



# GANNAWARRA

*Shire Council*

**Wednesday, 20 September 2023**

**6:00pm**

**Senior Citizens Centre**

**Kerang**

## **AGENDA**

**Council Meeting**

**Order Of Business**

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**Geoff Rollinson**  
**CHIEF EXECUTIVE OFFICER**

## 1 WELCOME TO COUNTRY

Playing of the Welcome to Country video clip.

## 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

Meeting - 16 August 2023

## 5 DECLARATION OF CONFLICT OF INTEREST

### General conflict of interest

Unless exempt under Section 129 of the *Local Government Act 2020* (the Act) or regulation 7 of the Local Government (Governance and Integrity) Regulations 2020, a Councillor or member of Council staff has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests (as defined in Section 127(2) of the Act) could result in that person acting in a manner that is contrary to their public duty.

### Material conflict of interest

Unless exempt under Section 129 of the *Local Government Act 2020* or regulation 7 of the Local Government (Governance and Integrity) Regulations 2020, a Councillor or member of Council staff has a material conflict of interest in respect of a matter if an affected person (as defined in Section 128(3) of the Act) would gain a benefit or suffer a loss depending on the outcome of the matter.

### Disclosure of a conflict of interest

A Councillor who has a conflict of interest and is attending a meeting of the Council must make a full disclosure of that interest by either advising:

- a) the Council at the meeting immediately before the matter is considered at the meeting; or
- b) the Chief Executive Officer in writing before the meeting –

whether the interest is a general conflict of interest or a material conflict of interest; and the nature of the interest.

Note: If a Councillor advises the Chief Executive Officer of the details under b) above, the Councillor must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.

In accordance with Section 130 of the Act, a councillor who has disclosed a conflict of interest in respect of a matter must exclude themselves from the decision making process in relation to the matter, including any discussion or vote on the matter at any Council meeting, and any action in relation to the matter.

Failure to comply with Section 130 of the Act may result in a penalty of 120 penalty units

## **6 BRIEFING SESSIONS**

### **6.1 RECORDS OF COUNCILLOR BRIEFINGS - 9 AUGUST TO 12 SEPTEMBER 2023**

**Author:** Mel Mathers, Executive Assistant - Chief Executive Office

**Authoriser:** Geoff Rollinson, Chief Executive Officer

**Attachments:** 1 Councillor Briefing Record - 11 September 2023

#### **RECOMMENDATION**

**That Council note the records of Councillor Briefings 9 August to 12 September 2023.**

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#### **EXECUTIVE SUMMARY**

This report presents to Council written records of Councillor Briefings in accordance with Clause 31 of the Gannawarra Shire Council Governance Rules.

#### **DECLARATIONS OF CONFLICT OF INTEREST**

The Officer preparing this report declares that they have no conflict of interest in regards to this matter.

#### **COUNCIL PLAN**

Council Plan 2021-2025: Be a creative employer of choice through our adherence to good governance and our inclusive culture.

#### **BACKGROUND INFORMATION**

In accordance with Clause 32 of the Gannawarra Shire Council Governance Rules, a written record of a meeting held under the auspices of Council is, as soon as practicable, reported at a meeting of the Council and incorporated in the minutes of that Council meeting.

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 meeting.

#### **CONSULTATION**

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

#### **CONCLUSION**

To ensure compliance with Clause 32 of the Gannawarra Shire Council Governance Rules, it is recommended that Council note the Councillor Briefing records as attached to this report.

## RECORD OF A COUNCILLOR BRIEFING



<b>Type of Meeting</b>	Councillor Briefing
<b>Date:</b>	Monday, 11 September 2023
<b>Time:</b>	9:00am – 5.30pm
<b>Location:</b>	Kerang Senior Citizens Centre
<b>In Attendance: (Councillors)</b>	Cr Charlie Gillingham Cr Jane Ogden Cr Kelvin Burt Cr Travis Collier Cr Ross Stanton Cr Garner Smith
<b>Apologies:</b>	Cr Keith Link
<b>In Attendance: (Officers)</b>	Geoff Rollinson, Paul Fernee, Alissa Harrower, Brooke Arnold, Carole Wandin, Leigh Hollingworth, Kellie Burmeister
<b>In Attendance: (Other)</b>	Rikkie-Lee Tyrrell – Member for Northern Victoria Mitch Hume – AEMO Mark Hudson, Tim Clifton, Alan Pascoe – West Wind Lisa McCoy, Rachael Williams – Local Logic Place
<b>Matters Discussed:</b>	<p><b>Presentations:</b></p> <ul style="list-style-type: none"> <li>• Rikkie-Lee Tyrrell</li> <li>• AEMO</li> <li>• West Wind Energy</li> <li>• Connecting Gannawarra</li> </ul> <p><b>Draft September Council Agenda</b></p> <p>7.1 Christmas Closure 2023 7.2 Petition – Pratt Road 7.3 2023 Annual Financial Statements 7.4 Council Policy Review – No. 132 Child Safe 7.5 Governance Rules Review 7.6 Contract G05-2023 Flood Recovery Works Package 4 and 5 7.7 Contract G06-2023 Flood Recovery Works Package 6 and 7 7.8 Contract G07-2023 Flood Recovery Works Package 8 and 9 7.9 Contract G08-2023 Flood Recovery Works Package 10, 11 and 12 7.10 Contract G09-2023 Flood Recovery Works Package Priority Package</p> <p><b>Councillor Briefing Updates</b></p> <ul style="list-style-type: none"> <li>• 2022/2023 Year in Review</li> <li>• Debt Collection</li> <li>• Corporate Performance Reporting Framework Quarterly Report</li> <li>• Building and Planning Activity – Quarterly Update</li> <li>• 2023/2024 Capital Works Program</li> <li>• Leitchville Lighting Update Projects – ENEL</li> <li>• Community Care Transition Out Update</li> <li>• Gannawarra Community Flood Recovery Update</li> <li>• 2024 Australia Day Arrangements</li> <li>• Future Listing Report</li> </ul> <p><b>Councillor Issues</b></p>

Conflict of Interest Disclosures		
Matter No.	Councillor/Officer making disclosure	Councillor/Officer left meeting Yes/No
Nil		
Completed By:	Geoff Rollinson – Chief Executive Officer 	



## **7 BUSINESS REPORTS FOR DECISION**

### **7.1 CHRISTMAS CLOSURE 2023**

**Author:** Jodie Basile, Governance & Compliance Coordinator

**Authoriser:** Alissa Harrower, Manager Governance

**Attachments:** Nil

#### **RECOMMENDATION**

**That Council:**

- 1. Acknowledge the closure of Council offices to the public over the Christmas/New Year period from 2:00pm on Friday 22 December 2023 through to and including Monday 1 January 2023, with business resuming as usual on Tuesday 2 January 2024.**
- 2. Advertise the office closure in the local newspaper, website, and social media.**

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#### **EXECUTIVE SUMMARY**

As has occurred in prior years, to enable Council staff to spend the Christmas holiday period with family and friends, it is proposed that Council close its main administration offices, libraries, Gannawarra Shire Children's Centre administration and Works Depot from 2:00 pm Friday, 22 December 2023 and re-open on Tuesday, 2 January 2024.

#### **PURPOSE**

To seek approval for Council to close its services over the Christmas holiday period and to advertise the closure in the local media.

#### **ATTACHMENTS**

Nil

#### **DISCUSSION**

This holiday season, Christmas Day and Boxing Day are on a Monday and Tuesday respectively, with both days recognised as Public Holidays and New Years Day also falling on a Monday.

In the spirit of a family friendly workplace, it is recommended to close Council's main administration offices, libraries, Gannawarra Shire Children's Centre administration and Works Depot from 2:00 pm on Friday, 23 December 2023.

Whilst the above offices and depot will be closed, certain key and emergency services will be maintained. These include Local Laws and emergency call out arrangements in the case of fire, flood, storm, or other such significant event. These arrangements and contacts will be communicated with the closure.

Other services will close for three days (27-29 December), outlined in the table below:



Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					22/12/23 (Close offices, etc at 2.00 pm)	23/12/23
24/12/23	25/12/23 (Christmas Day)	26/12/23 (Boxing Day)	27/12/23 (Closed)	28/12/23 (Closed)	29/12/23 (Closed)	30/12/23
31/1/23	1/1/24 (New Year's Day)	2/1/24 (Business as usual)				

### RELEVANT LAW

The Christmas closure is detailed in the Enterprise Bargaining Agreement (EBA).

### RELATED COUNCIL DECISIONS

Council considers Christmas closure annually. Last year the closure was for three days.

### OPTIONS

Council has the following options:

- Close the offices from 2:00pm Friday 23 December 2023 until Tuesday 2 January 2024 (three-day closure).
- Close the offices from close of business (COB) Friday 22 December 2023 until Tuesday 2 January 2024 (three-day closure); and
- Close the offices for greater than three days.

### SUSTAINABILITY IMPLICATIONS

The Christmas to new-year period is traditionally aligned to a stronger social focus around families.

### COMMUNITY ENGAGEMENT

The outcome will be advertised to the community via local media and social media channels.

### INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable.

### COLLABORATION

Any closure greater than the three days between Christmas and new year would require appropriate negotiation with staff.

### FINANCIAL VIABILITY

The Christmas to new-year period is a time where staff can take leave and from a financial perspective, can reduce leave liabilities on the balance sheet.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

Council Plan 2021-2025: Sustainability – Be a creative employer of choice through our adherence to good governance and our inclusive culture. The leave proposed aligns with the Council’s Enterprise Bargaining Agreement.

**TRANSPARENCY OF COUNCIL DECISIONS**

This report will be considered in an open Council meeting.

**CONFLICT OF INTEREST**

The officer preparing this report declares that as an employee of Council, all staff are affected by office closures and leave taking for all staff. The above conditions are in accordance with EBA conditions so there is no conflict of interest in this matter.

## **7.2 PETITION - REQUEST TO COMPLETE REPAIRS TO UNNAMED ROAD CONNECTING PRATT ROAD TO ROBERTSON ROAD / WEST ROAD AND GRADING ON AN ANNUAL BASIS**

**Author:** Wade Williams, Director Infrastructure and Development

**Authoriser:** Geoff Rollinson, Chief Executive Officer

**Attachments:** 1 Petition to Gannawarra Shire Council – Unnamed Road repairs

### **ECOMMENDATION**

**That Council:**

- 1. Resolves to retain the status of the unnamed road connecting Pratt Road to Robertson Road / West Road as unmaintained.**
- 2. Request Council officers explore an alternative proposal to enhance accessibility for larger vehicles in the area utilising Pratt Road, in consultation with adjacent landowners and the individuals who have endorsed the petition.**

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### **EXECUTIVE SUMMARY**

A petition requesting Council to complete repairs to unnamed road connecting Pratt Road to Robertson Road / West Road and undertake grading annually was tabled at the August 2023 Council Meeting.

Officers have reviewed the petition request and recommend an alternative proposal aimed at enhancing accessibility for larger vehicles in the area by utilising Pratt Road, which is presently under the management and maintenance of the Council.

### **PURPOSE**

This report seeks a resolution of Council in response to petition received.

### **ATTACHMENTS**

Petition to Gannawarra Shire Council – Unnamed Road repairs

### **DISCUSSION**

A petition was received by Council at the Ordinary Council Meeting on 16 August 2023. The petition contains 13 names and requests that Council complete repairs to unnamed road connecting Pratt Road to Robertson Road / West Road and undertake grading annually.

Upon receiving the petition, Council officers conducted an assessment of the road's current condition. Improvements are needed to bring the unnamed road up to the standards specified in Council's Road Management Plan and Road Asset Management Plan for the category of Access Minor, *'all weather or dry weather only access'*.

The expenses associated with upgrading and maintaining the road would be divided between Capital and Operational budgets to cover new road infrastructure and ongoing maintenance. Specific cost breakdowns can be found in Table 1.

Table 1: Estimated Upgrade Costs

PROPOSED WORKS	FINACIAL CATEGORY	TOTAL
Native Vegetation removal	Capital	\$ 4,000.00
Floodway Culvert upgrade	Capital	\$ 20,000.00
Planning Permit	Capital	\$ 1,500.00
Level 5 Arborist	Capital	\$ 2,000.00
Native Vegetation Offsets	Capital	To be determined
Flood damage repairs to road and maintenance grading.	Operational	\$ 5,000.00
Depreciation	Operational	\$ 304.00
<b>TOTAL:</b>		<b>\$ 37,500.00</b>

An on-site evaluation by Council officers identified certain limitations that need to be addressed to elevate the unnamed road to Access Minor standards. Notably, approximately 1 kilometre of dense native vegetation obstructs access for maintenance machinery and larger vehicles, as shown in Figure 1.



Figure 1: Unnamed Road – Existing Conditions.

If this vegetation were to be removed, a planning permit would be required, along with conditions related to native vegetation removal and offset procurement. The exact cost of these actions is uncertain as of the time of this report. A qualified level 5 arborist would be tasked with determining the necessary extent of vegetation removal, and a separate native vegetation consultant would be necessary to calculate offset expenses and provide a report for Landowner Consent from the Department of Energy, Environment and Climate Action.

A portion of the track that the petition refers to lies on Crown Land under the management of Parks Vic. This land is zoned Public Conservation and Recreation Zone within the Gannawarra Planning Scheme. Any works within this parcel of land would be subject to approval and further conditions from Parks Vic.

Additionally, an upgrade to the floodway culvert is necessary to enable road usage during flooding. Refer to Figure 2 for further details regarding this aspect.

