarra Shire
- Economic benefit to local business or the community.

Generally the weighted value of 'Local Benefit' will be 10% of the overall score; however it may be as high as 15% where deemed appropriate.

Flexibility will be given to cater for government grant programs where there is an emphasis on creating economic stimulus to the local community.

Where this criterion applies, bidders are encouraged to provide detail on the following, or any other benefit, that will be generated. This detail will be used for the purpose of evaluating the local benefit derived by accepting the tender or quote:

- Percentage of materials to be purchased from within the Gannawarra Shire
- Details of local subcontractors that would be engaged and percentage of project value that they would be conducting
- Business ownership i.e. township(s) in which business is operated and township(s) in which owners reside.
- Accommodation/hospitality services that will be utilised whilst carrying out works

- Employment benefits that will occur within the Gannawarra Shire
- Ability for maintenance to be carried out by local businesses.

2.1.9 Regional Benefit

Where applicable, Council will include a weighted evaluation criterion on tenders and quotations so that an assessment of the regional benefit generated in awarding the works can be determined.

Regional benefit relates to the areas encompassed by our neighbouring councils plus the City of Greater Bendigo. Specifically the council areas are Swan Hill Rural City Council, Buloke Shire Council, Loddon Shire Council, Campaspe Shire Council, City of Greater Bendigo and Murray River Council.

Regional benefit is defined as the benefit generated in accepting goods or services in terms of:

- Employment generated within neighbouring councils and the City of Greater Bendigo
- Materials or goods purchased from businesses within neighbouring councils and the City of Greater Bendigo
- Economic benefit to regional business or the community.

Generally the weighted value of 'Regional Benefit' will be 5% of the overall score; however it may be as high as 8% where deemed appropriate.

When this criterion applies, bidders are encouraged to provide detail on the following, or any other benefit that will be generated. This detail will be used for the purpose of evaluating the regional benefit derived by accepting the tender or quote:

- Percentage of materials to be purchased from within neighbouring councils and the City of Greater Bendigo
- Details of regional subcontractors that would be engaged and the percentage of project value that they would be conducting
- Business ownership i.e. township(s) in which business is operated and township(s) in which owners reside
- Accommodation/hospitality services that will be utilised whilst carrying out works
- Employment benefits that will occur within neighbouring councils and the City of Greater Bendigo
- Ability for maintenance to be carried out by regional businesses.

Successful bidders may be asked to prove the benefits stated at any time during the contract or tender period.

2.2. Governance

2.2.1 Structure

The Council shall:

- establish a procurement management responsibility structure and delegations ensuring accountability, traceability and auditability of all procurement decisions made over the lifecycle of all goods, services and works purchased by the Council
- ensure that the Council's procurement structure:
 - is flexible enough to purchase in a timely manner the diverse range of material, goods, works and services required by Council
 - ensures that prospective contractors and suppliers are afforded an equal opportunity to tender/quote
 - encourages competition.

2.2.2 Standards

The Council's procurement activities shall be carried out to the professional standards required by best practice and in compliance with:

- The Act
- The Council's policies
- The Council's Code of Conduct
- Local Government Procurement Best Practice Guidelines
- Other relevant legislative requirements such as but not limited to the *Trade Practices Act*, *Goods Act* and the *Environmental Protection Act*.

2.2.3 Methods

The Council's standard methods for purchasing goods, services and works shall be by some or all of the following methods:

- purchasing card and/or credit card
- purchase order following a quotation process from suppliers for goods or services that represent best value for money under directed quotation thresholds
- under contract following a tender process
- using aggregated purchasing arrangements with other Councils, MAV Procurement, Victorian Government, or other bodies
- other arrangements authorised by the Council or the CEO on a needs basis as required by abnormal circumstances such as emergencies.

The Council may, at the CEO's discretion and based on the complexity and cost of the project, conduct one stage or multi-stage tenders.

Typically a multi-stage tender process will commence with a registration of interest stage followed by a tender process involving the organisations selected as a consequence of the registration of interest stage.

2.2.4 Responsible Financial Management

The principle of responsible financial management shall be applied to all procurement activities.

Accordingly, to give effect to this principle, the availability of existing funds within an approved budget, or source of funds, shall be established prior to the commencement of any procurement action for the supply of goods, services or works.

Council staff must not authorise the expenditure of funds in excess of their financial delegations.

Council staff must not disclose allocated budget unless considered necessary to obtain best value for the procurement. Council funds must be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.

2.3 Procurement Processes and Thresholds

2.3.1 Process

Council procurement processes are based on a number of principles:

- Best Value

The benefits of the purchase are weighted against the costs necessary for the optimum result for the Council and local community. The Council is not required to accept the lowest tender. Instead, the Council is required to take into account issues of quality, cost, the accessibility of the service and other factors relevant to both the overall objectives of the Council and requirements of the *Local Government Act*.

Best value is often mistaken for meaning the lowest price, however, in terms of the contracting process, best value requires us to balance quality and price with as much transparency as is reasonably achievable. In this context price should take into account the whole life cost of the provision so far as is practicable. It follows that the delivery of best value is dependent upon Council priorities.

Achieving best value also requires *challenging* the need for the procurement and the way in which the service may be reconfigured to achieve improvements in service delivery, *comparing* service provision options against all those available, *consulting* with key stakeholders and ensuring *competition* in the open market.

Achieving best value for money must be the basis of all procurement decisions within the Council.

- Open and Fair Competition

All suppliers are treated fairly in an open and transparent manner and have access to the same information.

- **Accountability**
 The Council maintains consistency in the approach to procurement across the whole organisation through coherent frameworks, policies and procedures. Accountability in procurement means being able to explain and provide evidence on the process followed. The test of accountability is that an independent third party must be able to see clearly that a process has been followed and that the process is fair and reasonable.
 Therefore the processes by which all procurement activities are conducted will be in accordance with the Council’s procurement policy and procedures as set out in this policy and other related, relevant Council documents.
 Additionally:
 - all Council staff must be able to account for all procurement decisions made over the lifecycle of all goods, services and works purchased by the Council and provide feedback on them
 - all procurement activities are to provide for an audit trail for monitoring and reporting purposes.
 - **Risk Management**
 Strategies for managing risks associated with all procurement processes are in place and consistent
 - **Probity and Transparency**
 All Council procurement processes must be conducted in a fair, honest and open manner, with the highest levels of integrity and in the public interest.
 Purchase orders and invoices shall not be split to avoid procurement thresholds.
- 2.3.2 **Minimum Spend Competition Thresholds** NOTE: These thresholds are GST inclusive
- 2.3.2.1 **Tenders**
 Purchase of all goods and services for which the estimated expenditure exceeds \$150,000, and building and construction works for which the estimated expenditure exceeds \$200,000, must be undertaken by public tender.
 However, should the CEO consider that the nature of the requirement and the characteristics of the market are such that the public tender process would lead to a better result for the Council, public tenders may be called for purchase of goods, services and works for which the estimated expenditure is below these thresholds.
 Exemptions to tendering obligations:
- **Emergency** – If an emergency is declared by the CEO, Council may enter into a contract up to or beyond the limits for the provision of goods, services or works without first putting contract to public tender.
 - **Ministerial Exemption** – the requirements of Section 186A do not apply if a contract is entered into according to arrangements approved by the Minister.
- 2.3.2.2 **Quotations**
 Purchase of goods and services up to a total of \$150,000 and works having a total valuation of up to \$200,000 may be undertaken using the procurement by quotation method as described below:
- **Single transaction items with a value between \$2,000 and \$4,999** – A minimum of one written quotation must be received and the details recorded before placing an order (similar details should be recorded where more than one supplier has quoted) and documented in a document management system.
 - **Single transactions between \$5,000 and up to \$24,999**- A minimum of two written quotations must be sought. Quotations returned by the nominated closing date must be evaluated and a recommendation made in favour of the supplier offering the best value for money outcome. Details of the suppliers contacted and their quotations must be recorded on the Quote Record Form and maintained with the original quotation in the document management system. The successful supplier’s original quotation must be maintained in the document management system.
 - **Items with a value between \$25,000 to \$149,999 (goods and services) or \$199,999 (works)** – Request for Quotation.

Council will seek a minimum of three written quotations including detailed specification.

Quotations returned by the nominated closing date must be evaluated and a recommendation made in favour of the supplier offering the best value for money outcome. Details of the suppliers contacted and their quotations must be recorded on the Quote Record Form. The successful supplier’s original quotation must be maintained in a document management system.

Three quotes will not be required in instances where it is obviously impractical e.g. single realistic supplier of a required brand name product, highly specialised work or emergency situations.

Details of the suppliers contacted and their quotations must be recorded on at least a simple spreadsheet or similar document in a document management system.

Value (GST inclusive)	Requirement	Minimum Quotes Required
Up to \$2,000	Quotation desired, not mandatory	0
\$2,001 to \$4,999	Request for quotation	1
\$5,000 to \$24,999	Request for quotation	2
\$25,000 to \$149,999 (goods and services) or \$199,999 (works)	Request for quotation including detailed specification	3
\$150,000 and over (goods and services) or \$200,000 and over (works)	Public tender process	

Exemptions to the policy for obtaining quotations

- Sole Supplier – The Council deals with a number of sole suppliers where there is no market to test and obtain multiple quotations, including professional memberships, water supply, catchment management, and advertising.
- Public Advertising - Quotations may be advertised at the Council staff member’s discretion in addition to the methods above. This may occur when a field of potential tenderers hasn’t been established, or an innovative approach is required, or the project has broad appeal that may attract keen prices, etc.