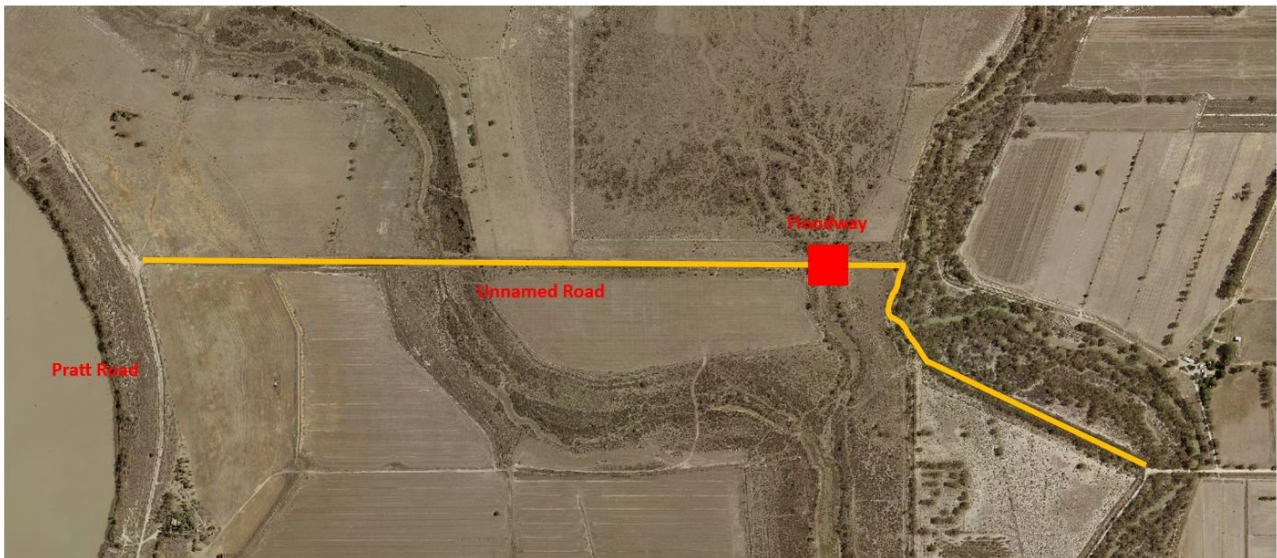


Figure 2: Road Upgrade Route

It should be noted that the unnamed road is not contained within Council's Road Register and is not presently maintained by the Council. Therefore, there would be an incremental yearly cost for Council to manage maintenance grading and account for depreciation.

Considering the constraints and associated expenses, Council officers have formulated an alternative proposal. This proposal aims to enhance accessibility for larger vehicles in the area by making use of Pratt Road, which is currently managed and maintained by the Council. Refer to Figure 3 for an illustrative representation of this proposal with road widening shown in yellow, blue lines the existing approach guard railing and the red lines indicating realignment of the railing to improve access.



Figure 3: Pratt Rd Bridge – Proposed Approach Improvements.

**RELEVANT LAW**

*Road Management Act 2004*

**RELATED COUNCIL DECISIONS**

At the 16 August 2023 Ordinary Council Meeting Council resolved to lay the petition on the table until the next meeting of the Council.

**OPTIONS**

Council may:

1. Acknowledge receipt of the petition and resolve to retain the status of the unnamed road connecting Pratt Road to Robertson Road / West Road as unmaintained.
2. Acknowledge receipt of the petition, retain the status of the unnamed road connecting Pratt Road to Robertson Road / West Road as unmaintained and direct officers to explore improving access over the bridge at Pratt Road in consultation with neighbouring landowners.
3. Have officers engage consultants to conduct the necessary investigations to accurately determine native vegetation removal costs, while also seeking consent and conditions from the Crown Land manager, with a view to upgrading the road to access minor and including it on Council's Road Register.

**SUSTAINABILITY IMPLICATIONS**

Upgrading the unnamed road will require the removal and lopping of native vegetation to provide adequate width for large vehicles to use the road as requested by the petitioners. This would have an impact on local diversity as offsets are more often located outside of the municipality.

**COMMUNITY ENGAGEMENT**

Not applicable.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable.

**COLLABORATION**

Not applicable.

**FINANCIAL VIABILITY**

As determined in the Discussion part of this report and noted in Table 1.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Guidelines for the removal, destruction or lopping of native vegetation, *DELWP 2017*

Procedure to rely on the Road safety exemption in planning schemes, *DELWP 2018*

Native vegetation removal regulations, *DEECA 2023*

**COUNCIL PLANS AND POLICIES**

Gannawarra Shire Council Governance Rules – clause 104.

Gannawarra Shire Council Road Management Plan.

Gannawarra Planning Scheme.

**TRANSPARENCY OF COUNCIL DECISIONS**

This matter will be considered in an open Council meeting.

**CONFLICT OF INTEREST**

The Officer preparing this report declares that they have no conflict of interest in regards to this matter.

GANNAWARRA SHIRE COUNCIL	
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24 JUL 2023	
Owner: AH	Manager: PH

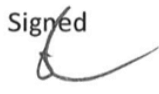
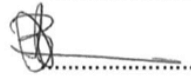
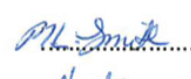

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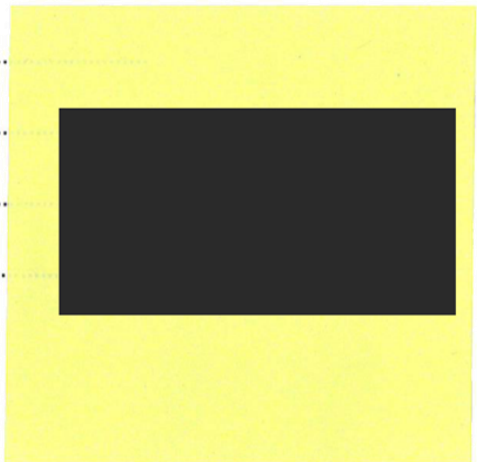
Leigh Hollingworth, Gannawarra Shire

As Gannawarra ratepayers and Landowners of Pratt Rd Reedy Lake, we wish to request that the shire complete repairs to the unnamed road connecting Pratt Rd to Robertson Rd / West Rd following flooding events and that this unnamed road be graded at least annually and not left to the landowners who have previously repaired the road.

As you were made aware at the meeting last week re the usage of this road is not only used by local traffic but also by the larger community.

Also, the issue of farmers being unable to bring bigger machinery/trucks across the bridge on Pratt Rd due to the entrance and exit width, Farmers are only able to bring the machinery through Private Property or along West Rd. Part of this road has a close growth of trees along both sides of the road making it difficult to access without potentially causing damage to vehicles. We suggest that the trees along this section of West Rd be cut/cleared to allow wider access for larger vehicles as the bridge across the Loddon River on West Rd is wider and easier for farmers to utilise

Signed	Name	Address
	Shane Clive	[Redacted]
	B. Gisham	[Redacted]
	Margaret Smith	[Redacted]
	John Ficklen	[Redacted]
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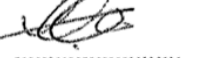


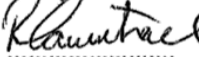


8/5/23

Leigh Hollingworth, Gannawarra Shire

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Signed	Name	Address
	DAVID SINCLAIR	[Redacted]
	PAT RONEY	[Redacted]
	PAUL BATTLE	[Redacted]
	KELVIN BERRY	[Redacted]
	Shane Clue	[Redacted]
	Glenice Ficken	[Redacted]
	RHYS CARMICHAEL	[Redacted]
	DENNIS CARMICHAEL	[Redacted]
	JEFF GITSMAN	[Redacted]

### **7.3 2023 ANNUAL FINANCIAL STATEMENTS**

**Author:** Shana Johnny, Chief Financial Officer

**Authoriser:** Geoff Rollinson, Chief Executive Officer

**Attachments:** 1 Draft Financial Statements 2023  
2 Draft Performance Statements 2023

#### **RECOMMENDATION**

**That Council:**

- 1. Acknowledge that the ‘in principle’ 2023 Financial Statements, and ‘in principle’ 2023 Performance Statement have been presented to and endorsed by the Audit and Risk Committee at its meeting on 12 September 2023.**
- 2. Approve the ‘in principle’ 2023 Financial Statements and ‘in principle’ 2023 Performance Statement.**
- 3. Approve the Chief Executive Officer to be authorised to effect any changes required by the Victorian Auditor-General’s Office.**
- 4. Nominate Cr Gillingham and Cr Smith to be authorised to certify on behalf of Council the ‘final statement’ 2023 Financial Statements, and ‘final statement’ 2023 Performance Statement, which are also to be signed by the Chief Executive Officer and the Principal Accounting Officer and submit to the Minister and Auditor-General.**

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#### **EXECUTIVE SUMMARY**

The 2023 Financial Statements and Performance Statement are presented to Council for ‘in principle’ approval. The statements, subject to final audit, present the financial position of the Council as at 30 June 2023. The audit position is unqualified at this stage and is subject to consideration by the Auditor-General.

#### **PURPOSE**

The purpose of this report is to seek Council’s ‘in principle’ approval to sign the 2023 Financial Statements and Performance Statement.

#### **ATTACHMENTS**

2023 Draft Financial Statements

2023 Draft Performance Statement

#### **DISCUSSION**

The ‘in principle’ statements, together with a copy of the Council resolution, are required to be given to Council’s external auditor (the contractor).

The Victorian Auditor-General’s Office (VAGO) then reviews the ‘in principle’ statements and requests changes where appropriate and notifies the contractor of such changes. Council’s Principal Accounting Officer then considers the Auditor-General’s requested changes and incorporates these changes into the ‘in principle’ statements where appropriate.

When Council has made the appropriate changes requested by the Auditor-General's office and adequately responds to any queries, the statements are signed by the delegated Councillors, the Chief Executive Officer and Principal Accounting Officer as the 'final statements' to be forwarded to the contractor.

The Auditor-General's report is issued to Council once formally signed statements have been received and checked by his office.

The following documents in draft form were presented to and reviewed by Council's Audit and Risk Committee on 12 September 2023:

- 2023 Financial Statement,
- 2023 Performance Statement,
- Audit Closing Report, and
- Management Letter.

The Audit and Risk Committee resolved to "Recommend that Council approve the 'in principle' 2023 Financial Statements and 2023 Performance Statement".

Council is now required to give 'in principle' approval for the 2023 Financial Statements and 2023 Performance Statement and submit them to the Auditor-General and the Minister.

Council is also required to authorise two Councillors, on behalf of Council, to certify the statements once amendments or changes requested by the Auditor-General have been made. Recommended Councillors include the Mayor and a representative from the Audit and Risk Committee.

#### **RELEVANT LAW**

- Section 98, 99 and 100 *Local Government Act 2020* – Annual Report requirements;
- Section 101 and 105 *Local Government Act 2020* – Financial management principles and accounts and records;
- Section 54 *Local Government Act 2020* – ARC functions and responsibilities.

#### **RELATED COUNCIL DECISIONS**

Budget adoption 29 June 2022

Quarterly Financial Reports – 16 November 2022, 15 February 2023 and 17 May 2023.

#### **OPTIONS**

To submit the Financial Statements to the Minister, the Council is required to pass a resolution giving 'in principle' approval to the statements.

#### **SUSTAINABILITY IMPLICATIONS**

The Performance Statement attached to this report includes various economic, social, environmental and climate change indicators. These provide a sound guide on the Council's sustainability results.

#### **COMMUNITY ENGAGEMENT**

The Performance Statement provide key data that is utilised on the Victorian Auditor General's website.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

The Performance Statements are regularly reviewed and updated as part of a continuous improvement process. The audit of the Financial Statements is subject to audit improvement recommendations in the closing report and management letter.

**COLLABORATION**

The Financial Statements are audited by the Victorian Auditor General's Office.

The Audit and Risk Committee form an important component of the stewardship and independent evaluation of the Council's finances.

**FINANCIAL VIABILITY**

The Financial Statements present the actual financial position to 30 June 2023, subject to final audit. They show a total comprehensive result of \$37.685 million surplus, which includes \$31.901 million worth of asset revaluation increments.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

The Financial Statements must comply with the *Local Government Act 2020*, the Local Government (Planning and Reporting) Regulations 2020, the Australian Accounting Standards and other mandatory professional reporting requirements.

**COUNCIL PLANS AND POLICIES**

Council Plan 2021-2025: Sustainability – "Maintaining financial sustainability of Council".

The completion of the 2023 Financial Statements is the actual end of year result. This links with the adoption of the budget and the quarterly performance reporting that occurs during the financial year. The results will also be included in the adoption of the Annual Report.

**TRANSPARENCY OF COUNCIL DECISIONS**

This report will be considered in an open Council meeting.

**CONFLICT OF INTEREST**

The officer preparing this report declares that they have no conflict of interest in this matter.

**Gannawarra Shire Council  
ANNUAL FINANCIAL REPORT**

*For the Year Ended 30 June 2023*

**Gannawarra Shire Council  
Financial Report  
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**Gannawarra Shire Council  
Financial Report  
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### Certification of the Financial Statements

In my opinion, the accompanying financial statements have been prepared in accordance with the *Local Government Act 2020*, the *Local Government (Planning and Reporting) Regulations 2020*, the Australian Accounting Standards and other mandatory professional reporting requirements.

*Shana Johnny, CPA*  
**Principal Accounting Officer**

**Dated :** 20-Sep-23

**Kerang**

In our opinion the accompanying financial statements present fairly the financial transactions of Gannawarra Shire Council for the year ended 30 June 2023 and the financial position of the Council as at that date.

At the date of signing, we are not aware of any circumstances that would render any particulars in the financial statements to be misleading or inaccurate.

We have been authorised by the Council and by the *Local Government (Planning and Reporting) Regulations 2020* to certify the financial statements in their final form.

*Charlie Gillingham*  
**Councillor**

**Dated :** 20-Sep-23

**Kerang**

*Garner Smith*  
**Councillor**

**Dated :** 20-Sep-23

**Kerang**

*Geoff Rollinson*  
**Chief Executive Officer**

**Dated :** 20-Sep-23

**Kerang**



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**Comprehensive Income Statement  
For the Year Ended 30 June 2023**

	Note	2023 \$'000	2022 \$'000
<b>Income/Revenue</b>			
Rates and charges	3.1	14,558	13,935
Statutory fees and fines	3.2	396	409
User fees	3.3	2,795	2,910
Grants - operating	3.4	17,543	10,924
Grants - capital	3.4	3,074	7,552
Contributions - monetary	3.5	37	90
Net gain (or loss) on disposal of property, infrastructure, plant and equipment	3.6	254	360
Other income	3.7	4,835	4,432
<b>Total income/revenue</b>		<b>43,493</b>	<b>40,612</b>
<b>Expenses</b>			
Employee costs	4.1	19,211	17,374
Materials and services	4.2	10,962	8,620
Depreciation	4.3	7,075	6,381
Bad and doubtful debts - allowance for impairment losses	4.4	133	176
Borrowing costs	4.5	13	18
Other expenses	4.6	315	303
<b>Total expenses</b>		<b>37,709</b>	<b>32,872</b>
<b>Surplus for the year</b>		<b>5,784</b>	<b>7,740</b>
<b>Other comprehensive income</b>			
<b>Items that will not be reclassified to surplus or deficit in future periods</b>			
Net asset revaluation increment	6.1	31,901	27,642
<b>Total other comprehensive result</b>		<b>31,901</b>	<b>27,642</b>
<b>Total comprehensive result</b>		<b>37,685</b>	<b>35,382</b>

The above comprehensive income statement should be read in conjunction with the accompanying notes.

**Balance Sheet**  
**As at 30 June 2023**

	Note	2023 \$'000	2022 \$'000
<b>Assets</b>			
<b>Current assets</b>			
Cash and cash equivalents	5.1 (a)	16,071	13,110
Trade and other receivables	5.1 (c)	3,322	2,961
Other financial assets	5.1 (b)	12,147	5,709
Inventories	5.2 (a)	378	356
Prepayments	5.2 (b)	250	277
Other assets	5.2 (b)	195	22
<b>Total current assets</b>		<b>32,362</b>	<b>22,435</b>
<b>Non-current assets</b>			
Property, infrastructure, plant and equipment	6.1	277,721	247,644
Investment property	6.2	1,030	1,030
<b>Total non-current assets</b>		<b>278,750</b>	<b>248,674</b>
<b>Total assets</b>		<b>311,112</b>	<b>271,109</b>
<b>Liabilities</b>			
<b>Current liabilities</b>			
Trade and other payables	5.3 (a)	2,507	1,391
Trust funds and deposits	5.3 (b)	430	559
Provisions	5.5	6,138	3,707
Unearned income	5.3 (c)	5,246	5,466
Interest-bearing liabilities	5.4	102	95
<b>Total current liabilities</b>		<b>14,422</b>	<b>11,218</b>
<b>Non-current liabilities</b>			
Provisions	5.5	710	1,494
Interest-bearing liabilities	5.4	53	155
<b>Total non-current liabilities</b>		<b>764</b>	<b>1,649</b>
<b>Total liabilities</b>		<b>15,186</b>	<b>12,867</b>
<b>Net assets</b>		<b>295,927</b>	<b>258,242</b>
<b>Equity</b>			
Accumulated surplus		108,109	102,325
Revaluation Reserves	9.1	187,818	155,917
<b>Total Equity</b>		<b>295,927</b>	<b>258,242</b>

The above balance sheet should be read in conjunction with the accompanying notes.

**Statement of Changes in Equity  
For the Year Ended 30 June 2023**

<b>2023</b>	<b>Note</b>	<b>Total \$'000</b>	<b>Accumulated Surplus \$'000</b>	<b>Revaluation Reserve \$'000</b>
Balance at beginning of the financial year		258,242	102,325	155,917
Surplus for the year		5,784	5,784	-
Net asset revaluation increment	6.1	31,901	-	31,901
<b>Balance at end of the financial year</b>		<b>295,928</b>	<b>108,109</b>	<b>187,818</b>

<b>2022</b>		<b>Total \$'000</b>	<b>Accumulated Surplus \$'000</b>	<b>Revaluation Reserve \$'000</b>
Balance at beginning of the financial year		222,860	94,585	128,275
Surplus for the year		7,741	7,740	-
Net asset revaluation increment		27,642	-	27,642
<b>Balance at end of the financial year</b>		<b>258,242</b>	<b>102,325</b>	<b>155,917</b>

The above statement of changes in equity should be read in conjunction with the accompanying notes.

**Statement of Cash Flows**  
**For the Year Ended 30 June 2023**

	Note	2023 Inflows/ (Outflows) \$'000	2022 Inflows/ (Outflows) \$'000
<b>Cash flows from operating activities</b>			
Rates and charges		14,115	13,860
Statutory fees and fines		396	409
User fees		2,956	2,913
Grants - operating		17,763	11,191
Grants - capital		2,634	8,982
Contributions - monetary		37	90
Interest received		330	15
Net trust funds and deposits taken/(repaid)		(129)	(253)
Other receipts		4,332	4,400
Net GST refund/(payment)		(81)	(187)
Employee costs		(17,537)	(17,219)
Materials and services		(9,866)	(8,403)
Other payments		(447)	(303)
<b>Net cash provided by/(used in) operating activities</b>	9.2	<u>14,503</u>	<u>15,495</u>
<b>Cash flows from investing activities</b>			
Payments for property, infrastructure, plant and equipment	6.1	(5,955)	(12,235)
Proceeds from sale of property, infrastructure, plant and equipment		960	670
Sale of / (Payments for) investments		(6,437)	(3,206)
<b>Net cash provided by/(used in) investing activities</b>		<u>(11,433)</u>	<u>(14,771)</u>
<b>Cash flows from financing activities</b>			
Finance costs		(13)	(18)
Repayment of borrowings		(95)	(106)
<b>Net cash provided by/(used in) financing activities</b>		<u>(108)</u>	<u>(124)</u>
Net increase (decrease) in cash and cash equivalents		2,962	600
Cash and cash equivalents at the beginning of the financial year		13,110	12,510
<b>Cash and cash equivalents at the end of the financial year</b>		<u>16,072</u>	<u>13,110</u>
Financing arrangements	5.6	255	350

The above statement of cash flows should be read in conjunction with the accompanying notes.

**Statement of Capital Works  
For the Year Ended 30 June 2023**

	Note	2023 \$'000	2022 \$'000
<b>Property</b>			
Land		-	268
Land improvements		111	91
<b>Total land</b>		<b>111</b>	<b>359</b>
Buildings		-	699
Building improvements		284	100
<b>Total buildings</b>		<b>284</b>	<b>799</b>
<b>Total property</b>		<b>394</b>	<b>1,158</b>
<b>Plant and equipment</b>			
Plant, machinery and equipment		315	663
Fixtures, fittings and furniture		32	106
Computers and telecommunications		229	103
Library books		111	96
<b>Total plant and equipment</b>		<b>687</b>	<b>969</b>
<b>Infrastructure</b>			
Roads		2,528	2,442
Footpaths and cycleways		747	1,132
Kerb and channel		223	128
Drainage		547	1,490
Recreational, leisure and community facilities		28	1,571
Waste management		-	123
Parks, open space and streetscapes		730	3,128
Other infrastructure		93	121
<b>Total infrastructure</b>		<b>4,897</b>	<b>10,137</b>
<b>Total capital works expenditure</b>		<b>5,979</b>	<b>12,264</b>
<b>Represented by:</b>			
New asset expenditure		759	5,140
Asset renewal expenditure		4,669	5,163
Asset expansion expenditure		186	1,106
Asset upgrade expenditure		366	855
<b>Total capital works expenditure</b>		<b>5,979</b>	<b>12,264</b>

The above statement of capital works should be read in conjunction with the accompanying notes.

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## Notes to the Financial Report For the Year Ended 30 June 2023

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### Note 1 OVERVIEW

#### Introduction

The Gannawarra Shire Council was established by an Order of the Governor in Council on 20 January 1995 and is a body corporate.

The Council's main office is located at 47 Victoria Street, Kerang.

#### Statement of compliance

These financial statements are a general purpose financial report that consists of a Comprehensive Income Statement, Balance Sheet, Statement of Changes in Equity, Statement of Cash Flows, Statement of Capital Works and Notes accompanying these financial statements. The general purpose financial report complies with the Australian Accounting Standards (AAS), other authoritative pronouncements of the Australian Accounting Standards Board, *the Local Government Act 2020*, and the *Local Government (Planning and Reporting) Regulations 2020*.

The Council is a not-for-profit entity and therefore applies the additional AUS paragraphs applicable to a not-for-profit entity under the Australian Accounting Standards.

#### Significant accounting policies

##### 1.1 Basis of accounting

Accounting policies are selected and applied in a manner which ensures that the resulting financial information satisfies the concepts of relevance and reliability, thereby ensuring that the substance of the underlying transactions or other events is reported. Accounting policies applied are disclosed in sections where the related balance or financial statement matter is disclosed.

The accrual basis of accounting has been used in the preparation of these financial statements, except for the cash flow information, whereby assets, liabilities, equity, income and expenses are recognised in the reporting period to which they relate, regardless of when cash is received or paid.

The financial statements are based on the historical cost convention unless a different measurement basis is specifically disclosed in the notes to the financial statements.

Judgements, estimates and assumptions are required to be made about the carrying values of assets and liabilities that are not readily apparent from other sources. The estimates and associated judgements are based on professional judgement derived from historical experience and various other factors that are believed to be reasonable under the circumstances. Actual results may differ from these estimates.

The financial statements have been prepared on a going concern basis. The financial statements are in Australian dollars. The amounts presented in the financial statements have been rounded to the nearest thousand dollars unless otherwise specified. Minor discrepancies in tables between totals and the sum of components are due to rounding.

Revisions to accounting estimates are recognised in the period in which the estimate is revised and also in future periods that are affected by the revision. Judgements and assumptions made by management in the application of AAS's that have significant effects on the financial statements and estimates relate to:

- the fair value of land, buildings, infrastructure, plant and equipment (refer to Note 6.1)
- the determination of depreciation for buildings, infrastructure, plant and equipment (refer to Note 6.1)
- the determination of employee provisions (refer to Note 5.5)
- the determination of landfill provisions (refer to Note 5.5)
- the determination of whether performance obligations are sufficiently specific so as to determine whether an arrangement is within the scope of AASB 15 *Revenue from Contracts with Customers* or AASB 1058 *Income of Not-for-Profit Entities* (refer to Note 3).



Unless otherwise stated, all accounting policies are consistent with those applied in the prior year. Where appropriate, comparative figures have been amended to accord with current presentation, and disclosure has been made of any material changes to comparatives.

**Goods and Services Tax (GST)**

Income and expenses are recognised net of the amount of associated GST. Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the taxation authority is included with other receivables or payables in the balance sheet.

**1.2 Impact of Covid-19**

During 2022-23 the COVID-19 pandemic continued to impact on Council's operations. Council has noted the following significant impacts on its financial operations:

**\* Additional Revenue include**

Community services grants of \$102k. Unearned grant at 30 June 2023 of \$86k.  
Infrastructure stimulus capital grants of \$1.330m. Unearned grant at 30 June 2023 of \$272k.  
The infrastructure stimulus grants were for projects carried forward into 2022/23.

**\* Additional costs -**

COVID-19 grant funding has been offset by expenditure to provide additional services.

**\* Asset Valuations -**

Council has revalued the following classes of assets - roads, bridges, footpaths & cycleways, kerb & channel and drainage. The unit rates for construction of these classes of assets have increased significantly in 2022/23. The abnormal increase can be attributed to the construction-led COVID 19 recovery which has caused shortage of contractors, construction materials and other factors affecting the unit cost.

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

**Note 2 ANALYSIS OF OUR RESULTS**

**Note 2.1 Performance against budget**

The performance against budget notes compare Council's financial plan, expressed through its annual budget, with actual performance. The *Local Government (Planning and Reporting) Regulations 2020* requires explanation of any material variances. Council has adopted a materiality threshold on the variance of higher of 10 percent and \$50k where further explanation is warranted. Explanations have not been provided for variations below the materiality threshold unless the variance is considered to be material because of its nature.

These notes are prepared to meet the requirements of the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*.

2.1.1 Income / Revenue and expenditure	Budget 2023 \$'000	Actual 2023 \$'000	Variance \$'000	Variance %	Ref
<b>Income/Revenue</b>					
Rates & Charges	14,312	14,558	246	2%	1
Statutory fees and fines	398	396	(2)	-1%	
User fees	3,861	2,795	(1,066)	-28%	2
Grants - operating	9,331	17,543	8,213	88%	3
Grants - capital	8,679	3,074	(5,604)	-65%	4
Contributions - monetary	43	37	(6)	-14%	
Net gain/(loss) on disposal of property, infrastructure, plant and equipment	801	254	(547)	-68%	5
Other income	4,492	4,835	343	8%	6
<b>Total income/revenue</b>	<b>41,917</b>	<b>43,493</b>	<b>1,576</b>	<b>4%</b>	
<b>Expenses</b>					
Employee costs	18,152	19,211	(1,059)	-6%	7
Materials and services	9,326	10,962	(1,637)	-18%	8
Depreciation	6,593	7,075	(483)	-7%	9
Bad and doubtful debts-allowance for impairment losses	-	133	(133)	100%	10
Borrowing costs	14	13	2	12%	
Other expenses	310	315	(5)	-1%	
<b>Total expenses</b>	<b>34,396</b>	<b>37,710</b>	<b>(3,314)</b>	<b>-10%</b>	
<b>Surplus for the year</b>	<b>7,521</b>	<b>5,784</b>	<b>(1,738)</b>	<b>-23%</b>	

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

**(i) Explanation of material variations**

**1 Rates & Charges**

Supplementary valuations processed during the year and additional bin services have generated additional rates income (\$257k). The supplementary valuations included substantial increase in Capital Improved Value (CIV) on Kerang substation instigated by the Valuer General's office generating a higher than budgeted rates income (\$122k). Decrease in budgeted Payment in Lieu of Rates (PILOR) from Horfield solar farm yet to commence operation (\$42k). Interest on rates has been higher than expected (\$32k).