2.3.2.3 Purchases through an Existing Council or Collaborative Purchasing Scheme

Collaborative Purchasing involves the use of aggregated purchasing arrangements with other councils or bodies to enhance achievement of Council objectives such as sustainable and socially responsible procurement; bottom-line cost savings, supporting local economies; achieving innovation; and better services for communities.

Value of Purchase	Minimum Process	Specification	Need to enter into Contract
Where an existing contract itemises costs for works, goods or services	Proceed with purchase	Not required	Contract already exists. Provide Purchase Order only.
Where existing contract does not itemise cost or works, goods or services	Proceed with purchase following receipt of three written quotations	At delegated Business Unit Manager’s discretion. Reference should be made to the original contract	At delegated Business Unit Manager’s discretion depending on original contract. Provide Purchase Order.

2.4 Delegation of Authority

2.4.1 Requirement

Delegations define the limitations within which Council staff are permitted to work. Delegation of procurement authority allows specified Council staff to approve certain purchases, quotation, tender and contractual processes without prior referral to the Council. This enables the Council to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity.

2.4.2 Delegations

2.4.2.1 Council Staff

The Council shall maintain a documented scheme of procurement delegations identifying the Council staff authorised to make such procurement commitments in respect of goods, services and works on behalf of the Council and their respective delegations contained in Financial Delegations policies

- Acceptance of tenders
- Acceptance of quotes
- Contract term extensions (within authorised budget)
- Contract amendment (non-financial)
- Contract amendment (financial)
- Appointment to register of pre-qualified suppliers
- Credit Card purchases
- Procedural exceptions.

2.4.2.2 Delegations Reserved for the Council

Commitments and processes which must be approved by the Council are:

- Procurements that exceed CEO's delegation
- Contract variations that drive the total contract price above the CEO's delegation

2.5 Internal Controls

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

- more than one person is involved in processing a transaction end to end
- transparency in the procurement process
- a clearly documented audit trail exists for procurement activities
- appropriate authorisations are obtained and documented
- systems are in place for appropriate monitoring and performance measurement.

2.6 Risk Management

2.6.1 General

Risk Management is to be appropriately applied at all stages of procurement activities which will be properly planned and carried out in a manner that will protect and enhance the Council's capability to prevent, withstand and recover from interruption to the supply of goods, services and works.

2.6.2 Supply by Contract

The provision of goods, services and works potentially exposes the Council to risk.

The Council will minimise its risk exposure by measures such as:

- standardising contracts to include current, relevant clauses
- requiring security deposits where appropriate
- referring specifications to relevant experts
- requiring contractual agreement before allowing the commencement of work
- use of or reference to relevant Australian Standards (or equivalent)
- effectively managing the contract including monitoring and enforcing performance.

2.7 Contract Terms

All contractual relationships must be documented in writing based on standard terms and conditions.

Where this is not possible, approval must be obtained from the appropriate member of Council staff listed in the Council Delegations.

To protect the best interests of the Council, terms and conditions must be settled in advance of any commitment being made with a supplier. Any exceptions to doing this expose the Council to risk and thus must be authorised by the appropriate member of Council staff listed in the Council Delegations.

2.8 Dispute Resolution

All Council contracts shall incorporate dispute management and alternative dispute resolution provisions to minimise the chance of disputes getting out of hand and leading to legal action.

2.9 Category Management

The Council has a Category Management approach to procurement which brings together expertise from across the Council to identify the most appropriate and effective approach to deliver the Council's outcomes through sourcing and supply arrangements.

The main objective of category management is to reach a point where all or a very high percentage of the Council's spend within a category is being channelled through approved arrangements, aligned with strategic priorities such that value is maximised on every dollar of expenditure.

2.10 Contract Management

The purpose of contract management is to ensure that the Council, and where applicable its clients, receive the goods, services or works provided to the required standards of quality and quantity as intended by the contract by:

- establishing a system monitoring and achieving the responsibilities and obligations of both parties under the contract
- providing a means for the early recognition of issues and performance problems and the identification of solutions
- adhering to Council's Risk Management Framework and relevant Occupational Health and Safety Contractor Compliance Procedures.

All Council contracts are to include contract management requirements. Furthermore, contracts are to be proactively managed by the member of Council staff responsible for the delivery of the contracted goods, services or works to ensure the Council receives value for money.

2.11 e-Procurement

e-Procurement is integral to the overall development of procurement processes and involves the use of Council's electronic system to order, receive and pay for supplies, services and works.

By utilising e-procurement Council aims to:

- reduce transaction costs
- achieve greater leverage
- make processes more efficient
- improve management information and visibility of spend
- increase control and consistency of processes
- improve spend compliance.

3. DEMONSTRATE SUSTAINED VALUE

3.1 Achieving Best Value**3.1.1 Requirement**

The Council's procurement activities will be carried out on the basis of obtaining best value. This means minimising the total cost of ownership over the lifetime of the requirement consistent with acceptable quality, reliability and delivery considerations. Lowest price is not the sole determinate of best value.

3.1.2 Approach

This will be facilitated by:

- developing, implementing and managing procurement strategies that support the co-ordination and streamlining of activities throughout the lifecycle
- effective use of competition
- using aggregated contracts where appropriate
- identifying and rectifying inefficiencies in procurement processes
- developing cost efficient tender processes including appropriate use of e-solutions
- Council staff responsible for providing procurement services or assistance within the Council providing competent advice in terms of available products and agreements
- working with suppliers to create relationships that are professional and productive, and are appropriate to the value and importance of the goods, services and works being acquired.

3.1.3 Role of Specifications

Specifications used in quotations, tenders and contracts are to support and contribute to the Council's Value for Money objectives through being written in a manner that:

- ensures impartiality and objectivity
- clearly defines the Council's requirements
- encourages the use of standard products
- encourages sustainability
- eliminates unnecessarily stringent requirements.

3.2 Performance Measures and Continuous Improvement

Appropriate performance measures are to be established and reporting systems will be used to monitor performance and compliance with procurement policies, procedures and controls.

Procurement procedures, practices and costs will be benchmarked externally. Internal service standards will be agreed within the Council and performance against these targets will be measured and reviewed regularly to support continuous improvement.

The performance measurements developed will be used to:

- Highlight trend and exceptions where necessary to enhance performance
- Improve the internal efficiency of the procurement process and where relevant the performance of suppliers
- Facilitate programs to drive improvement in procurement to eliminate waste and inefficiencies across key spend categories.

3.3 Corporate Social Responsibility

Corporate Social Responsibility (CSR) is about taking positive action to demonstrate the Council's commitment to the local community and environment on which it impacts. This means Council maximising the benefits of the services they provide across the community and minimising the negative aspects of their activities.

The Council integrates CSR into its organisational policies and practices through social procurement, sustainability and diversity.

3.3.1 Social Procurement

Social Procurement generates positive outcomes by building on initiatives already undertaken by the Council in enhancing sustainable and strategic procurement practice, further enabling procurement to effectively contribute towards building stronger communities and meeting the social objectives of the Council.

The Council is committed to Social Procurement by:

- Ensuring all procurement practices are sustainable and strategically aligned with the wider Council objectives
- Achieving greater value for money across the community through the use of effective procurement
- Ensuring all businesses have the same opportunity to tender for Council contracts
- Enhancing partnerships with other Councils, suppliers and community stakeholders

- Building and maintaining a strong community by exploring ways to generate local employment (particularly among disadvantaged residents) and further strengthening the local economy
- Purchasing ethical and fair trade goods to support equitable, local, national and international trade.

3.4 Sustainability

3.4.1 General

The Council is committed to achieving sustainability and ensuring it monitors and reports on Council activities and programs that have an impact on or contribute to the environment including but not limited to the following:

- waste management
- recycling
- energy management
- emission management
- water conservation
- green building design
- procurement.

3.4.2 Sustainable Procurement

The Council recognises it has an implicit role in furthering sustainable development, through its procurement of goods, and services and works.

In addition, the Council recognises the potential impact this spend has on the environment and where applicable will integrate sustainability, environmental and social issues into the procurement process. The Council aims to achieve this by:

- Taking into account the need to minimise emissions and reducing the negative impacts of transportation when purchasing goods and services
- Taking steps to minimise carbon dioxide and other greenhouse gas emissions through the detailed consideration of products and services procured
- Considering the environmental performance of all suppliers and contractors, and encouraging them to conduct their operations in an environmentally sensitive manner
- Considering the basic life cycle analysis of products to minimise the adverse effects on the environment resulting directly or indirectly from products
- Selecting products / services that have minimal effect on the depletion of natural resources and biodiversity
- Giving a preference to fair-trade, or equivalent, and ethically sourced and produced goods and services
- Working more effectively with local suppliers to ensure they are encouraged to bid for the Council's business in line with the Procurement Policy
- Ensuring all relevant procurement contracts and tenders contain sustainability specifications as appropriate to the product or service being procured
- Comply with all Australian regulations and legislation and ensuring our suppliers do the same
- Training all Council staff on sustainability considerations within the procurement process.

3.5 Diversity

Promoting equality through procurement can improve competition, best value, the quality of public services, satisfaction among users, and community relations. It should be a consideration in every procurement project and reflect corporate commitment to diversity and equal opportunities wherever possible.

4. APPLY A CONSISTENT AND STANDARD APPROACH

The Council will provide effective and efficient commercial arrangements for the acquisition of goods and services

4.1 Standard Processes

The Council will provide effective commercial arrangements covering standard products and provision of standard services across the Council to enable employees to source requirements in an efficient manner.