**2 User fees**

The decrease in user fees is attributed to a number of reasons -

- a. Reduction in user fees from children's services due to -
  - \* Loss of income due to the impact of the flood on attendance and closures due to staff absences (\$170k).
  - \* Reduced fees due to kindergartens being fully subsidised by the State Government from Jan 2023 (\$170k)-offset by grants.
- b. Reduction in landfill fees due to the closure of the Council's landfill to the public (\$127k).
- c. Reduction in community care services user fees due to reduced client service hours on account of staff vacancies/shortages and delivery of services during the flood period (\$76k).
- d. Budgeted internal allocation of cleaning costs across the organisation has been removed at year end (\$466k).

**3 Grants - operating**

The increase in operating grants is attributed to a number of reasons -

- a. Advance payment of 2023/24 Victoria Grants Commission annual allocation (\$3.97m).
- b. \$4.93m flood assistance grants received from the State and Federal Governments - \$2.25m has been spent to 30 June 2023. \$4.93m is treated as income earned in line with the accounting standards.
- c. Additional Commonwealth Home Support Program (CHSP) funding offset by additional costs (\$255k).
- d. Additional children's services grants to deliver the State Government new initiatives i.e. free kinder (\$170k). This increase is offset by reclassification of Roads to Recovery allocation (\$1.06m) to capital grants.

**4 Grants - Capital**

Roads to recovery allocation (\$1.06m) has been reclassified as capital grants.

The decrease is due to capital grants received being recognised as unearned grants in line with the actual spend on these projects (\$4.49m). Completion of a number of projects have been deferred to 2023/24 due to delays as a result of the Oct/Nov 2022 floods.

**5 Net gain/(loss) on disposal of property, infrastructure, plant and equipment**

Variance relates to unsold industrial estate blocks carried forward for sale in 2022/23 and the impact of revaluation of Council land & buildings class of assets in 2021/22. Unsold lots are expected to be sold in 2023/24.

There have also been delays in the delivery of vehicles.

**6 Other Income**

Increase is primarily due to additional interest on investments (\$462k). At the time of the adoption of the Budget 2022/23, the cash rate was 0.85%. Cash rate at 30 June 2023 was 4.10%.

Other increases in other income include -

- \* NDIS Incentive payment for staff COVID booster vaccinations (100k).
- \* Reimbursement on LED street lights transformation project (\$97k).
- \* Workcover reimbursements - offset by additional costs (\$78k).
- \* Debt collection costs on unpaid rates (\$197k). These have been linked to relevant ratepayers.
- \* Reimbursement from the Department of Education for children's services trainees (41k).

This increase has been offset by a reduction in community care services (NDIS & Brokered Programs) reimbursements due to reduced client service hours on account of staff vacancies/shortages during the year and delivery of services during the flood period (\$623k).

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**Notes to the Financial Report  
For the Year Ended 30 June 2023**

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**7 Employee costs**

There have a number of increases and decreases within this category of expenditure. The increases include -

\* Major increase relates to provision for redundancies when Community Care Services exit by 31 Oct 2023 (\$1.3m). The cash outflow will occur in November 2023.

\* Higher than anticipated Workcover premiums (\$66k).

\* Back pay of superannuation and accrual of leave entitlements on overtime hours worked by permanent part time (rostered) employees which should have been treated as ordinary time earnings. This payment affects community care workers and cleaning staff and is back dated to 1 July 2017 (\$333k).

Saving due to temporary staff vacancies partly due to secondment to higher positions or flood related positions during the year are partly offset by contractors & consultant fees. Flood related employee costs are expected to be recouped via flood claims and acquittal process.

**8 Materials and services**

The increase primarily relates to flood related works (\$1.79m) which is expected to be recouped via flood claims and acquittal process. Other increases include -

\* Additional waste management costs e.g. additional green waste mulching (\$190k).

\* As mentioned above, debt collection costs on unpaid rates (\$197k). These have been linked to relevant ratepayers. Budgeted internal allocation of cleaning costs across the organisation has been removed at year end (\$466k).

**9 Depreciation**

Depreciation for 2022/23 is higher than budgeted as a result of the infrastructure revaluations as at 30 June 2022.

**10 Bad and Doubtful debts**

The provision for bad and doubtful debts has been increased in line with the Accounting Standard.

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

2.1.2 Capital works	Budget 2023 \$'000	Actual 2023 \$'000	Variance \$'000	Variance %	Ref
<b>Property</b>					
Land improvements	40	111	71	176%	1
<b>Total land</b>	<b>40</b>	<b>111</b>	<b>71</b>	<b>176%</b>	
Buildings	1,847	-	(1,847)	-100%	2
Building improvements	160	284	124	77%	3
<b>Total buildings</b>	<b>2,007</b>	<b>284</b>	<b>(1,723)</b>	<b>-86%</b>	
<b>Total property</b>	<b>2,047</b>	<b>394</b>	<b>(1,653)</b>	<b>-81%</b>	
<b>Plant and equipment</b>					
Plant, machinery and equipment	608	315	(293)	-48%	4
Fixtures, fittings and furniture	-	32	32	100%	
Computers and telecommunications	395	229	(166)	-42%	5
Library books	140	111	(29)	-20%	
<b>Total plant and equipment</b>	<b>1,143</b>	<b>687</b>	<b>(456)</b>	<b>-40%</b>	
<b>Infrastructure</b>					
Roads	4,856	2,528	(2,328)	-48%	6
Footpaths and cycleways	3,091	747	(2,344)	-76%	7
Kerb and channel	156	223	67	100%	8
Drainage	200	547	347	174%	9
Recreational, leisure and community facilities	120	28	(92)	-77%	10
Parks, open space and streetscapes	2,050	730	(1,320)	-64%	11
Other infrastructure	364	93	(271)	-74%	12
<b>Total infrastructure</b>	<b>10,837</b>	<b>4,897</b>	<b>(5,940)</b>	<b>-55%</b>	
<b>Total capital works expenditure</b>	<b>14,027</b>	<b>5,979</b>	<b>(8,048)</b>	<b>-57%</b>	
<b>Represented by:</b>					
New asset expenditure	5,192	759	(4,433)	-85%	
Asset renewal expenditure	5,361	4,669	(692)	-13%	
Asset expansion expenditure	1,365	186	(1,179)	-86%	
Asset upgrade expenditure	2,109	366	(1,742)	-83%	
<b>Total capital works expenditure</b>	<b>14,027</b>	<b>5,979</b>	<b>(8,048)</b>	<b>-57%</b>	

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

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**(i) Explanation of material variations**

**1 Land Improvements**

New Gravel Pit Geotechnical Investigation tender was higher than budgeted.

**2 Buildings**

The following projects budgeted under this category have been moved into the building improvements asset class - The Glasshouse, Cohuna Preschool Outdoor Space Redevelopment, Gannawarra Shire Children's Centre Outdoor Space Redevelopment.

**3 Building Improvements**

The variance relates to the above mentioned movement from buildings to building improvement class of assets. These grants funded projects are multi-year projects with underspent budgets to be carried forward into 2023/24 to facilitate completion.

**4 Plant, machinery and equipment**

Global supplies of plant & machinery has been impacted due to COVID-19. Part of this program has been deferred due to supply constraints.

**5 Computers and telecommunications**

Variance relates to the delivery of the ICT Joint Council Asset Management Software project being deferred to 2023/24.

**6 Roads**

Kerang CBD improvements were primarily works on footpaths and has been moved into the footpaths class of assets. Remaining unspent funds have been earmarked for the continuation of the Kerang CBD works and other roads projects that were delayed due to the floods in Oct/Nov 2022 and is part of carried forward funds.

**7 Footpaths and cycleways**

Decrease relates to the budgeted Kerang to Koondrook rail trail project (\$2.2m) which has not been successful in receiving grant funding. The Kerang to Koondrook rail trail design project is progressing with unspent funds to be carried forward into 2023/24 to facilitate its completion. This decrease has been partly offset by Kerang CBD improvements being moved to the footpaths class (\$486k).

**8 Kerb and Channel**

Part of works on roads included kerb & channel works that have been capitalised in this asset class.

**9 Drainage**

The increase relates to continuation of the 2021/22 projects - Murrabit Stormwater (Stages 5 & 6) and Stormwater Network and Town Pump renewal project.

**10 Recreational, leisure and community facilities**

Renewal works at the swimming pool are ongoing.

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

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**11 Parks, open space and streetscapes**

The variance relates to carried forward works on the multiyear projects - Sustainable Recreational Water for Quambatook and Kangaroo Lake West Recreational Access Redevelopment. Remaining unspent funds have been earmarked and is part of carried forward funds.

**12 Other Infrastructure**

The variance relates to carried forward works on the multiyear projects - Koondrook Levee. Remaining unspent funds have been earmarked and is part of carried forward funds.

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## Notes to the Financial Report For the Year Ended 30 June 2023

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### Note 2.2 Analysis of Council results by program

Council delivers its functions and activities through the following programs.

#### 2.2.1 Programs

##### Liveability

To achieve our objective of Liveability, the following are our strategic priorities:

1. Improve the health, safety and wellbeing of our community through partnerships, services and programs.
2. Build unique transformational infrastructure that enhances liveability and passive and active recreation.
3. Construct a regional community wellbeing centre.
4. Respond to key community needs through innovative, commercially focused services including aged care and early childhood services.

##### Growth

To achieve our objective of Growth the following are our strategic priorities:

1. Facilitate infrastructure, programs and policies that support economic development and productivity, whilst considering our natural environment.
2. Facilitate the implementation of new energy infrastructure and energy projects.
3. Advocate for improvements in digital connectivity and services.
4. Support the creation of destinations in the Gannawarra to attract visitors to our region.
5. Continue to support existing agriculture and facilitate diversification to improve regional productivity through sustainable planning.
6. Support growth through land rezoning for future rural residential development opportunities.

##### Sustainability

To achieve our objective of Sustainability, the following are our strategic priorities:

1. Generate additional revenue through new energy infrastructure and commercially viable services.
2. Carefully monitor expenditure to ensure value for money and monitor our long term financial plan to maintain financial sustainability.
3. Be a creative employer of choice through our adherence to good governance and our inclusive culture.
4. Support community resilience through climate adaptation, clean energy, environmental sustainability and waste management programs.

##### Rates and charges

To achieve a fair and equitable distribution of rates across all rating categories.



**Notes to the Financial Report  
For the Year Ended 30 June 2023**

**2.2.2 Summary of income/revenues, expenses, assets and capital expenses by program**

	Income/ Revenue	Expenses	Surplus	Grants included in income/ revenue	Total assets
	\$'000	\$'000	\$'000	\$'000	\$'000
<b>2023</b>					
Liveability	14,143	22,326	(8,184)	11,769	221,856
Growth	1,311	2,432	(1,121)	40	7,037
Sustainability	4,843	12,951	(8,107)	170	82,220
Rates And Charges	14,558	-	14,558	-	-
Victoria Grants Commission	8,638	-	8,638	8,638	-
	<b>43,493</b>	<b>37,709</b>	<b>5,784</b>	<b>20,617</b>	<b>311,114</b>
	Income/ Revenue	Expenses	Surplus	Grants included in income/ revenue	Total assets
	\$'000	\$'000	\$'000	\$'000	\$'000
<b>2022</b>					
Liveability	15,866	22,143	(6,277)	9,456	201,262
Growth	1,103	1,801	(698)	60	9,097
Sustainability	2,140	8,928	(6,788)	1,391	60,750
Rates And Charges	13,935	-	13,935	-	-
Victoria Grants Commission	7,568	-	7,568	7,568	-
	<b>40,612</b>	<b>32,872</b>	<b>7,740</b>	<b>18,475</b>	<b>271,109</b>

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

<b>Note 3. Funding for the delivery of our services</b>	<b>2023</b>	<b>2022</b>
<b>3.1 Rates and charges</b>	<b>\$'000</b>	<b>\$'000</b>

Council uses Capital Improved Value (CIV) as the basis of valuation of all properties within the municipal district. The CIV of a property is its value at which the unencumbered land might be expected to realise in an open market at the time of the valuation.

The valuation base used to calculate general rates for 2022/23 was \$2,621 million (2021/22 \$1,989 million).

	2022-2023	2021-2022
	cents in the	cents in the
	dollar	dollar
General rates	0.004099	0.006019
Commercial/industrial	0.005503	0.006415
Farm irrigation district	0.004131	0.005168
Farm dryland	0.002493	0.003879
Cultural and recreational	0.002495	0.003010
General rates	11,440	10,935
Municipal charge	651	648
Waste management charge	2,191	2,077
Interest on rates and charges	150	154
Revenue in lieu of rates	126	121
<b>Total rates and charges</b>	<b>14,558</b>	<b>13,935</b>

The date of the latest general revaluation of land for rating purposes within the municipal district was 1 January 2023, and the valuation will be first applied in the rating year commencing 1 July 2023.

Annual rates and charges are recognised as revenues when Council issues annual rates notices. Supplementary rates are recognised when a valuation and reassessment is completed and a supplementary rates notice issued.

**3.2. Statutory fees and fines**

Animal control	98	93
Town planning and building control	295	308
Other	3	8
<b>Total statutory fees and fines</b>	<b>396</b>	<b>409</b>

Statutory fees and fines (including parking fees and fines) are recognised as revenue when the service has been provided, the payment is received, or when the penalty has been applied, whichever first occurs.