This will be achieved via establishing the following:

- Pricing where relevant
- Processes, procedures and techniques
- Tools and business systems (e.g. implementing appropriate e-tendering, e-evaluation; e-catalogue or e-sourcing arrangements)
- Reporting requirements
- Application of standard contract terms and conditions.

4.2 Performance Indicators

Performance indicators will be in line with the Corporate Performance Reporting Framework.

4.3 Management Information

The Council seeks to improve its performance by capturing and analysing procurement management information in a variety of areas, including:

- Volume of spend
- Number of transactions per supplier
- Compliance
- Category management
- Green spend.

The Council will also use external sources of management information to assist with the procurement decision making process including:

- Benchmarking data
- Information from professional bodies such as the Chartered Institute of Purchasing and Supply Australia
- Supplier reports.

5. BUILD AND MAINTAIN SUPPLY RELATIONSHIPS

Council recognises that in order to achieve sustainable value, a strategic assessment of the appropriate 'channel to market' should be undertaken – whether to go to market on its own, participate in regional or sector aggregated projects or panels, access State Government panel agreements or other means. Council will consider supply arrangements that deliver the best value outcomes in terms of time, expertise, cost, value and outcome.

5.1 Developing and Managing Suppliers

Developing and managing suppliers is essential to achieving a competitive market capable of delivering the Council's services and works requirements.

Council needs to interact with the market and our suppliers in particular to understand their views and what enables and encourages diverse parts of the market to bid for work with the Council. At the same time Council will ensure that its relationship with strategic suppliers is mutually productive and that goals are shared. Council aims to develop a relationship with suppliers that creates mutually advantageous, flexible and long term relations based on the quality of performance and financial savings.

5.2 Supply Market Development

A wide range of suppliers should be encouraged to compete for Council work. The focus for new work need not always be with the larger more familiar businesses. Other types of organisations offering business diversity include:

- Local businesses
- Green suppliers

- Small to medium sized enterprises (SME's)
- Social enterprises
- Ethnic and minority business
- Voluntary and community organisations.

5.3 Relationship Management

The Council is committed to developing constructive long-term relationships with suppliers. It is important that the Council identifies its key suppliers so that its efforts are focused to best effect. Such areas may include:

- Size of spend across the Council
- Criticality of goods / services, to the delivery of the Council's services
- Availability of substitutes.

5.4 Communication

External communication is very important in ensuring a healthy interest from potential suppliers and partners to the Council. The external website will be updated and provide:

- Information about Council and how to become an approved supplier
- A list of existing and forthcoming contract opportunities, projected over a number of years
- Links to other relevant sites.

6. REVIEW PROCESS

The Council endeavours to continually improve its procurement performance such that all relevant policies, guidance and training are continually reviewed and updated. The effectiveness of this approach will be measured and reported upon annually.

7. RELATED DOCUMENTS

- Department of Environment, Land, Water and Planning (DEWLP) – Local Government Procurement Best Practice Guidelines
- *Local Government Act 1989* specifically including:
 - Section 186 (Restriction on power to enter into contracts)
 - Section 186A (Procurement Policy)
 - Section 3C (Objectives of the Council)
 - Section 98 (Delegations)
 - Section 140 (Accounts and Records)
 - Sections 77A, 77B, 78, 78A to 78E, 79, 79B to D, 80, 80A to C and 95 (Conflict of Interest)
- Council Policy No. 078 Code of Conduct and Values for Elected Members
- Employee Policy No. 034 Code of conduct for employees
- Council's Corporate Credit Card Procedures
- Council's Finance Procedures -Accounts Payable
- *Independent Broad-based Anti-corruption (IBAC) Act 2011*
- Relevant provisions of the *Competition and Consumer Act 2010*

8. POLICY REVIEW

Council will review this policy annually in accordance with section 186A (7) of the *Local Government Act 1989*.

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

9. FURTHER INFORMATION

Members of the public may inspect all Council policies at Gannawarra Shire Council’s Kerang and Cohuna offices 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.

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Reviewed	15/05/2019		
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To be reviewed	2021		



Asbestos Management

COUNCIL POLICY NO. 138

1. POLICY PURPOSE

The purpose of this policy is to protect the health of employees, contractors, volunteers, visitors, and members of the community by eliminating and managing exposure to asbestos in and around Gannawarra Shire Council buildings, sites and workplaces.

2. SCOPE

The policy applies to all workplaces, buildings and sites where employees, volunteers and contractors are working on behalf of Council and public access areas under the control of Council.

3. DEFINITIONS

For definitions please refer to Appendix One of this document. For any further definitions please refer to Appendix B in the Managing Asbestos in Workplaces Compliance Code (Ed 1 October 2018), and Removing Asbestos in Workplaces Compliance Code (Edition No. 1, October 2018).

4. POLICY

4.1 Operating Principles

As far as practicable, people are not to be exposed to asbestos fibres.

Asbestos Management

There must be an Asbestos Management Plan (AMP) for sites under the management of Council. The plan must include an asbestos audit, prepared by an Occupational Hygienist or other competent person as defined in the WorkSafe compliance codes.

The audit must not be greater than 5-years-old if work is to be undertaken.

The audit must be a Division 6 audit if demolition is to occur.

Details of Asbestos Containing Material (ACM) identified by an Asbestos Audit must be maintained in the AMP and Asbestos Register for the site.

The Asbestos Register location will be clearly conveyed to the site occupant and users.

ACM which is considered accessible will be labelled.

The AMP will be regularly reviewed by Council's Projects and Property department staff. ACM will be managed, based on the assessment and prioritisation of risk – i.e. on the basis of likelihood of exposure.



Contractors and Workers:

- Contractors must adhere to their contract or project instructions. This may include important information about Asbestos Management and ACM
- Contractors must complete Council and site inductions before commencing work
- It is the responsibility of any person undertaking work to check if there is an Asbestos Register or an Asbestos Audit Report available for the site
- An Asbestos Register is not required for a domestic property. An Asbestos Audit will be required at the clients cost if suspected ACM prevents work being safely performed.

Emergency Situations

- Following a fire, flood or other emergency on Council property, the Manager Projects and Property should verify if there has been an Asbestos Audit on the property and advise on appropriate action, prior to making safe – these audit results are to be provided to whoever is making the site safe as soon as possible.
- If no Asbestos Audit exists and it is likely there will be asbestos, the site should be barricaded and an Asbestos Audit arranged prior to removal of any material from the site.
- If any suspected ACM poses a risk of causing further exposure to others or is in an unsafe condition, this is to be treated as ACM and removed following the criteria for Asbestos Removal and Minor Removal below.
- Where ACM is not fixed or installed (e.g. dumped material on public land) removal will be the responsibility of the unit in charge of the area or site and a licenced removalist will be arranged if it is greater than the amount classified under Minor Removal Criteria below. Appropriate controls will be documented on the SWMS or JSA prior to commencing removal.

Risk Assessments

- For work at a client's domestic residence, a risk assessment is to be undertaken and any material which is suspected ACM is to be treated as ACM.
- Where there is a possibility that ACM is present and may be exposed (eg mowing, trimming, cleaning or digging adjacent to asbestos containing walls) this needs to be considered in the risk assessment prior to undertaking works adjacent to any structure. This is to be documented on the SWMS or JSA prior to commencing work.
- A SWMS is required prior to removal of ACM.

Asbestos Removal

- ACM which is disturbed, accessible or in poor condition and has the potential to cause harm will be removed where possible or arrangements made to make it safe
- Friable ACM will be prioritised for removal
- ACM which is in good condition and fully contained will not be removed unless it poses a risk (e.g. location, building use, fire risk)
- Removal of ACM from a client's residence is the responsibility of the client
- Materials which are ACM (e.g. pipes) may only be removed by Council employees if this meets the Minor Removal Criteria (see below)
- A clearance certificate is required post asbestos removal by a licenced removalist before any other work in the area can commence
- Air monitoring is recommended for all licenced removalist work – it is mandatory for Class A removal. This monitoring should be done by an independent (from the removalist) and suitably qualified person. Results of air monitoring are to be supplied to the Supervisor at a frequency which ensures any people near or on the site will not be exposed to asbestos fibres
- Where a major clean-up of asbestos dust is required, and will involve more than 10 minutes work, a Class A removalist is required.



Minor Removal Criteria (10m² or less)

- Unlicensed person/s who have been trained in asbestos awareness may remove ACM only if it meets the minor removal criteria:
 - Non-friable ACM (or suspected non-friable ACM)
 - Less than 10m² in surface area
 - The person removing it will do so for not more than one hour in a 7 day period
 - Will be transported in accordance with EPA requirements
 - Process for removal meets the requirements of Removing Asbestos in Workplaces Compliance Code
 - A documented SWMS, JSA or Asbestos Risk Control Plan will be followed
 - A record of removal is to be maintained and documented onto an incident report detailing the precautions taken to minimise exposure (including process to minimise fibres and details of the PPE used) and the names of the people who did the removal to ensure the potential exposure is monitored.
- All other asbestos removal shall be done by a licensed removalist following an Asbestos Control Plan. The WorkSafe Compliance Code for Removing Asbestos in Workplaces includes a Pro forma Control Plan.