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

<b>3.3. User fees</b>	<b>2023</b>	<b>2022</b>
	<b>\$'000</b>	<b>\$'000</b>
Aged and health services	284	295
Child care/children's programs	1,868	1,842
External Works	265	313
Hall hire	17	12
Health and preventative services	73	52
Library, arts and culture	9	6
Office services	26	31
Recreation	129	113
Tourism	7	11
Waste and environment	88	206
Other fees and charges	29	29
<b>Total user fees</b>	<b>2,795</b>	<b>2,910</b>
 <b>User fees by timing of revenue recognition</b>		
User fees recognised at a point in time	2,795	2,910
<b>Total user fees</b>	<b>2,795</b>	<b>2,910</b>

User fees are recognised as revenue at a point in time, or over time, when (or as) the performance obligation is satisfied. Recognition is based on the underlying contractual terms.

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

<b>3.4. Funding from other levels of government</b>	<b>2023</b>	<b>2022</b>
Grants were received in respect of the following :	<b>\$'000</b>	<b>\$'000</b>
<b>Summary of grants</b>		
Commonwealth funded grants	13,909	12,931
State funded grants	6,709	5,545
<b>Total grants received</b>	<b>20,617</b>	<b>18,476</b>
<b>(a) Operating Grants</b>		
<b>Recurrent - Commonwealth Government</b>		
Financial Assistance Grants - unallocated	5,557	4,756
Financial Assistance Grants - local roads	3,081	2,812
Children and families	40	87
Aged Care	1,154	934
<b>Recurrent - State Government</b>		
Libraries	160	144
Children and families	1,665	1,217
Heritage and culture	13	6
Preventative services	102	50
Community services	18	31
Aged care	338	307
School crossings	30	25
Municipal emergency	60	73
Roadside weeds and pest control	68	68
Recreation	3	22
Other	40	46
<b>Total recurrent operating grants</b>	<b>12,329</b>	<b>10,578</b>
<b>Non-recurrent - Commonwealth Government</b>		
2022 Flood Assistance Grants	2,037	-
<b>Non-recurrent - State Government</b>		
Working for Victoria	-	153
COVID Support	-	60
2022 Flood Assistance Grants	2,893	-
Other Non-Recurrent State	284	133
<b>Total non-recurrent operating grants</b>	<b>5,214</b>	<b>346</b>
<b>Total operating grants</b>	<b>17,543</b>	<b>10,924</b>

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

<b>(b) Capital Grants</b>	<b>2023</b>	<b>2022</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>Recurrent - Commonwealth Government</b>		
Roads to recovery	1,056	1,357
<b>Recurrent - State Government</b>		
Library	6	6
<b>Total recurrent capital grants</b>	<b>1,062</b>	<b>1,363</b>
<b>Non-recurrent - Commonwealth Government</b>		
Buildings	-	460
Drainage	365	1,285
Recreation	-	286
Parks and streetscapes	619	854
Community Resilience Support Program	-	100
<b>Non-recurrent - State Government</b>		
Land improvements	138	262
Building improvements	40	604
Recreation	346	1,799
Office equipment	19	7
Footpaths	134	-
Drainage	51	-
Waste management	23	100
Parks and streetscapes	277	432
<b>Total non-recurrent capital grants</b>	<b>2,012</b>	<b>6,189</b>
<b>Total capital grants</b>	<b>3,074</b>	<b>7,552</b>

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

**(c) Recognition of grant income**

Before recognising funding from government grants as revenue the Council assesses whether there is a contract that is enforceable and has sufficiently specific performance obligations in accordance with AASB 15 *Revenue from Contracts with Customers*. When both these conditions are satisfied, the Council:

- identifies each performance obligation relating to revenue under the contract/agreement
- determines the transaction price
- recognises a contract liability for its obligations under the agreement
- recognises revenue as it satisfies its performance obligations, at the time or over time when services are rendered.

Where the contract is not enforceable and/or does not have sufficiently specific performance obligations, the Council applies AASB 1058 *Income for Not-for-Profit Entities*.

Grant revenue with sufficiently specific performance obligations is recognised over time as the performance obligations specified in the underlying agreement are met. Where performance obligations are not sufficiently specific, grants are recognised on the earlier of receipt or when an unconditional right to receipt has been established. Grants relating to capital projects are generally recognised progressively as the capital project is completed. The following table provides a summary of the accounting framework under which grants are recognised.

	<b>2023</b>	<b>2022</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>Income recognised under AASB 1058 <i>Income of Not-for-Profit Entities</i></b>		
General purpose	8,638	7,568
Specific purpose grants to acquire non-financial assets	3,074	7,552
Other specific purpose grants	5,579	779
<b>Revenue recognised under AASB 15 <i>Revenue from Contracts with Customers</i></b>		
Specific purpose grants	3,327	2,577
	<b>20,617</b>	<b>18,476</b>

**(d) Unspent grants received on condition that they be spent in a specific manner**

***Operating***

Balance at start of year	395	128
Received during the financial year and remained unspent at balance date	589	396
Received in prior years and spent during the financial year	(368)	(129)
Balance at year end	<b>617</b>	<b>395</b>

***Capital***

Balance at start of year	5,070	<b>3,639</b>
Received during the financial year and remained unspent at balance date	1,025	5,070
Received in prior years and spent during the financial year	(1,466)	(3,639)
Balance at year end	<b>4,630</b>	<b>5,070</b>

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

<b>3.5. Contributions</b>	<b>2023</b>	<b>2022</b>
	<b>\$'000</b>	<b>\$'000</b>
Monetary	37	90
<b>Total contributions</b>	<b>37</b>	<b>90</b>

Monetary contributions are recognised as revenue at their fair value when Council obtains control over the contributed asset.

**3.6. Net gain/(loss) on disposal of property, infrastructure, plant and equipment**

Proceeds of sale	960	670
Written down value of assets disposed	(706)	(310)
<b>Total net gain/(loss) on disposal of property, infrastructure, plant and equipment</b>	<b>254</b>	<b>360</b>

The profit or loss on sale of an asset is determined when control of the asset has passed to the buyer.

**3.7. Other income**

Interest	503	32
Investment property rental	289	263
Reimbursements - welfare and children's services	3,484	3,734
Reimbursements - garbage collection and recycling	0	15
Reimbursements - other	542	354
Other	17	34
<b>Total other income</b>	<b>4,835</b>	<b>4,432</b>

Interest is recognised as it is earned.

Other income is measured at the fair value of the consideration received or receivable and is recognised when Council gains control over the right to receive the income.

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

<b>Note 4. The cost of delivering services</b>	<b>2023</b>	<b>2022</b>
<b>4.1. (a) Employee costs</b>	<b>\$'000</b>	<b>\$'000</b>
Wages and salaries	12,442	12,560
WorkCover	353	390
Superannuation	1,712	1,415
Fringe benefits tax	130	112
Annual leave and long service leave	1,821	1,550
Other leave	1,474	1,311
Salaries capitalised	(179)	(95)
Redundancies	1,300	
Other	157	131
<b>Total employee costs</b>	<b>19,211</b>	<b>17,374</b>
<b>(b) Superannuation</b>		
Council made contributions to the following funds:		
<b>Defined benefit fund</b>		
Employer contributions to Local Authorities Superannuation Fund (Vision Super)	43	43
	<u>43</u>	<u>43</u>
Employer contributions payable at reporting date.	-	-
<b>Accumulation funds</b>		
Employer contributions to Local Authorities Superannuation Fund (Vision Super)	877	759
Employer contributions - other funds	792	612
	<u>1,669</u>	<u>1,371</u>
Employer contributions payable at reporting date.	-	-
<b>Total superannuation costs</b>	<b>1,712</b>	<b>1,414</b>
Contributions made exclude amounts accrued at balance date. Refer to note 9.3 for further information relating to Council's superannuation obligations.		



**Notes to the Financial Report  
For the Year Ended 30 June 2023**

<b>4.2. Materials and services</b>	<b>2023</b>	<b>2022</b>
	<b>\$'000</b>	<b>\$'000</b>
Operational materials	2,006	1,602
Operational services	4,468	3,713
Contract payments	655	340
Building maintenance	53	71
General maintenance	8	8
Utilities	364	361
Office administration	353	285
Information technology	567	505
Insurance	460	460
Consultants	1,111	591
Contributions	450	411
Bank charges	36	37
Other	430	236
<b>Total materials and services</b>	<b>10,962</b>	<b>8,620</b>

Expenses are recognised as they are incurred and reported in the financial year to which they relate.

**4.3. Depreciation**

**Property**

Land improvements	165	140
Buildings - non specialised	581	509
Building improvements	32	35
<b>Total depreciation - property</b>	<b>779</b>	<b>684</b>

**Plant and equipment**

Plant machinery and equipment	904	935
Computers and telecomms	239	243
Library books	80	74
<b>Total depreciation - plant and equipment</b>	<b>1,223</b>	<b>1,252</b>

**Infrastructure**

Roads	3,050	2,742
Bridges	272	252
Footpaths and cycleways	160	136
Drainage	298	259
Waste management	65	53
Recreation, parks and open spaces	558	420
Aerodromes	51	44
Kerb and channel	266	242
Other infrastructure	353	297
<b>Total depreciation - infrastructure</b>	<b>5,073</b>	<b>4,445</b>
<b>Total depreciation</b>	<b>7,075</b>	<b>6,381</b>

Refer to note 6.1 for a more detailed breakdown of depreciation charges and accounting policy.

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

<b>4.4. Bad and doubtful debts - allowance for impairment losses</b>	<b>2023</b>	<b>2022</b>
	<b>\$'000</b>	<b>\$'000</b>
Local laws	3	9
Rates debtors	67	17
Other debtors	64	150
<b>Total bad and doubtful debts - allowance for impairment losses</b>	<b>133</b>	<b>176</b>

**Movement in allowance for impairment losses in respect of debtors**

Balance at the beginning of the year	548	372
New provisions recognised during the year	132	176
Amounts already provided for and written off as uncollectible	(131)	-
Balance at end of year	<b>549</b>	<b>548</b>

An allowance for impairment losses in respect of debtors is recognised based on an expected credit loss model. This model considers both historic and forward looking information in determining the level of impairment.

**4.5. Borrowing costs**

Interest - Borrowings	13	18
<b>Total borrowing costs</b>	<b>13</b>	<b>18</b>

Borrowing costs are recognised as an expense in the period in which they are incurred, except where they are capitalised as part of a qualifying asset constructed by Council.

**4.6. Other expenses**

Auditors' remuneration - VAGO - audit of the financial statements, performance statement and grant acquittals	50	58
Auditors' remuneration - Internal Audit	3	4
Councillors' allowances	238	221
Valuations	23	17
Election expenses	-	1
Council plan	-	2
<b>Total other expenses</b>	<b>315</b>	<b>303</b>

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

<b>Note 5. Our financial position</b>		
<b>5.1. Financial assets</b>	<b>2023</b>	<b>2022</b>
<b>(a) Cash and cash equivalents</b>	<b>\$'000</b>	<b>\$'000</b>
Cash on hand	3	2
Cash at bank	1,352	3,199
Term deposits	14,716	9,909
<b>Total cash and cash equivalents</b>	<b>16,071</b>	<b>13,110</b>
<b>(b) Other financial assets</b>		
<b>Current</b>		
Term deposits - current	12,147	5,709
<b>Total current other financial assets</b>	<b>12,147</b>	<b>5,709</b>
<b>Total financial assets</b>	<b>28,217</b>	<b>18,819</b>

Councils cash and cash equivalents are subject to external restrictions that limit amounts available for discretionary use. These include:

- Trust funds and deposits (Note 5.3)	430	559
<b>Total restricted funds</b>	<b>430</b>	<b>559</b>
<b>Total unrestricted cash and cash equivalents</b>	<b>15,641</b>	<b>12,551</b>

**Intended allocations**

Although not externally restricted the following amounts have been allocated for specific future purposes by Council:

- cash held to fund carried forward capital works	784	981
- cash held to fund carried forward community grants project	100	100
- Grant monies received but not yet expended	5,246	5,465
- Flood grant monies received but not yet expended	2,685	-
<b>Total funds subject to intended allocations</b>	<b>8,815</b>	<b>6,546</b>

Cash and cash equivalents include cash on hand, deposits at call, and other highly liquid investments with original maturities of three months or less, net of outstanding bank overdrafts.

Other financial assets are valued at fair value, at balance date. Term deposits are measured at original cost. Any unrealised gains and losses on holdings at balance date are recognised as either a revenue or expense.

Other financial assets include term deposits and those with original maturity dates of three to 12 months are classified as current, whilst term deposits with maturity dates greater than 12 months are classified as non-current.

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

	2023	2022
	\$'000	\$'000
<b>(c) Trade and other receivables</b>		
<b>Current</b>		
<i>Statutory receivables</i>		
Rates debtors	2,499	2,056
Provision for doubtful debts - rates	(357)	(290)
Fire services debtor levy	326	301
Net GST receivable	268	187
Infringement debtors	39	40
Provision for doubtful debts - infringements	(39)	(36)
<i>Non statutory receivables</i>		
Other debtors	740	925
Provision for doubtful debts - other debtors	(130)	(69)
Provision for doubtful debts - NDIS	(23)	(153)
<b>Total current trade and other receivables</b>	<u>3,322</u>	<u>2,961</u>

Short term receivables are carried at invoice amount. A provision for doubtful debts is recognised when there is objective evidence that an impairment has occurred. Long term receivables are carried at amortised cost using the effective interest rate method.

**(d) Ageing of Receivables**

The ageing of the Council's trade and other receivables (excluding statutory receivables) that are not impaired was:

Current (not yet due)	481	540
Past due by up to 31 and 60 days	36	74
Past due between 61 and 90 days	36	5
Past due by more than 90 days	33	84
Total trade and other receivables	<u>586</u>	<u>703</u>

**(e) Ageing of individually impaired Receivables**

At balance date, other debtors representing financial assets with a nominal value of \$153k (2022: \$222k) were impaired. The amount of the provision raised against these debtors was \$153k (2022: \$222k). They individually have been impaired as a result of their doubtful collection. Many of the long outstanding past due amounts have been lodged with Council's debt collectors or are on payment arrangements.