Disposal and transportation

- All asbestos waste is to be disposed of in an approved waste disposal site licensed by the Environmental Protection Agency (EPA)
- PPE such as plastic, overalls, gloves and masks must be available
- All ACM, PPE and other contaminated waste is to be double wrapped in plastic and clearly labelled with an appropriate warning sign indicating asbestos waste
- Householder delivery of domestically sourced asbestos is not accepted at Denyer landfill
- Commercial contractors (eg licensed asbestos removalists) bringing ACM to Denyer's landfill must hold an EPA waste transport permit. The waste producer must provide a waste transport certificate. The waste transporter and the waste receiver must complete the appropriate sections of the certificate. Disposal at the landfill will be conducted under the direction of the landfill operator or Council employee.

Action in the event of exposure

- Exposure is to be documented on an incident notification form
- If exposed to asbestos fibres, inform your manager and seek advice on the health effect from a health professional particularly if the person is exhibiting:
 - Shortness of breath, wheezing, or hoarseness
 - A persistent cough that gets worse over time
 - Blood in the sputum (fluid) coughed up from the lungs
 - Pain or tightening in the chest or difficulty swallowing
 - Swelling of the neck or face
 - Loss of appetite or weight loss
 - Fatigue or anaemia.



4.2 Responsibilities

Managers

- Managers are responsible for the implementation of this policy and ensuring employees, contractors, volunteers, visitors and members of the community comply as appropriate.
- In the event of a breach of this policy, the manager will follow Council's grievance and discipline procedures.
- Any asbestos discovered on a site which is under the management of a unit is the responsibility of that unit.
- ACM in Council owned or managed sites is the responsibility of the Manager Projects and Property. Any asbestos on these properties is to be managed by the Projects and Property department.
- Other sites may include a park managed by Parks and Gardens, a road site managed by Works or a client's home managed by Community Care. The responsibility and management of these sites may be transferred to other units if agreed.

Supervisor of the work

- Will ensure amendments to the Asbestos Audit is forwarded to the Manager Projects and Property so the Asbestos Register can be amended to reflect any ACM discovered and or removed
- Will ensure a risk assessment (or SWMS or JSA) is completed
- Will report any exposure to fibres, dust or ACM on an incident report form
- Will ensure contact of less than 1 hour in a 7 day period is monitored for any person involved in minor removal of ACM
- When ACM is removed by a licenced removalist, the supervisor will ensure work does not recommence until a Clearance Certificate is obtained.

Employees and Contractors

- Are responsible for encouraging employees, contractors, volunteers, visitors and members of the community to comply with this policy as appropriate.
- Have the authority to manage asbestos in a manner which ensures their health is not affected, and the health of other persons is not affected by their activities.

4.3 Training

- To aid in identification of suspected asbestos, appropriate training will be arranged in "Asbestos Awareness" for relevant employees. All persons carrying out minor ACM removal must undertake this training.
- Members of the community requesting advice on the safe removal and disposal of asbestos are to be advised:
 - Removal by professional removalists is recommended
 - Information can be found on the internet at www.asbestos.vic.gov.au.



4.4 Notification

Asbestos removal licence holders must notify WorkSafe before performing asbestos removal work:

- At least 24 hours before commencing asbestos removal work if the total area to be removed is 10 square metres or less of non-friable asbestos-containing material.
- Within 24 hours of commencing the asbestos removal work if the asbestos removal work is undertaken as the result of an unexpected situation (as per regulation 299 of the Occupational Health and Safety Regulations 2017).
- At least 5 days before the asbestos removal work commences in all other cases (including where asbestos removal work involves friable asbestos or non-friable asbestos greater than 10 square metres).

If site preservation is requested by WorkSafe, the Supervisor must make the site safe and no work can commence until WorkSafe advises it is appropriate to do so.

4.5 Administrative Updates

- It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively.
- Examples include a change to the name of a Council unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact.
- Any change or update which materially alters this document must be made with the approval of key stakeholders.

5. POLICY REVIEW

Council will review the Asbestos Management 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*.

6. FURTHER INFORMATION

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

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

*AltusECM Reference:
Originally adopted xx/xx/2019
To be reviewed*

*Minute Book Reference:
2022*



Appendix One – Definitions

ACM – Asbestos Containing Material.

Asbestos contaminated dust - is dust that has settled within the workplace and is, or is assumed to be, contaminated with asbestos. Asbestos contaminated dust is not captured under the definition of friable asbestos and is therefore considered separately. However, because there is a potential risk to health from exposure to airborne asbestos fibres from asbestos-contaminated dust, its removal is regulated under the Dangerous Goods Order.

PPE – Personal Protective Equipment – details of the equipment to be worn to prevent exposure to ACM is described in the Removing Asbestos in Workplaces Compliance Code (Edition No. 1, Sept 2008).

Employee – includes paid employee, volunteer or contractor undertaking work for or behalf of Council.

Supervisor – person who has control of the management of people and activities responsible for the work. Examples include the Project Manager, Supervisor or the Manager.

Client – stakeholder for the property or asset, including owner of the service or property.

Safe Work Method Statement (SWMS) or Job Safety Analysis (JSA) - a risk assessment which describes the hazards and risks to health or safety of that work; and sufficiently describes measures to control those risks; and the manner in which the risk control measures are to be implemented.

Asbestos Control Plan (ACP) – identifies the specific control measures a licence holder will use to ensure employees and other people are not at risk when removal work is being conducted. It is similar to a job safety analysis (JSA) but is focused on the specific control measures necessary to reduce risk from exposure to asbestos. For more details refer to Removal of Asbestos Compliance Code. The ACP must be provided to the supervisor prior to commencing work and should be displayed on site while the removal is being undertaken.

Incident reporting – where there is any unplanned exposure to ACM or suspected ACM this should be notified using an incident form.

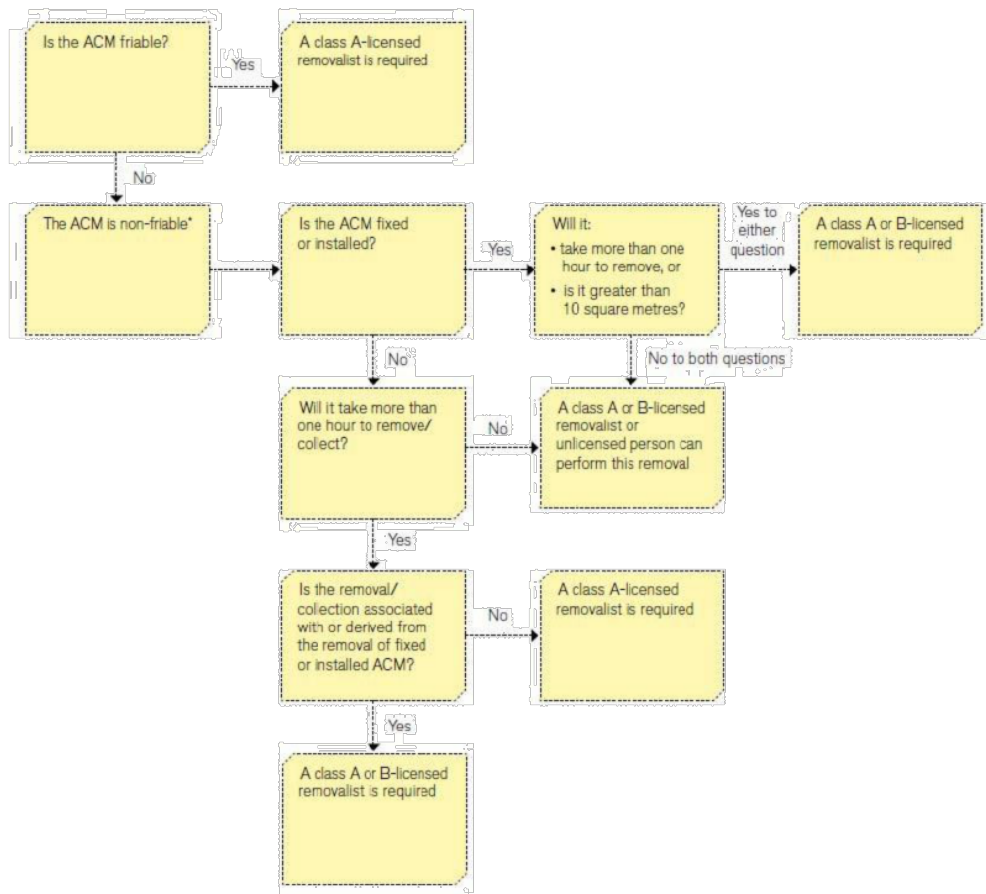
Friable – When dry: (a) may be crumbled, pulverised or reduced to powder by hand pressure, or (b) as a result of a work process becomes such that it may be crumbled, pulverised or reduced to powder by hand pressure.

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APPENDIX TWO – WHO CAN PERFORM REMOVAL WORK

Note: This does not apply where the asbestos to be collected/removed is asbestos contaminated dust (See Appendix 1 for definition).



8.2 ELECTION PERIOD POLICY

Author: Lisa Clue, Manager Governance

Authoriser: Phil Higgins, Director Corporate Services

Attachments: 1 Policy No. 118 - Election Period

RECOMMENDATION

That Council

1. Endorse reviewed Policy No. 118 – Election Period.
 2. Authorise the Chief Executive Officer to make amendments to the document to correct any minor drafting errors that do not materially alter the intent of the policy.
 3. Note all councillors will be provided with a copy of the reviewed and endorsed Policy No. 118 - Election Period.
 4. Note a copy of the reviewed and endorsed Policy No. 118 – Election Period will be made available on the Council website and at the Kerang and Cohuna Council offices.
-

EXECUTIVE SUMMARY

All Victorian Councils were required, under Section 93B of the *Local Government Act 1989* (the Act), to adopt an election period policy prior to the 2016 general election. Council adopted its current policy on 16 March, 2016.

The Act requires Councils to continue to maintain the election period policy by reviewing and, if required, amending the policy not later than 12 months before the commencement of each subsequent general election period.

This report presents to Council the revised Election Period Policy for the 2020 General Election.

BACKGROUND

The requirement for Councils to have an election period policy was introduced prior to the 2016 general elections. Council adopted its current policy on 16 March, 2016. It is a statutory requirement for Council to now review that policy.

The election period as defined by the Act, is the period that starts from the last day that nominations for that election can be received and ends on 6pm on Election Day. The 2020 Election Period is from Tuesday, 22 September, 2020 to 6pm Saturday, 24 October, 2020.

The Policy will provide guidance to councillors and Council staff to ensure Council complies with its legislative obligations.

POLICY CONTEXT

Section 93B of the *Local Government Act 1989* requires Councils to adopt and maintain an election period policy.

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

DISCUSSION

The Act states an election period policy must include the following, and these have been incorporated into the Policy as attached to this report:

1. Procedures intended to prevent the Council from making inappropriate decisions or using resources inappropriately during the election period before a general election.
2. Limits on public consultation and the scheduling of Council events.
3. Procedures to ensure that access to information held by Council is made equally available and accessible to candidates during the election.

Preventing inappropriate decisions and misuse of resources

In the Policy, Council must provide details on procedures to be taken to prevent 'inappropriate' decisions being taken during the election period.

Inappropriate decisions are defined by the Act as those that would affect voting at an election, or decisions that could reasonably be made after the election.

The Policy provides that papers prepared for council meetings during the election period will be carefully vetted to avoid agenda items being included that could foreseeably influence voters' intentions at the forthcoming election or encourage candidates to use the matter as part of their electioneering.

Careful consideration will also be given as to what decisions are required at council meetings and which decisions can be brought forward so they are determined before the election period starts or should be deferred until the new council commences its term.

The Policy provides examples of decisions that should be avoided completely (i.e. allocating community grants or other direct funding to community organisations, major planning scheme amendments and changes to strategic objectives and strategies in the council plan).

The Policy also provides a commitment that all councillors will refrain from moving motions or raising matters at a meeting that could potentially influence voting at the election.

There are also specific provisions in the Policy which address the appropriate use of council resources during the election period.

Limiting public consultation and council events

The Act requires the Election Period Policy to outline procedures the council will undertake to limit public consultation and the scheduling of council events during this period.

The Policy provides guidance on what consultation may proceed during the election period and the criteria to be considered should a civic or ceremonial council event be proposed during the election period.

Equitable access to council information

The Policy makes it clear to the community that councillor candidates will be treated in the same way as other candidates with respect to access to council held information. The Policy provides that councillors may continue to automatically access Council held documents during the election period, but only as is necessary for them to perform their current role and functions.

The Policy also documents how applications for access to council information by all parties will be processed. This is the process whereby information made available to one candidate is accessible to everyone else.

Clarifying the council prohibition on publishing or distributing material likely to influence voting

The Act prevents a council from publishing or distributing material likely to influence voting at the election during the 'election period'. The CEO must certify that documents produced during this period by Council are not electoral material.

The Act makes it clear that documents published before the election period commences (but still available after commencement, for example on the Council's website) do not require certification. The Act also clarifies that statutory documents permitted under legislation (such as rate notices, food premises registrations and parking fines) may continue to be disseminated by councils during the election period without limitation.

The Policy provides for Council officers to carefully vet existing publications and online information before the election period starts and, where appropriate, temporarily withdraw any material that might reasonably influence the election.

Transparent and accessible

The Act requires the Policy to be transparent and accessible. This means it must be made public on the council's website and available in hardcopy for public inspection. A copy must also be given to each councillor.

When adopted by Council, the Manager Governance will ensure these requirements of the Act are achieved.

Major policy decisions during the Election Period

The Act prohibits Council from making 'major policy decisions' during the election period, however Council can apply to the Minister for an exemption in extraordinary circumstances.

Major policy decisions are any decisions made by Council or under delegation:

- relating to the appointment, termination or remuneration of the Chief Executive Officer (CEO) other than a decision to appoint an acting CEO.
- to enter into a contract the total value of which exceeds whichever is the greater of -
 - \$100 000 or such higher amount as may be fixed by Order in Council under section 186(1). The amount currently fixed is \$150,000; or
 - 1% of the Council's revenue from rates and charges levied in the preceding financial year.

Inappropriate decisions during the Election Period

The Act defines inappropriate decisions made by a Council during the election period as:

- Decisions that would affect voting in an election.
- Decisions that could reasonably be made after the election.

Additional information and provisions during the Election Period

Based upon experience and learnings from the 2016 Council elections, the following are expanded requirements of the previous policy, or provisions newly included in the Policy:

- Additional definitions to support a common understanding for candidates, Council officers and councillors.
- The policy includes a provision with respect to Council and CEO accountability.
- Additional information relating to decisions, resources, consultation, events, communications and publications to support greater understanding for candidates, Council officers and councillors.

- No Special Committee meetings are to be scheduled during the election period. Council's three Section 86 Committees will be required to hold their Annual Meetings before commencement of the Election Period. This will avoid the risk of inappropriate decisions being made under delegation by these committees.
- The Policy includes a provision with respect to the obligations on Council staff upon becoming a candidate in a Council election.
- Advertising Signage, including on Council Land. This provision sets out what sort of signs can be displayed during an election including the election period, and rules for when candidates or their supporters are electioneering so it is clear to councillors the community and officers of the requirements outlined in Local Law No. 1 Community Amenity and the Gannawarra Planning Scheme.

Minor changes have also been made to the Policy to improve clarity and readability.

The Policy attached to this report consists all proposed changes.

Local Government Bill 2019

The Local Government Bill 2019 (the Bill) is currently before the Parliament. Officers will continue to monitor progress of the Bill through Parliament and the implications for the Policy.

Should there be implications for the Policy, the necessary adjustments will be made and a revised Policy will be presented to Council for consideration.

CONSULTATION

Council communications staff and Executive Leadership Team have been involved in the review of this policy.

Under the Policy, the Chief Executive Officer is required to ensure that all councillors and officers are informed of the application of the Policy.

Additional guidelines will be circulated to staff to help them understand their obligations under the Act and the Policy.

Governance staff will organise a briefing for Council's Executive Leadership and Management teams and if required, attend team meetings across the organisation to discuss the Policy with staff.

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

Council Policy No. 118 – Election Period has been reviewed taking into consideration *Local Government Act 1989* obligations and learnings from the 2016 Council elections.



Election Period

COUNCIL POLICY NO. 118

1. INTRODUCTION

Councils must comply with special arrangements during the election period in the lead up to a general election.

Election policy provisions contained within the *Local Government Act 1989* (the Act) are intended to ensure councils do not interfere with the integrity or probity of the election process.

The Act regulates council activity in two ways. It prohibits councils from making certain types of decisions and it requires that materials produced by councils must not contain matter that will affect voting at the election.

The 'election period' as defined by the Act for the 2020 local government elections will commence on 22 September 2020 and end at 6 pm on election day, 24 October 2020.

2. POLICY PURPOSE

The purpose of this policy is to specify procedures intended to prevent Council from making inappropriate decisions or using resources inappropriately during the election period before the 2020 general election; the limits on public consultation and the scheduling of Council events; and procedures to ensure that access to information held by Council is made equally available to candidates during the election, as required by section 93B(3) of the Act.

3. DEFINITIONS

Term	Definition	Source
Advertising sign	Means any board, notice, structure, banner or other similar device used for the purposes of soliciting sales or notifying people of the presence of an adjacent property or other address, whether real, internet-based or otherwise electronic and where goods or services may be obtained.	Community Amenity Local Law
Candidate	Means a person who has: <ul style="list-style-type: none"> publicly expressed an intention to run as a candidate in the election; and/or a person who has formally nominated as a candidate in the election with the Returning Officer. A candidate is a 'known candidate' when a person has actual knowledge of the candidate's identity and that they meet the above definition.	Policy
Council land	Means any land owned or vested in, or under the control and management of the Council, including, but not limited to Roads, Municipal Reserves, watercourses and reservations.	Community Amenity Local Law



Term	Definition	Source
Councillor Candidate	Means a current Councillor who has nominated, or is considering nominating for election in the 24 October 2020 Council elections.	Policy
Electioneering	Means any action, statement and/or publication that contains material directly related to, or likely to influence, a Councillor's re-election or a candidate's election.	Policy
Electoral Matter	<p>Matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the returning officer for the purposes of conducting an election.</p> <p>Without limiting the generality of the definition of electoral matter, matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on –</p> <p>(a) the election; or (b) a candidate in the election; or (c) an issue submitted to, or otherwise before, the voters in connection with the election.</p> <p>Electoral matter includes material which:</p> <ul style="list-style-type: none"> • publicises the strengths or weaknesses of a candidate • advocates the policies of the Council or of a candidate • responds to claims made by a candidate • publicises the achievements of the elected Council. 	<p>Act s.3(1A) & (1B)</p> <p>Policy</p>
Election Period	In relation to a general election, means the period that starts on the last day on which nominations for that election can be received and ends at 6pm on election day. For the 2020 Council elections, this means that the mandatory election period will commence on 22 September 2020 and end at 6 pm on 24 October 2020.	Act s.3
Inappropriate Decisions	Means decisions that would affect voting in an election and decisions that could reasonably be made after the election.	Act s.93B
Major Policy Decision	<p>Means any decision:</p> <p>(a) relating to the employment or remuneration of a Chief Executive Officer under section 94 of the Act, other than a decision to appoint an acting Chief Executive Officer;</p> <p>(b) to terminate the appointment of a Chief Executive Officer under section 94 of the Act;</p> <p>(c) to enter into a contract the total value of which exceeds whichever is the greater of:</p> <p>(i) \$100,000 or such higher amount as may be fixed by Order in Council under section 186(1); or</p> <p>(ii) 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year.</p> <p>(d) to exercise any power under section 193 of the Act if the sum assessed under section 193(5A) in respect of the proposal exceeds whichever is the greater of \$100,000 or 1% of Council's revenue from rates and charges levied under section 158 in the preceding financial year.</p>	Act s93A
Nomination Day	Means the last day on which nominations for an election can be received, which is the 32 nd day before election day.	Policy