The ageing of receivables that have been individually determined as impaired at reporting date was:

Past due by more than 1 year	154	222
Total trade & other receivables	<u>154</u>	<u>222</u>

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

<b>5.2. Non-financial assets</b>	<b>2023</b>	<b>2022</b>
<b>(a) Inventories</b>	<b>\$'000</b>	<b>\$'000</b>
Inventories held for distribution	378	356
<b>Total inventories</b>	<b>378</b>	<b>356</b>

Inventories held for distribution represent gravel stockpile and are measured at charge out rates based on gravel extraction, processing and cartage rates.

**(b) Other assets**

Prepayments	250	278
Accrued income	195	22
<b>Total other assets</b>	<b>445</b>	<b>300</b>

**5.3. Payables, trust funds and deposits and unearned income/revenue**

**(a) Trade and other payables**

**Current**

*Non-statutory payables*

Trade payables	1,774	639
Accrued expenses	733	752
<b>Total current trade and other payables</b>	<b>2,507</b>	<b>1,391</b>

**(b) Trust funds and deposits**

**Current**

Refundable deposits	60	72
Fire services levy	326	303
Retention amounts	33	137
Other refundable deposits	11	48
<b>Total current trust funds and deposits</b>	<b>430</b>	<b>560</b>

**(c) Unearned income**

**Current**

Grants received in advance - operating	617	396
Grants received in advance - capital	4,630	5,070
<b>Total current unearned income</b>	<b>5,246</b>	<b>5,466</b>

Unearned income/revenue represents contract liabilities and reflect consideration received in advance from customers in respect of grants received. Unearned income/revenue are derecognised and recorded as revenue when promised goods and services are transferred to the customer. Refer to Note 3.

Amounts received as deposits and retention amounts controlled by Council are recognised as trust funds until they are returned, transferred in accordance with the purpose of the receipt, or forfeited. Trust funds that are forfeited, resulting in council gaining control of the funds, are to be recognised as revenue at the time of forfeit.

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

*Purpose and nature of items*

Refundable Deposits - Deposits are taken by Council as a form of surety in a number of circumstances, including in relation to building works, tender deposits, contract deposits and the use of civic facilities.

Fire Service Levy - Council is the collection agent for fire services levy on behalf of the State Government. Council remits amounts received on a quarterly basis. Amounts disclosed here will be remitted to the state government in line with that process.

Retention Amounts - Council has a contractual right to retain certain amounts until a contractor has met certain requirements or a related warrant or defect period has elapsed. Subject to the satisfactory completion of the contractual obligations, or the elapsing of time, these amounts will be paid to the relevant contractor in line with Council's contractual obligations.

<b>5.4. Interest-bearing liabilities</b>	<b>2023</b>	<b>2022</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>Current</b>		
Borrowings - secured	102	95
	<u>102</u>	<u>95</u>
<b>Non-current</b>		
Borrowings - secured	53	155
	<u>53</u>	<u>155</u>
<b>Total</b>	<u>155</u>	<u>250</u>

Borrowings are secured by rates.

(a) The maturity profile for Council's borrowings is:

Not later than one year	102	95
Later than one year and not later than five years	53	155
	<u>155</u>	<u>250</u>

Borrowings are initially measured at fair value, being the cost of the interest bearing liabilities, net of transaction costs. The measurement basis subsequent to initial recognition depends on whether the Council has categorised its interest-bearing liabilities as either financial liabilities designated at fair value through the profit and loss, or financial liabilities at amortised cost. Any difference between the initial recognised amount and the redemption value is recognised in net result over the period of the borrowing using the effective interest method.

The classification depends on the nature and purpose of the interest bearing liabilities. The Council determines the classification of its interest bearing liabilities at initial recognition.

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

**5.5. Provisions**

	Employee	Landfill restoration	Total
	\$ '000	\$ '000	\$ '000
<b>2023</b>			
Balance at beginning of the financial year	3,975	1,226	5,201
Additional provisions	3,174	39	3,213
Amounts used	(1,201)	-	(1,201)
Change in the discounted amount arising because of time and the effect of any change in the discount rate	(300)	(66)	(366)
Balance at the end of the financial year	<b>5,649</b>	<b>1,199</b>	<b>6,848</b>
<i>Provisions - current</i>	5,454	683	6,138
<i>Provisions - non-current</i>	194	516	710
<b>2022</b>			
Balance at beginning of the financial year	3,821	1,182	5,003
Additional provisions	1,751	196	1,947
Amounts used	(1,240)	-	(1,240)
Change in the discounted amount arising because of time and the effect of any change in the discount rate	(357)	(152)	(509)
Balance at the end of the financial year	<b>3,975</b>	<b>1,226</b>	<b>5,201</b>
<i>Provisions - current</i>	3,707	-	3,707
<i>Provisions - non-current</i>	268	1,226	1,494

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

	2023	2022
	\$'000	\$'000
<b>(a) Employee provisions</b>		
<b>Current provisions expected to be wholly settled within 12 months</b>		
Annual leave	1,148	1,020
Long service leave	2,149	1,785
Redundancies	1,300	-
	<b>4,597</b>	<b>2,805</b>
<b>Current provisions expected to be wholly settled after 12 months</b>		
Annual leave	340	307
Long service leave	518	595
	<b>858</b>	<b>902</b>
Total current employee provisions	<b>5,454</b>	<b>3,707</b>
<i>The increase in employee current provisions expected to be wholly settled within 12 months takes into account payout of leave balances and redundancies when community care services exit on 31 Oct 2023.</i>		
<b>Non-current</b>		
Long service leave	194	268
Total non-current employee provisions	<b>194</b>	<b>268</b>
<b>Aggregate carrying amount of employee provisions:</b>		
Current	5,454	3,707
Non-current	194	268
Total aggregate carrying amount of employee provisions	<b>5,649</b>	<b>3,975</b>

The calculation of employee costs and benefits includes all relevant on-costs and are calculated as follows at reporting date.

*Annual leave*

A liability for annual leave is recognised in the provision for employee benefits as a current liability because the Council does not have an unconditional right to defer settlement of the liability. Liabilities for annual leave are measured at:

- nominal value if the Council expects to wholly settle the liability within 12 months
- present value if the Council does not expect to wholly settle within 12 months.

Liabilities that are not expected to be wholly settled within 12 months of the reporting date are recognised in the provision for employee benefits as current liabilities, measured at the present value of the amounts expected to be paid when the liabilities are settled using the remuneration rate expected to apply at the time of settlement.

*Long service leave*

Liability for long service leave (LSL) is recognised in the provision for employee benefits. Unconditional LSL is disclosed as a current liability as the Council does not have an unconditional right to defer settlement. Unconditional LSL is measured at nominal value if expected to be settled within 12 months or at present value if not expected to be settled within 12 months. Conditional LSL that has been accrued, where an employee is yet to reach a qualifying term of employment, is disclosed as a non-current liability and measured at present value.



**Notes to the Financial Report  
For the Year Ended 30 June 2023**

Key assumptions:	2023	2022
- discount rate	4.06%	3.69%
- index rate	4.35%	3.85%
	<b>2023</b>	<b>2022</b>
<b>(b) Landfill restoration</b>	<b>\$'000</b>	<b>\$'000</b>
Current	683	-
Non-current	516	1,226
	<b>1,199</b>	<b>1,226</b>

Council is obligated to restore Denyer's site to a particular standard. The forecast life of the site is based on current estimates of remaining capacity and the forecast rate of infill. The provision for landfill restoration has been calculated based on the present value of the expected cost of works to be undertaken. The expected cost of works has been estimated based on current understanding of work required to reinstate the site to a suitable standard. Accordingly, the estimation of the provision required is dependent on the accuracy of the forecast timing of the work, work required and related costs.

Council reviews the landfill restoration provision on an annual basis, including the key assumptions listed below.

Key assumptions:	2023	2022
- discount rate	4.06%	3.69%
- index rate	5.62%	6.14%

*The increase in landfill restoration current provisions is due to restoration works commencing in 2023/24.*

#### 5.6. Financing arrangements

The Council has the following funding arrangements in place as at 30 June 2023.

Credit card facilities	100	100
Loans	155	250
Total facilities	255	350
Used facilities	175	270
Unused facilities	<b>80</b>	<b>80</b>

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

**5.7. Commitments**

The Council has entered into the following commitments. Commitments are not recognised in the Balance Sheet. Commitments are disclosed at their nominal value and presented inclusive of the GST payable.

**a) Commitments for expenditure**

2023	Not later than	Later than 1 year and not later than 2	Later than 2 years and not later than 5	Later than 5	Total
	1 year	years	years	years	
	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Operating</b>					
Garbage & Recycling Collection	1,219	1,271	4,149	1,503	8,141
Major Community Project Fund	100				100
<b>Total</b>	<b>1,319</b>	<b>1,271</b>	<b>4,149</b>	<b>1,503</b>	<b>8,241</b>
<b>Capital</b>					
Recreation and Community	4,586				4,586
Plant and Equipment	81				81
<b>Total</b>	<b>4,666</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>4,666</b>
2022	Not later than	Later than 1 year and not later than 2	Later than 2 years and not later than 5	Later than 5	Total
	1 year	years	years	years	
	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Operating</b>					
Garbage & Recycling Collection	916	992	3,499	2,846	8,253
Major Community Project Fund	100				100
<b>Total</b>	<b>1,016</b>	<b>992</b>	<b>3,499</b>	<b>2,846</b>	<b>8,353</b>
<b>Capital</b>					
Recreation and Community	2,845	-	-	-	2,845
Office Equipment	75	-	-	-	75
<b>Total</b>	<b>2,921</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2,921</b>

**b) Operating lease receivables**

The Council has entered into commercial property leases on its investment property, consisting of surplus freehold office complexes. These properties held under operating leases have remaining non-cancellable lease terms of between 1 and 10 years. All leases include a CPI based revision of the rental charge annually.

Future undiscounted minimum rentals receivable under non-cancellable operating leases are as follows:

	2023	2022
	\$'000	\$'000
Not later than one year	248	263
Later than one year and not later than five years	255	313
Later than five years	179	154
	<b>682</b>	<b>730</b>

Notes to the Financial Report  
For the Year Ended 30 June 2023

**Note 6. Assets we manage**

**6.1. Property, infrastructure, plant and equipment**

**Summary of property, infrastructure, plant and equipment**

	Carrying amount 30 June 2022					Carrying amount 30 June 2023	
	\$'000	Additions \$'000	Revaluation \$'000	Depreciation \$'000	Disposal \$'000	Transfers \$'000	\$'000
Property	38,734	121	-	(779)	(655)	55	37,476
Plant and equipment	5,314	647	-	(1,225)	(52)	-	4,686
Infrastructure	201,487	3,881	31,901	(5,073)	-	1,035	233,232
Work in progress	2,108	1,330	-	-	-	(1,112)	2,326
	<b>247,643</b>	<b>5,979</b>	<b>31,901</b>	<b>(7,077)</b>	<b>(706)</b>	<b>(22)</b>	<b>277,721</b>

**Summary of Work in Progress**

	Opening WIP \$'000	Additions \$'000	Transfers \$'000	Closing WIP \$'000
	Property	222	273	(60)
Infrastructure	1,886	1,056	(1,052)	1,891
Total	<b>2,108</b>	<b>1,330</b>	<b>(1,112)</b>	<b>2,326</b>

Notes to the Financial Report  
For the Year Ended 30 June 2023

## (a) Property

	Land - specialised \$'000	Land - non specialised \$'000	Land improvements - specialised \$'000	Land improvements - non specialised \$'000	Land under roads \$'000	Total Land & Land Improvements \$'000	Buildings - non specialised \$'000	Building improvements \$'000	Total Buildings \$'000	Work In Progress \$'000	Total Property \$'000
At fair value 1 July 2022	5,144	5,742	6,034	-	4,500	21,419	31,532	937	32,469	222	54,110
Accumulated depreciation at 1 July 2022	-	-	(1,393)	-	-	(1,393)	(13,428)	(333)	(13,761)	-	(15,154)
	5,144	5,742	4,640	-	4,500	20,026	18,104	604	18,708	222	38,956
<b>Movements in fair value</b>											
Additions	-	-	10	-	-	10	-	111	111	273	394
Disposal	-	(655)	-	-	-	(655)	-	-	-	-	(655)
Transfers	-	-	8	-	-	8	-	47	47	(60)	(5)
	-	(655)	18	-	-	(638)	-	158	158	213	(266)
<b>Movements in accumulated depreciation</b>											
Depreciation and amortisation	-	-	(165)	-	-	(165)	(581)	(32)	(614)	-	(779)
	-	-	(165)	-	-	(165)	(581)	(32)	(614)	-	(779)
At fair value 30 June 2023	5,144	5,087	6,051	-	4,500	20,782	31,532	1,095	32,627	435	53,845
Accumulated depreciation at 30 June 2023	-	-	(1,558)	-	-	(1,558)	(14,009)	(365)	(14,375)	-	(15,933)
<b>Carrying amount</b>	<b>5,144</b>	<b>5,087</b>	<b>4,493</b>	<b>-</b>	<b>4,500</b>	<b>19,224</b>	<b>17,523</b>	<b>730</b>	<b>18,253</b>	<b>435</b>	<b>37,911</b>