Term	Definition	Source
Publication	Means: a) A published work in any form (eg hardcopy or digital) including but not limited to brochures, articles, letters, posters, policies, strategies, papers, commentary. b) The act or process of publishing.	Policy
Publish	Means publish by any means including by publication on the Internet.	Act s.3
Public consultation	Means a process which involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy, and includes discussion of that matter with the public.	Policy
Returning Officer	Means the Electoral Commissioner or a person appointed in writing by the Electoral Commissioner.	Act s.3
Significant decision	Means an irrevocable decision that significantly affects the municipality	Policy

4. ACCOUNTABILITY

4.1 Council

Council will function in accordance with this Election Period Policy during the election period.

4.2 Chief Executive Officer

In addition to the Chief Executive Officer’s statutory responsibilities, the Chief Executive Officer will:

- Prior to an election period, ensure that Councillors and Council staff are advised in regard to the application of this Policy.
- Ensure as far as possible, that matters of Council business requiring significant decisions are scheduled for Council to consider prior to the commencement of the election period, or deferred where appropriate for determination by the incoming Council.
- Not include in the agenda for any Ordinary Council meeting scheduled during the election period, any matters requiring major policy decisions or matters that could be considered inappropriate decisions.

5. POLICY

5.1 Decisions by Council

During the election period, all reports prepared for the consideration of Council will be carefully vetted by the Chief Executive Officer to ensure that no agenda item is included that could potentially influence voters’ intentions at the forthcoming election or could encourage councillor candidates to use the matter as part of their electioneering.

During the election period, all councillors will refrain from moving motions or raising matters at a meeting that could potentially influence voting at the forthcoming election.

Major Policy Decisions

During the election period, Section 93A of the Act prohibits Council from making a major policy decision.

Any major policy decision made during the election period is deemed to be invalid under the Act.

If Council considers that there are extraordinary circumstances where the community would be significantly disadvantaged by the Council not making a particular major policy decision, the Council may, by resolution, request an exemption from the Minister for Local Government in accordance with section 93A(2) of the Act.



Inappropriate Decisions

The ordinary, day-to-day business of local government must continue throughout the election period. That business will be conducted by Council, its delegates and staff in a responsible and transparent manner, in accordance with statutory requirements.

Most Council decisions are not made at Council meetings. Significant decision-making power is formally delegated to staff and the decision of the delegate is 'deemed' to be a decision by Council. Because a delegate's decision is the same as a Council decision, the same constraints that apply to decisions made in Council meetings apply when delegates make decisions. Delegates should therefore give careful consideration to the exercise of their powers during the election period.

Should a delegate be required to make a decision(s) under delegation in the ordinary course of Council business during the election period, the delegate must satisfy themselves beforehand that the decision is not a major policy decision or an inappropriate decision.

The following decisions may be considered inappropriate decisions and will be avoided during the election period:

- Allocating community grants or other direct funding to community organisations
- Major planning scheme amendments
- Changes to strategic objectives and strategies contained within the Council Plan.

5.2 Council Resources

Application of Resources

Councillors will continue to be provided with resources and receive information during the election period to continue to perform their elected role.

Council resources such as office space, staff, email services, equipment, branding and stationery are only to be used for normal Council business during the election period and not for any election campaign activities.

Information and briefing material prepared and provided to Councillors must be necessary to the carrying out of the Councillor's role and must not be used for election purposes.

Councillor-candidates should be mindful to manage any perceived conflicts even where a direct expense is not incurred, this may include for example:

- Where campaign-related calls are received on a Council device, provide and encourage the caller to use a non-council number for future calls.
- Where campaign-related emails are received in a Council email account, send any responses from a private email and encourage the correspondent to use that account in future.

Council staff

Council staff must not be asked to undertake any tasks connected directly or indirectly with the election campaign of a councillor standing for re-election.

Councillors' Entitlement to Reimbursement

Reimbursements of councillors' out-of-pocket expenses during the election period will only apply to expenses incurred in the performance of normal Council duties, and not for expenses that support, or are connected with a candidate's election campaign.

5.3 Public Consultation

Public consultations will be avoided during the election period.

Council will not continue or commence public consultation on major policy decisions, contentious or potentially sensitive matters after the commencement of the election period.

Public consultation associated with activities and decisions which are the subject of statutory processes, for example

- Applications under the *Planning and Environment Act 1987*
- Consultation required under Section 223 of the *Local Government Act 1989*

can be expected to continue through the election period to ensure Council does not breach its statutory obligations.

Public consultation not associated with activities and decisions which are the subject of statutory processes shall only proceed if prior approval is given by the Chief Executive Officer.



Where community engagement has occurred prior to the election period but a related report has not yet proceeded to a Council meeting, results of the consultation will also not be provided to a Council meeting until the election period has concluded.

Any public consultation that does proceed during the election period will be vetted for electoral matter and express or implicit links to the election.

Postponing consultation

In view of the potential for a matter or issue to become contentious or politically sensitive in the course of the election period, Council reserves the right where possible and practicable, to postpone public consultation and any associated decisions where the matter is considered likely to affect voting in the election.

5.4 Council Events

Normal Council events are not prohibited during the election period however Council will keep these events to a minimum.

Any civic or ceremonial Council event held during the election period should meet one or more of the following criteria:

- It is a planned event endorsed by the current Council Plan;
- It is routinely held at the same time of year;
- It is a commemorative or anniversary event held on or near the anniversary date;
- It demonstrates a clear community benefit, or services an educational or welfare purpose; or
- It contributes to cultural development, social awareness or sense of community identity.

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

Material printed or disseminated during the election period to publicise a function or event will be subject to a certification process.

Functions or events for the purpose of electioneering will not be resourced or publicised by Council.

Information Request Register

An Information Request Register will be maintained by the Manager Governance during the election period. This Register will be a public document and records requests by persons who identify themselves as candidates when seeking information relating to electoral matters or when making other general enquiries. The register will also record the responses provided.

Any candidate may, upon request, obtain information about the recorded requests made by another candidate as recorded in the Information Request Register and a copy of information given in response to the request.

The Manager Governance may, at his or her discretion, automatically circulate to all candidates, the response to any request recorded in the Information Request Register.

5.5 Information

With respect to Council held information, Councillor candidates will be treated in the same way as other candidates.

Councillors may continue to automatically access Council held documents during the election period, but only as is necessary for them to perform their current role and functions. Information routinely provided to Councillors will include:

- Information that is publicly and freely available, eg Council Plans, Annual Reports, strategies, policies.
- Information and advice provided by Council officers as part of Council meeting agendas.
- Briefing papers in relation to matters to be decided upon at forthcoming Council meetings. It is likely that the briefing information provided to Councillors during the election period will be of a more routine nature than normal, given the approach to decision making during the election period.

All requests received by Council staff for information about Council projects, programs or services will be responded to in a 'business as usual' manner. This means up to date responses will be provided about progress on Council projects or services to Councillors, candidates or the public.

Requests for information which require significant resources to be devoted to making a response or which might be perceived to support an election campaign, will be referred to the Chief Executive Officer or the Director Corporate Services for consideration.

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



5.6 Council Publications

Section 55D of the Act prohibits Council from printing, publishing or distributing any advertisement, handbill, pamphlet or notice during an election period unless it has been certified, in writing, by the Chief Executive Officer.

The prohibition in Section 55D does not apply to the publishing of any document published before the election period commences, or publication of any document required to be published in accordance with, or under any Act or regulation.

Certification of Publications

New publications to be printed, published or distributed during the election period must first be certified by the Chief Executive Officer.

The certification by the Chief Executive Officer will be in writing on or affixed to a copy of the publication and be in one of the following forms:

'Certified by the Chief Executive Officer in accordance with Section 55D of the Local Government Act 1989'

'Certified pursuant to s. 55D of the Local Government Act 1989'

Copies of all certified documents will be retained on Council records.

Publications which require certification may include:

- Brochures, pamphlets, handbills and flyers
- Reports (other than agenda papers and minutes required under the Act for Council meetings)
- Advertisements and notices, except newspaper notices of meetings
- New website material
- Social media publications
- Emails with multiple addresses, used for broad communication with the community
- Mass mail outs or identical letters sent to a large number of people by or on behalf of Council
- Media releases
- Material to publicise a function or event
- Any publication or distribution of councillors' speeches.

Documents permitted or required under legislation (such as rate notices, food premises registrations and parking fines) are not publications for the purposes of the prohibition under section 55D of the Act and do not require certification.