Notes to the Financial Report  
For the Year Ended 30 June 2023

## (b) Plant and Equipment

	Plant machinery and equipment	Fixtures fittings and furniture	Computers and telecomms	Library books	Total plant and equipment
	\$'000	\$'000	\$'000	\$'000	\$'000
At fair value 1 July 2022	10,250	216	2,533	1,629	<b>14,629</b>
Accumulated depreciation at 1 July 2022	(6,396)	(104)	(1,847)	(968)	<b>(9,315)</b>
	<b>3,854</b>	<b>112</b>	<b>686</b>	<b>662</b>	<b>5,314</b>
<b>Movements in fair value</b>					
Additions	315	32	210	91	<b>647</b>
Disposal	(427)	-	-	-	<b>(427)</b>
	<b>(112)</b>	<b>32</b>	<b>210</b>	<b>91</b>	<b>220</b>
<b>Movements in accumulated depreciation</b>					
Depreciation and amortisation	(882)	(22)	(239)	(80)	<b>(1,225)</b>
Accumulated depreciation of disposals	376	-	-	-	<b>376</b>
	<b>(507)</b>	<b>(22)</b>	<b>(239)</b>	<b>(80)</b>	<b>(849)</b>
At fair value 30 June 2023	10,138	248	2,743	1,720	14,849
Accumulated depreciation at 30 June 2023	(6,903)	(126)	(2,087)	(1,048)	<b>(10,164)</b>
<b>Carrying amount</b>	<b>3,235</b>	<b>122</b>	<b>657</b>	<b>672</b>	<b>4,685</b>

Notes to the Financial Report  
For the Year Ended 30 June 2023

## (c) Infrastructure

	Roads	Bridges	Footpaths and cycleways	Drainage	Waste Management	Recreation, parks and open spaces	Aerodromes	Kerb and channel	Other infrastructure	Work In Progress	Total Infrastructure
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
At fair value 1 July 2022	202,084	26,850	12,211	23,821	3,092	28,327	2,747	21,259	17,799	1,886	340,076
Accumulated depreciation at 1 July 2022	(84,321)	(9,203)	(4,224)	(10,530)	(1,139)	(9,931)	(1,496)	(8,218)	(7,642)	-	(136,703)
	117,763	17,647	7,987	13,291	1,953	18,396	1,251	13,041	10,157	1,886	203,374
<b>Movements in fair value</b>											
Additions	2,528	-	102	547	-	480	-	223	-	1,056	4,938
Revaluation	31,924	18,353	2,674	2,734	-	-	-	19,780	-	-	75,465
Transfers	-	-	-	308	-	728	-	-	-	(1,052)	(16)
Impairment losses recognised in revaluation reserve	(9,135)	(422)	-	-	-	-	-	-	-	-	(9,558)
	25,317	17,931	2,776	3,589	-	1,208	-	20,003	-	5	70,828
<b>Movements in accumulated depreciation</b>											
Depreciation and amortisation	(3,050)	(272)	(160)	(298)	(65)	(558)	(51)	(266)	(353)	-	(5,073)
Revaluation	(23,032)	(5,395)	(1,089)	(1,625)	-	-	-	(7,327)	-	-	(38,467)
Impairment losses recognised in revaluation reserve	4,332	129	-	-	-	-	-	-	-	-	4,461
	(21,749)	(5,538)	(1,249)	(1,922)	(65)	(558)	(51)	(7,593)	(353)	-	(39,080)
At fair value 30 June 2023	227,401	44,781	14,987	27,409	3,092	29,535	2,747	41,262	17,799	1,891	410,905
Accumulated depreciation at 30 June 2023	(106,071)	(14,741)	(5,473)	(12,452)	(1,204)	(10,489)	(1,547)	(15,811)	(7,994)	-	(175,782)
<b>Carrying amount</b>	<b>121,331</b>	<b>30,040</b>	<b>9,515</b>	<b>14,957</b>	<b>1,887</b>	<b>19,046</b>	<b>1,200</b>	<b>25,451</b>	<b>9,804</b>	<b>1,891</b>	<b>235,122</b>

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

*Acquisition*

The purchase method of accounting is used for all acquisitions of assets, being the fair value of assets provided as consideration at the date of acquisition plus any incidental costs attributable to the acquisition. Fair value is the price that would be received to sell an asset (or paid to transfer a liability) in an orderly transaction between market participants at the measurement date.

Where assets are constructed by Council, cost includes all materials used in construction, direct labour, borrowing costs incurred during construction, and an appropriate share of directly attributable variable and fixed overheads.

In accordance with Council's policy, the threshold limits have applied when recognising assets within an applicable asset class and unless otherwise stated are consistent with the prior year.

<i>Asset recognition thresholds and depreciation periods</i>	<b>Depreciation Period</b>	<b>Threshold Limit \$'000</b>
Land & land improvements		
Land	Not depreciated	2,000
Land improvements	40 - 50 years	5,000
Buildings		
Buildings	43 - 65 years	5,000
Building and leasehold improvements	10 - 65 years	5,000
Plant and Equipment		
Plant, machinery and equipment	3 - 10 years	2,000
Fixtures, fittings and furniture	5 - 10 Years	2,000
Computers and telecomms	4 - 10 Years	2,000
Library books	15 - 20 years	1,000
Infrastructure		
Roads - pavements, substructure, formation and earthworks	15 - 100 years	10,000
Roads - kerb, channel and minor culverts	80 years	5,000
Bridges	100 years	5,000
Footpaths and cycleways	100 years	5,000
Drainage	80 years	10,000
Aerodromes	50 - 65 years	5,000
Recreational, leisure and community facilities	40 - 90 years	5,000
Parks, open space and streetscapes	10 - 65 years	5,000
Waste management	50 - 65 years	5,000

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**Notes to the Financial Report  
For the Year Ended 30 June 2023**

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*Land under roads*

Council recognises land under roads it controls at fair value. Valuation of land under roads was undertaken by a qualified independent valuer, Preston Rowe Paterson Horsham & Wimmera Pty. Ltd. Land under roads has been valued based on land sales, sales of unused roads and sales of channel easements with adjustments made for location and overall land area.

*Depreciation and amortisation*

Buildings, land improvements, plant and equipment, infrastructure, and other assets having limited useful lives are systematically depreciated over their useful lives to the Council in a manner which reflects consumption of the service potential embodied in those assets. Estimates of remaining useful lives and residual values are made on a regular basis with major asset classes reassessed annually. Depreciation rates and methods are reviewed annually.

Where assets have separate identifiable components that are subject to regular replacement, these components are assigned distinct useful lives and residual values and a separate depreciation rate is determined for each component.

Road earthworks are not depreciated on the basis that they are assessed as not having a limited useful life.

Straight line depreciation is charged based on the residual useful life as determined each year.

Depreciation periods used are listed above and are consistent with the prior year unless otherwise stated.

*Repairs and maintenance*

Where the repair relates to the replacement of a component of an asset and the cost exceeds the capitalisation threshold the cost is capitalised and depreciated. The carrying value of the replaced asset is expensed.

**Valuation of land and buildings**

Valuation of land and buildings were undertaken by a qualified independent valuer, Preston Rowe Paterson Horsham & Wimmera Pty. Ltd. The valuation of land and buildings is at fair value, being market value based on highest and best use permitted by relevant land planning provisions. Where land use is restricted through existing planning provisions the valuation is reduced to reflect this limitation. This adjustment is an unobservable input in the valuation. The adjustment has no impact on the comprehensive income statement.

Specialised land is valued at fair value using site values adjusted for englobo (undeveloped and/or unserviced) characteristics, access rights and private interests of other parties and entitlements of infrastructure assets and services. This adjustment is an unobservable input in the valuation. The adjustment has no impact on the comprehensive income statement.

Any significant movements in the unobservable inputs for land and land under roads will have a significant impact on the fair value of these assets.



**Notes to the Financial Report  
For the Year Ended 30 June 2023**

The date of the current valuation is detailed in the following table.

Details of the Council's land and buildings and information about the fair value hierarchy as at 30 June 2023 are as follows:

	Level 1	Level2	Level 3	Date of Valuation	Type of Valuation
	\$'000	\$'000	\$'000		
Land	-	5,087	5,144	30/06/2022	Independent
Land Improvements	-	-	4,493	30/06/2022	Independent
Land under roads	-	-	4,500	30/06/2022	Independent
Buildings	-	-	17,523	30/06/2022	Independent
Building Improvements	-	-	730	30/06/2022	Independent
<b>Total</b>	<b>-</b>	<b>5,087</b>	<b>32,389</b>		

**Valuation of infrastructure**

Valuation of infrastructure assets has been determined in accordance with a valuation undertaken by Council staff using Confirm asset management software.

The date and type of the current valuation is detailed in the following table.

The valuation is at fair value based on replacement cost less accumulated depreciation as at the date of valuation.

Details of the Council's infrastructure and information about the fair value hierarchy as at 30 June 2023 are as follows:

	Level 1	Level2	Level 3	Date of Valuation	Type of Valuation
	\$'000	\$'000	\$'000		
Roads	-	-	121,331	30/06/2023	Independent
Bridges	-	-	30,040	30/06/2023	Independent
Footpaths and cycleways	-	-	9,515	30/06/2023	Independent
Drainage	-	-	14,957	30/06/2023	Independent
Waste management	-	-	1,887	30/06/2022	Independent
Parks, open space and streetscapes	-	-	19,046	30/06/2022	Independent
Aerodromes	-	-	1,200	30/06/2022	Independent
Kerb and channel	-	-	25,451	30/06/2023	Independent
Other infrastructure	-	-	9,804	30/06/2022	Independent
<b>Total</b>	<b>-</b>	<b>-</b>	<b>233,232</b>		

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

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**Description of significant unobservable inputs into level 3 valuations**

**Specialised land and land under roads** is valued using a market based direct comparison technique. Significant unobservable inputs include the extent and impact of restriction of use and the market cost of land per square metre. The extent and impact of restrictions on use varies and results in a reduction to surrounding land values between 30% and 80%. The market value of land varies significantly depending on the location of the land and the current market conditions. Currently land values range between \$7.50 and \$425 per square metre.

**Specialised buildings** are valued using a current replacement cost technique. Significant unobservable inputs include the current replacement cost and remaining useful lives of buildings. Current replacement costs are calculated on a square metre basis and ranges from \$330 to \$5,500 per square metre. The remaining useful lives of buildings are determined on the basis of the current condition of buildings and vary from 4 to 50 years. Replacement cost is sensitive to changes in market conditions, with any increase or decrease in cost flowing through to the valuation. Useful lives of buildings are sensitive to changes in expectations or requirements that could either shorten or extend the useful lives of buildings.

**Infrastructure assets** are valued based on the current replacement cost. Significant unobservable inputs include the current replacement cost and remaining useful lives of infrastructure. The remaining useful lives of infrastructure assets are determined on the basis of the current condition of the asset and vary from 15 years to 100 years. Replacement cost is sensitive to changes in market conditions, with any increase or decrease in cost flowing through to the valuation. Useful lives of infrastructure are sensitive to changes in use, expectations or requirements that could either shorten or extend the useful lives of infrastructure assets.

	2023	2022
<b>Reconciliation of specialised land</b>		
	<b>\$'000</b>	<b>\$'000</b>
Land	5,144	5,144
Land improvements	4,493	4,640
Land under roads	4,500	4,500
<b>Total specialised land</b>	<b>14,137</b>	<b>14,284</b>

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

<b>6.2 Investment property</b>	<b>2023</b>	<b>2022</b>
	<b>\$'000</b>	<b>\$'000</b>
Balance at beginning of financial year	1,030	1,030
Balance at end of financial year	<u>1,030</u>	<u>1,030</u>

Investment property is held to generate long-term rental yields. Investment property is measured initially at cost, including transaction costs. Costs incurred subsequent to initial acquisition are capitalised when it is probable that future economic benefit in excess of the originally assessed performance of the asset will flow to the Council. Subsequent to initial recognition at cost, investment property is carried at fair value, determined annually by independent valuers. Changes to fair value are recorded in the comprehensive income statement in the period that they arise.

***Valuation of investment property***

Valuation of investment property has been determined in accordance with an independent valuation in 2021 by Eishold Property (Simon Eishold, Certified Practising Valuer) who has experience in the location and category of the property being valued. The valuation is at fair value, based on the current market value for the property as at 1 June 2021.

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

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**Note 7. People and relationships****7.1. Council and key management remuneration****(a) Related Parties***Parent entity*

Council is the parent entity.

*Subsidiaries and Associates*

Mystic Park Cemetery Trust has not been consolidated into the accounts of the parent entity as the level of transactions is immaterial.

**(b) Key Management Personnel**

Key management personnel (KMP) are those people with the authority and responsibility for planning, directing and controlling the activities of Gannawarra Shire Council. The Councillors, Chief Executive Officer and Directors are deemed KMP.

Details of KMP at any time during the year are:

<b>Councillors</b>	Councillor Charlie Gillingham (Mayor)		
	Councillor Jane Ogden (Deputy Mayor)		
	Councillor Ross Stanton		
	Councillor Kelvin Burt		
	Councillor Travis Collier		
	Councillor Keith Link		
	Councillor Garner Smith		
	Chief Executive Officer		
	Director - Corporate Services		
	Director - Community Wellbeing		
	Director - Infrastructure and Development		
	Executive Manager - Economic Development	<b>2023</b>	<b>2022</b>
		<b>No.</b>	<b>No.</b>
<b>Total Number of Councillors</b>		7	7
<b>Total of Chief Executive Officer and other Key Management Personnel</b>		6	4
<b>Total Number of Key Management Personnel</b>		<u>13</u>	<u>11</u>

*Note:- One senior officer is now part of Key Management Personnel in 2022/23.*

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

**(c) Remuneration of Key Management Personnel**

Remuneration comprises employee benefits including all forms of consideration paid, payable or provided by Council, or on behalf of the Council, in exchange for services rendered. Remuneration of Key Management Personnel and Other senior staff is disclosed in the following categories.

**Short-term employee benefits** include amounts such as wages, salaries, annual leave or sick leave that are usually paid or payable on a regular basis, as well as non-monetary benefits such as allowances and free or subsidised goods or services.