Council publications including Councillor Information

References to councillors who are standing for re-election in Council publications printed, published or distributed during the election period could be considered electoral matter and will be carefully vetted during the certification process.

Existing publications

Existing publications, including material published on Council's website in advance of the election period, are not subject to certification requirements.

Existing publications will be reviewed at the start of the election period. Publications or material which is prominently displayed and might be regarded as likely to influence how people vote may be temporarily removed from display. Any material so removed may still be provided to members of the community upon request.

In the context of Council's website, prominently displayed means content visible on the Gannawarra Shire Council's website: www.gannawarra.vic.gov.au and all pages contained within.

During the election period, Councillor profile pages will be limited to names, contact details and date elected.



Annual Report

Council is required by the Act to produce and put on public display a copy of its Annual Report. The 2019-20 Annual Report will be published during the election period. The Annual Report will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual councillors.

The Annual Report does not require certification by the Chief Executive Officer, however any publication of an extract or summary of the Annual Report will require certification.

Council and Special Committee Meetings

Council is required by the Act to:

- Give public notice of Council meetings and Special Committee meetings; and
- Produce and make available agendas and minutes of Council meetings and Special Committee meetings.

No Special Committee meetings will be scheduled during the election period.

Agenda papers and minutes of Council meetings do not require certification by the Chief Executive Officer unless they are printed or published for a wider distribution than normal.

Social Media

At the start of the election period, a message will be posted on Council's social media channels and website stating these channels will have no new content added until after the election period unless it relates to existing Council services.

Any new publication on social media channels including Facebook, Twitter, Instagram, blogs and wiki pages created by Council during the election period must be certified by the Chief Executive Officer.

As public comments posted on Council's social media channels could be considered electoral matter, staff responsible for administering social media channels will, where possible, disable public commenting. Where public commenting cannot be disabled, staff will monitor their respective channels during the election period and where possible, remove electoral matter as soon as reasonably practicable after it is posted.

5.7 Media Services

Restriction on services

During the election period, Council resources must not be used in any way that might promote a councillor as an election candidate.

New Council publicity during the election period will be restricted to communicating normal Council activities and initiatives and subject to certification by the Chief Executive Officer.

Media Releases/Spokespersons

Media releases during the election period will minimise references to specific councillors and will not identify any councillor in a manner that could promote a councillor as an election candidate. Where it is necessary to identify a spokesperson, the Chief Executive Officer will be consulted.

Media releases will require certification by the Chief Executive Officer.

Councillors

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

5.8 Assistance to Candidates

All election enquiries from candidates, whether sitting councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the Chief Executive Officer.



Council staff

Upon becoming a candidate in a Gannawarra Shire Council election, the Council staff member must:

- Inform the Chief Executive Officer
- Take leave from their duties at least for the duration of the election period in accordance with the Act
- Return any Council equipment (including but not limited to motor vehicles, telephones and computers), documents or information that is not available to the public at least for the duration of the election period; and
- If elected, immediately resign from their employed position at Council, in accordance with the Act.

5.9 Advertising signage

Candidates and their supporters are not permitted to affix, attach or place advertising signs on Council land or a Council road during election campaigns including during the election period.

Advertising signs must be erected or placed in accordance with Gannawarra Shire Council Local Law No. 1 Community Amenity and the Gannawarra Planning Scheme.

Gannawarra Planning Scheme - Clause 52.05-10 (Signs not requiring a permit):

A sign with a display area not exceeding 5 square metres publicising a local educational, cultural, political, religious, social or recreational event not held for commercial purposes. Only one sign may be displayed on the land, it must not be an animated or internally illuminated sign and it must not be displayed longer than 14 days after the event is held or 3 months, whichever is sooner. A sign publicising a local political event may include information about a candidate for an election.

6. RELATED LEGISLATION/POLICIES

Local Government Act 1989

7. POLICY REVIEW

Council will review this Policy not later than twelve months from the commencement of the election period for the next election.

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

8. 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.

Records – Document Profile No. 14/00484

<i>Originally adopted:</i>	<i>18/04/2012</i>	<i>Minute Book Reference:</i>	<i>9156</i>
<i>Reviewed:</i>	<i>16/03/2016</i>	<i>Minute Book Reference:</i>	<i>12368</i>
<i>Reviewed:</i>	<i>18/12/2019</i>		
<i>To be reviewed by:</i>	<i>Sept 2023</i>		



8.3 G06-2019 SUPPLY OF ROAD MAKING MATERIALS

Author: Brenton Hall, Manager Operational Services

Authoriser: Geoff Rollinson, Director Infrastructure and Development

Attachments: Nil

RECOMMENDATION

That Council award the schedule of rates panel contract G06-2019 Supply of Road Making Materials with an initial contract period of two years and an option of three one year extensions, subject to rise and fall to all three submitted tenders, being:

- i. Allstone Quarries Pty Ltd,
- ii. E.B. Mawson and Sons Pty Ltd; and,
- iii. Waddy's Concrete

EXECUTIVE SUMMARY

The report seeks approval from Council to award panel contract Contract G06-2019 to Allstone Quarries Pty Ltd, E.B. Mawson and Son Pty Ltd and Waddy's Concrete for the supply and or delivery of road making materials.

BACKGROUND

The previous Contract for the Supply of Road Making Materials expired on 1 November 2019. Contract G06-2019 is a schedule of rates panel contract that allows for the purchase of various road making materials from a number of suppliers depending on material type, availability and locality.

Tender submissions opened on 17 September, 2019 and closed on 16 October, 2019. Three submissions were received through Council's E-Tendering Portal. All submissions were compliant with the Tender Specification.

The Tender was offered with a contract term of two years with the option of three one year extensions up to a total contract period of five years subject to rise and fall provisions.

There is no obligation for Council to purchase any road making materials under this contract or for all companies to supply product. Council does not guarantee volume of purchases from individual suppliers.

The Tender was comprised of pricing for a total of 54 quarry and road making products based on a schedule of rates.

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.
- Road Asset Management Plan
- Footpath Asset Management Plan

DISCUSSION

Table 1 summarises the tender submissions.

Supply of Road Making Materials					
Tenderer	Specification Conformance	Tendered Price	Demonstrated Performance	Available Resources	OHS Compliance
	Yes/No	Within Range	Pass/Fail	Pass/Fail	Pass/Fail
Allstone Quarries Pty Ltd	Yes	Yes	Pass	Pass	Pass
Discussion	Supplied quarry and road making materials under previous Contract				
E.B. Mawson and Son Pty Ltd	Yes	Yes	Pass	Pass	Pass
Discussion	Supplied quarry and road making materials under previous Contract				
Waddy's Concrete	Yes	Yes	Pass	Pass	Pass
Discussion	Supplied quarry and roadmaking material previously..				

For the 2018/2019 year the spend value under the previous contract was approximately \$385,000. Based on this value the estimated five year Contract value could be approximately \$1,925,000.

There is a difference in rates supplied from all Tenderers for the various road making materials. As such Council officers will select the most appropriate and cost effective product from a supplier based on the needs and location of each project.

E. B. Mawson and Sons and Waddys Concrete have business operations based within the Shire and have a direct local benefit. Allstone Quarries office is located in Eaglehawk and their quarry is located in Newbridge.

CONSULTATION

All relevant Council officers were consulted in relation to this tender.

CONFLICT OF INTEREST

In accordance with Section 80B of the *Local Government Act 1989*, the Officer preparing this report and those Officers who undertook the tender evaluation declare no conflict of interest in regards to this matter.

CONCLUSION

It is recommended that Council accept the tender from Allstone Quarries Pty Ltd, E. B. Mawson and Sons and Waddy's Concrete.

8.4 PROPOSED NAME CHANGES TO KOONDROOK ENVIRONMENTAL RESERVE AND KOONDROOK SWIMMING POOL

Author: Brent Heitbaum, Assets and Design Manager

Authoriser: Geoff Rollinson, Director Infrastructure and Development

Attachments: 1 Sidney Reid Profile

RECOMMENDATION

That Council

1. Authorise officers to advertise the name changes in accordance with Council Policy No. 098 - Asset Naming and the Naming Rules for Places in Victoria.
2. Upon closure of the advertising period authorise officers to notify the Office of Geographic Names of the proposed name changes

EXECUTIVE SUMMARY

A request has been received to ensure the registered name of parks and reserves in Koondrook match that of community expectations and local knowledge. Two reserves are currently inconsistent with this request, being Koondrook Environmental Reserve and Koondrook Swimming Pool.

BACKGROUND

This report seeks Council approval to advertise the proposed name changes for both Koondrook Environmental Reserve and Koondrook Swimming Pool to “Sidney Reid Reserve” and “Willow Park Reserve” respectively.

POLICY CONTEXT

Council is the naming authority for localities within its boundary in accordance with the “Naming rules for places in Victoria – Statutory requirements for naming roads, features and localities 2016”. These rules specify the process for naming places within Victoria. This is also in accordance with Council’s Policy No. 098 - Asset Naming.

DISCUSSION

A request was received from the Koondrook Development Committee to formalise the names of a number of parks and reserves in Koondrook to more closely reflect names in current use. These names would then be recognised on VICNAMES which is the register of geographic names in Victoria.

Currently there are two registered reserve names that do not match the desires of the Development Committee, being Koondrook Environmental Reserve and Koondrook Swimming Pool.

It is proposed to officially rename

- Koondrook Environmental Reserve to “Sidney Reid Reserve” as proposed by the Koondrook Development Committee (Sidney Reid profile attached to this report).

- Koondrook Swimming Pool to “Willow Park Reserve” which it has been locally known as and signed as such for many years.

Both of the above proposed names comply with the Naming Rules for Places in Victoria 2016.

CONSULTATION

The request to rename Koondrook Environmental Reserve to “Sidney Reid Reserve” and to formally name “Willow Park Reserve” was received via the Koondrook Development Committee.

CONFLICT OF INTEREST

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

CONCLUSION

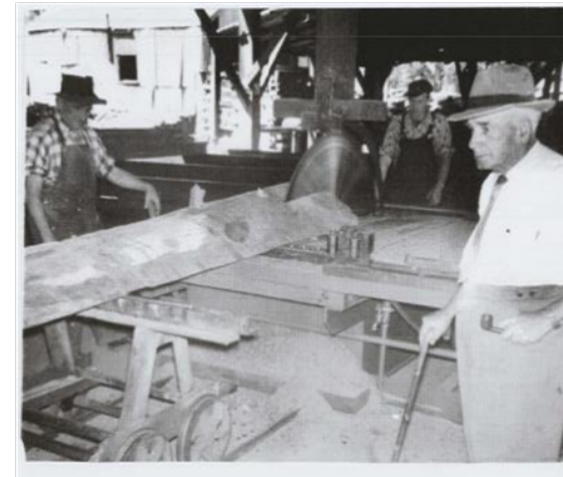
In accordance with Council Policy No. 098 - Asset Naming and the Naming Rules for Places in Victoria 2016, a Council resolution proposing the new names is required prior to public advertising of the proposed changes for a minimum of 30 days.

CHAINSAW CARVING OF OUTSTANDING KOONDROOK CITIZEN – Mr Sidney C P Reid JP

Mr Sidney Carl Percival Reid was born at Grafton NSW. He first came to Koondrook to manage the Koondrook redgum sawmill for the Estate of the late Alexander Arbuthnot and at the time of his death was Managing Director of the mill (trading under the name of Arbuthnot Sawmills Pty Ltd). He was responsible for converting the sawmill from steam to electricity in 1962.

In addition to his sawmilling activities he was for a time engaged in dairy farming at Gannawarra and was one of the first to grow tobacco on the sand hills of Gannawarra. He also proved that sultanas could be grown locally and was the founder of the IXL Stores Koondrook, which he later disposed of to Mr A A Hird.

During his time in Koondrook, Mr Reid had a deep sense of citizenship to which he made a generous contribution, being one who possessed a tremendous capacity for getting things done. In earlier years he was the Secretary of the old Koondrook Race Club (the grandstand from which was moved to the Koondrook Football Ground).



He was a Justice of the Peace, a former member of the Koondrook Progress Association, Koondrook Hall Committee and most other local organisations. President of the first Barham & District Hospital Committee, he was Chairman of the Hospital Board which position he held until his retirement in 1960, when he was appointed as the first Life Member of the Hospital.

A most generous person, he gave freely to many charities, was ever ready to help a worthy cause and always lending a hand or doing a good turn for someone.

Sidney CP Reid died in his sleep at his home at Koondrook in July 1962, aged 72.

8.5 SWIMMING POOL AND SPA REGISTRATION - FEES AND CHARGES SCHEDULE 2019/2020

Author: Kellie Burmeister, Manager Planning and Regulatory Services

Authoriser: Geoff Rollinson, Director Infrastructure and Development

Attachments: Nil

RECOMMENDATION

That Council adopt the Swimming Pool and Spa Registration Fees maximum amounts as set in the Building Amendment (Swimming Pool and Spa) Regulations 2019 and listed in this report.

EXECUTIVE SUMMARY

Amendments to the *Building Act 1993* which commenced on 1 December 2019 have introduced requirements for councils to establish and maintain a register of swimming pools and spas in their municipality and be the gatekeeper for compliance of safety barriers.

A range of fees are set in the *Building Amendment (Swimming Pool and Spa) Regulations 2019* as maximum amounts. Council must now determine particular fee levels in accordance with the *Local Government Act 1989*.

BACKGROUND

New laws to improve swimming pool and spa safety came into effect in Victoria on 1 December 2019. These laws introduce new registration, inspection and certification requirements for property owners.

The new laws require owners to register their pool or spa with Council and have the pool or spa safety barrier inspected once every four years.

Councils are required to establish and maintain a register for pools and spas located within their municipality.

All swimming pools and spas that fall within the requirements of the Act must have a compliant safety barrier in place. Broadly, these include all permanent pools and spas and most relocatable pools and spas that are capable of holding a depth of water greater than 300mm.

The owner of land with a swimming pool, must apply to register their swimming pool using a prescribed form. The application must be accompanied by any relevant documents required by the form and a registration fee.

In the case of an application to register a pre-existing swimming pool (a pool constructed before 1 June 2020), the application must be accompanied by payment of any information search fee determined by the Council. The information search fee is designed to allow councils to recover costs associated with determining dates of construction for existing swimming pools.

POLICY CONTEXT

The *Building Act 1993*

The Building Regulations 2008

The Building Amendments (Swimming Pool and Spa) Regulations 2019

DISCUSSION

The fees below are set in the Regulations as the maximum amounts. Council must now determine the particular levels it wishes to apply to each fee.

The current value of a fee unit is \$14.81.

Application for registration fee (reg 147P)	2.15 fee units	\$31.84
Information search fee (reg 147P)	3.19 fee units	\$47.24
Lodgement of certificate of pool barrier compliance (reg 147X)	1.38 fee units	\$20.44
Lodgement of certificate of pool barrier non-compliance (reg 147ZJ)	26 fee units	\$385.06

CONSULTATION

Nil

CONFLICT OF INTEREST

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

CONCLUSION

In accordance with the Regulations, Council must now determine the particular fee levels for the registration of swimming pools and spas.

It is recommended that Council set the fees as the maximum amounts as detailed within this report.

9 INFORMATION REPORTS

Nil

10 URGENT ITEMS

11 NOTICES OF MOTION

Nil

12 DELEGATES REPORTS

12.1 DELEGATES REPORTS - 20 NOVEMBER, 2019 TO 17 DECEMBER, 2019

Author: Mel Scott, Executive Assistant - Chief Executive Office

Authoriser: Tom O'Reilly, CEO

Attachments:

EXECUTIVE SUMMARY

Delegates Reports from 20 November, 2019 to 17 December, 2019.

Cr Lorraine Learmonth

21 November	DELWP Waste Management Dinner – Melbourne
22 November	DELWP Waste Management Workshop – Melbourne
23 November	Murrabit Lions Club 30 th Birthday – Murrabit
25 November	Gannawarra Goes Orange Campaign Official Launch – Cohuna Climate Risk Financial Reporting and Disclosure Briefing – Bendigo Quambatook Development Committee AGM – Quambatook
26 November	68 th AMG of Kerang District Health – Kerang
27 November	Northaven Arts Exhibition Opening – Kerang 67 th AGM of the Cohuna District Hospital
29 November	Calder Highway Improvement Committee Meeting – Gisborne Launch of the Regional Gastronomy Project – Bendigo
2 December	Campaspe Cohuna Local Learning and Employment Network Board Meeting & Dinner – Echuca
3 December	Gannawarra Shire Volunteers Dinner – Barham
4 December	Murray River Group of Councils Mayors and CEOs Dinner – Koondrook
5 December	Murray River Group of Councils Mayors and CEOs Meeting – Kerang
6 December	Meeting with representatives to discuss Duck shooting at Caravan Park Area – Cohuna Koondrook Walk to School Launch – Koondrook
11 December	Leitchville Progress Association Meeting – Leitchville Wild Ibis Presentation – Kerang
12 December	Welcome to Country Video Official Launch – Kerang
13 December	Meeting with Cr Wright – Kerang
16 December	Councillor Christmas Dinner - Leitchville
17 December	Gannawarra Community Resilience Committee Meeting – Kerang

Cr Sonia Wright

11 December	Cohuna Swimming Pool Community Meeting – Cohuna
13 December	Meeting with Mayor – Kerang
16 December	Leitchville Men's Shed Christmas Lunch – Leitchville Cohuna Progress Association Meeting – Cohuna

Cr Charlie Gillingham

20 November	Northern District Community Health AGM – Kerang
26 November	Kerang Lakes Community Development Group Meeting – Lake Charm
9 December	Kerang and District U3A Concert – Kerang
10 December	Lake Charm Community Meal – Lake Charm

12 December Welcome to Country Video Official Launch – Kerang
 16 December Councillor Christmas Dinner - Leitchville

Cr Brian Gibson

25 November Gannawarra Goes Orange Campaign Official Launch – Cohuna
 12 December Welcome to Country Video Launch – Kerang
 16 December Councillor Christmas Dinner - Leitchville

Cr Jodie Basile

16 December Councillor Christmas Dinner - Leitchville

This table represents attendances at Council meetings and briefings:

Function Attended	Councillor (✓)						
	Gibson	Arians	Basile	Gillingham	Learmonth	Tasker	Wright
Ordinary Council Meeting (20 November)	✓	✓	✓	✓	✓	A	✓
Council Briefing and Strategic Briefing (9 December)	✓	A	A	✓	✓	A	A

A = Apology

13 CONFIDENTIAL ITEMS**RECOMMENDATION**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 89(2) of the Local Government Act 1989:

13.1 Awarding of 2020 Australia Day Awards

This matter is considered to be confidential under Section 89(2)(h) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with any matter which Council considers prejudicial to Council or any person.