**Other long-term employee benefits** include long service leave, other long service benefits or deferred compensation.

**Post-employment benefits** include pensions, and other retirement benefits paid or payable on a discrete basis when employment has ceased.

**Termination benefits** include termination of employment payments, such as severance packages.

	2023	2022
	\$'000	\$'000
Total remuneration of key management personnel was as follows:		
Short-term benefits	1,256	991
Other long-term benefits	54	17
Post employment benefits	95	72
Total	<u>1,404</u>	<u>1,080</u>

The numbers of key management personnel whose total remuneration from Council and any related entities, fall within the following bands:

	No.	No.
\$20,000 - \$29,999	5	5
\$30,000 - \$39,999	1	1
\$70,000 - \$79,999	1	1
\$80,000 - \$89,999	1	-
\$170,000-\$179,999	1	-
\$190,000 - \$199,999	-	2
\$200,000 - \$209,999	2	1
\$210,000 - \$219,999	1	-
\$280,000 - \$289,999	1	1
	<u>13</u>	<u>11</u>

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

	\$'000	\$'000
<b>7.2. Related party disclosure</b>		
<b>(a) Transactions with related parties</b>		
During the period Council entered into the following transactions with related parties.		
Purchase of hay during the floods - from related party to Cr. Gillingham	\$ 0.92	Nil
<b>(b) Outstanding balances with related parties</b>		
The following balances are outstanding at the end of the reporting period in relation to transactions with related parties	Nil	Nil
<b>(c) Loans to/from related parties</b>		
The aggregate amount of loans in existence at balance date that have been made, guaranteed or secured by the council to a related party as follows:	Nil	Nil
<b>(d) Commitments to/from related parties</b>		
The aggregate amount of commitments in existence at balance date that have been made, guaranteed or secured by the council to a related party are as follows:	Nil	Nil

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

**Note 8. Managing uncertainties****8.1. Contingent assets and liabilities**

Contingent assets and contingent liabilities are not recognised in the Balance Sheet, but are disclosed and if quantifiable, are measured at nominal value. Contingent assets and liabilities are presented inclusive of GST receivable or payable, respectively.

**(a) Contingent assets**

Contingent assets are possible assets that arise from past events, whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the Council. At balance date, Council held the following bank guarantees for contract works being undertaken.

	Start Date	Amount \$'000
CJ & BT McLoughlan Pty Ltd - G10-2020 (Defects Liability)	11/06/2021	15
S & R Engineering - G08-2020 (Defects Liability)	19/11/2021	30
Boral Asphalt - G06-2021 (Practical Completion)	21/12/2021	45
CJ & BT McLoughlan Pty Ltd - G07-2021 (Defects Liability)	13/12/2021	28
CJ & BT McLoughlan Pty Ltd - G08-2021 (Defects Liability)	16/02/2022	24
Earthworks Civil & Construction Pty Ltd - G10-2021 (Practical Completion)	9/07/2022	38
Earthworks Civil & Construction Pty Ltd - G10-2021 (Defects Liability)	9/07/2022	38
CJ & BT McLoughlan Pty Ltd - G04-2022 (Practical Completion)	8/12/2022	7
CJ & BT McLoughlan Pty Ltd - G04-2022 (End of Maintenance Period)	8/12/2022	7
CJ & BT McLoughlan Pty Ltd - G06-2022 (Practical Completion)	15/02/2023	10
CJ & BT McLoughlan Pty Ltd - G06-2022 (End of Maintenance Period)	15/02/2023	10
S & R Engineering - G02-2021 (Practical Completion)	23/02/2023	25
S & R Engineering - G11-2021 (Practical Completion)	23/02/2023	11
Veolia Environmental Services - G03-2021 (Practical Completion)	28/03/2023	310
CJ & BT McLoughlan Pty Ltd - G10-2022 (Practical Completion)	10/05/2023	58
CJ & BT McLoughlan Pty Ltd - G10-2022 (End of Maintenance Period)	27/04/2023	58

**(b) Contingent liabilities**

Contingent liabilities are:

- possible obligations that arise from past events, whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the Council; or
- present obligations that arise from past events but are not recognised because:
  - it is not probable that an outflow of resources embodying economic benefits will be required to settle the obligation; or
  - the amount of the obligation cannot be measured with sufficient reliability.

**Superannuation**

Council has obligations under a defined benefit superannuation scheme that may result in the need to make additional contributions to the scheme, matters relating to this potential obligation are outlined below. As a result of the volatility in financial markets the likelihood of making such contributions in future periods exists.

**Landfill**

Council operates a landfill. Council will have to carry out site rehabilitation works in the future. At balance date Council is unable to accurately assess the financial implications of such works.

**Insurance claims**

Council is unaware of any major insurance claims that could have a material impact on future operations.

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

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**Legal matters**

Council is unaware of any major legal matters that could have a material impact on future operations.

**Building cladding**

Council is unaware of any potential contingents that may exist in relation to rectification works or other matters associated with building cladding that may have the potential to adversely impact on Council.

**Liability Mutual Insurance**

Council is a participant of the MAV Liability Mutual Insurance (LMI) Scheme. The LMI scheme provides public liability and professional indemnity insurance cover. The LMI scheme states that each participant will remain liable to make further contributions to the scheme in respect of any insurance year in which it was a participant to the extent of its participant's share of any shortfall in the provision set aside in respect of that insurance year, and such liability will continue whether or not the participant remains a participant in future insurance years.

**(c) Guarantees for loans to other entities**

The amount disclosed for financial guarantee in this note is the nominal amount of the underlying loan that is guaranteed by the Council, not the fair value of the financial guarantee. This amount is determined by the Environment Protection Authority to cover the Council's landfill rehabilitation requirements.

Financial guarantee contracts are not recognised as a liability in the balance sheet unless the lender has exercised their right to call on the guarantee or Council has other reasons to believe that it is probable that the right will be exercised.

The following Bank Guarantee is held by State of Victoria - Environment Protection Authority on behalf of Council:

	Start Date	Amount \$'000
Kerang Landfill Financial Assurance	11/04/2013	247

**8.2. Change in accounting standards**

Certain new Australian Accounting Standards and interpretations have been published that are not mandatory for the 30 June 2023 reporting period. Council assesses the impact of these new standards. As at 30 June 2023 there were no new accounting standards or interpretations issued by the AASB which are applicable for the year ending 30 June 2024 that are expected to impact Council.

**8.3. Financial instruments****(a) Objectives and policies**

The Council's principal financial instruments comprise cash assets, term deposits, receivables (excluding statutory receivables), payables (excluding statutory payables) and bank borrowings. Details of the significant accounting policies and methods adopted, including the criteria for recognition, the basis of measurement and the basis on which income and expenses are recognised, in respect of each class of financial asset, financial liability and equity instrument is disclosed in the notes of the financial statements. Risk management is carried out by senior management under policies approved by the Council. These policies include identification and analysis of the risk exposure to Council and appropriate procedures, controls and risk minimisation.



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**Notes to the Financial Report  
For the Year Ended 30 June 2023**

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**(b) Market risk**

Market risk is the risk that the fair value or future cash flows of Council's financial instruments will fluctuate because of changes in market prices. The Council's exposure to market risk is primarily through interest rate risk with only insignificant exposure to other price risks and no exposure to foreign currency risk.

**Interest rate risk**

Interest rate risk refers to the risk that the value of a financial instrument or cash flows associated with the instrument will fluctuate due to changes in market interest rates. Council's interest rate liability risk arises primarily from long term loans and borrowings at fixed rates which exposes council to fair value interest rate risk.

Cash flow interest rate risk is the risk that the future cash flows of a financial instrument will fluctuate because of changes in market interest rates. Council has minimal exposure to cash flow interest rate risk through its cash and deposits that are at floating rates.

Investment of surplus funds is made with approved financial institutions under the *Local Government Act 2020*. Council manages interest rate risk by adopting an investment policy that ensures:

- diversification of investment product;
- monitoring of return on investment; and
- benchmarking of returns and comparison with budget.

There has been no significant change in the Council's exposure, or its objectives, policies and processes for managing interest rate risk or the methods used to measure this risk from the previous reporting period.

Interest rate movements have not been sufficiently significant during the year to have an impact on the Council's year end result.

**(c) Credit risk**

Credit risk is the risk that a contracting entity will not complete its obligations under a financial instrument and cause Council to make a financial loss. Council have exposure to credit risk on some financial assets included in the balance sheet. Particularly significant areas of credit risk exist in relation to outstanding fees and fines as well as loans and receivables from sporting clubs and associations. To help manage this risk:

- Council have a policy for establishing credit limits for the entities Council deal with;
- Council may require collateral where appropriate; and
- Council only invest surplus funds with financial institutions which have a recognised credit rating specified in Council's investment policy.

Receivables consist of a large number of customers, spread across the ratepayer, business and government sectors. Credit risk associated with the council's financial assets is minimal because the main debtor is secured by a charge over the rateable property.

There are no material financial assets which are individually determined to be impaired.

Council may also be subject to credit risk for transactions which are not included in the balance sheet, such as when council provide a guarantee for another party. Details of our contingent liabilities are disclosed in Note 8.1(b).

The maximum exposure to credit risk at the reporting date to recognised financial assets is the carrying amount, net of any provisions for impairment of those assets, as disclosed in the balance sheet and notes to the financial statements. Council does not hold any collateral.

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**Notes to the Financial Report  
For the Year Ended 30 June 2023**

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**(d) Liquidity risk**

Liquidity risk includes the risk that, as a result of council's operational liquidity requirements it will not have sufficient funds to settle a transaction when required or will be forced to sell a financial asset at below value or may be unable to settle or recover a financial asset.

To help reduce these risks Council:

- have a liquidity policy which targets a minimum and average level of cash and cash equivalents to be maintained;
- have readily accessible standby facilities and other funding arrangements in place;
- have a liquidity portfolio structure that requires surplus funds to be invested within various bands of liquid instruments;
- monitor budget to actual performance on a regular basis; and
- set limits on borrowings relating to the percentage of loans to rate revenue and percentage of loan principal repayments to rate revenue.

The Council's maximum exposure to liquidity risk is the carrying amounts of financial liabilities as disclosed on the face of the balance sheet and the amounts related to financial guarantees disclosed in Note 8.1(c), and is deemed insignificant based on prior periods' data and current assessment of risk.

There has been no significant change in Council's exposure, or its objectives, policies and processes for managing liquidity risk or the methods used to measure this risk from the previous reporting period.

With the exception of borrowings, all financial liabilities are expected to be settled within normal terms of trade. Details of the maturity profile for borrowings are disclosed at Note 5.4.

Unless otherwise stated, the carrying amounts of financial instruments reflect their fair value.

**(e) Sensitivity disclosure analysis**

Taking into account past performance, future expectations, economic forecasts, and management's knowledge and experience of the financial markets, Council believes the following movements are 'reasonably possible' over the next 12 months:

- A parallel shift of +1.5% and -1.5% in market interest rates (AUD) from year-end rates of 5.10%.

These movements will not have a material impact on the valuation of Council's financial assets and liabilities, nor will they have a material impact on the results of Council's operations.

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### Notes to the Financial Report For the Year Ended 30 June 2023

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#### 8.4. Fair value measurement

##### *Fair value hierarchy*

Council's financial assets and liabilities are not valued in accordance with the fair value hierarchy, Council's financial assets and liabilities are measured at amortised cost.

Council measures certain assets and liabilities at fair value where required or permitted by Australian Accounting Standards. AASB 13 *Fair Value Measurement*, aims to improve consistency and reduce complexity by providing a definition of fair value and a single source of fair value measurement and disclosure requirements for use across Australian Accounting Standards.

All assets and liabilities for which fair value is measured or disclosed in the financial statements are categorised within a fair value hierarchy, described as follows, based on the lowest level input that is significant to the fair value measurement as a whole:

Level 1 — Quoted (unadjusted) market prices in active markets for identical assets or liabilities

Level 2 — Valuation techniques for which the lowest level input that is significant to the fair value measurement is directly or indirectly observable; and

Level 3 — Valuation techniques for which the lowest level input that is significant to the fair value measurement is unobservable.

For the purpose of fair value disclosures, Council has determined classes of assets and liabilities on the basis of the nature, characteristics and risks of the asset or liability and the level of the fair value hierarchy as explained above.

In addition, Council determines whether transfers have occurred between levels in the hierarchy by re-assessing categorisation (based on the lowest level input that is significant to the fair value measurement as a whole) at the end of each reporting period.

##### *Revaluation*

Subsequent to the initial recognition of assets, non-current physical assets, other than plant and equipment, are measured at their fair value, being the price that would be received to sell an asset (or paid to transfer a liability) in an orderly transaction between market participants at the measurement date. (For plant and equipment carrying amount is considered to approximate fair value given short useful lives). At balance date, the Council reviewed the carrying value of the individual classes of assets measured at fair value to ensure that each asset materially approximated its fair value. Where the carrying value materially differed from the fair value at balance date, the class of asset was revalued.

Fair value valuations are determined in accordance with a valuation hierarchy. Changes to the valuation hierarchy will only occur if an external change in the restrictions or limitations of use of an asset result in changes to the permissible or practical highest and best use of the asset. In addition, Council undertakes a formal revaluation of land, buildings, and infrastructure assets on a regular basis ranging from 3 to 4 years. The valuation is performed either by experienced council officers or independent experts. The following table sets out the frequency of revaluations by asset class.

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

<b>Asset class</b>	<b>Revaluation frequency</b>
Land	3 to 4 years
Buildings	3 to 4 years
Roads	3 to 4 years
Bridges	3 to 4 years
Footpaths and cycleways	3 to 4 years
Drainage	3 to 4 years
Recreational, leisure and community facilities	3 to 4 years
Waste management	3 to 4 years
Parks, open space and streetscapes	3 to 4 years
Aerodromes	3 to 4 years
Other infrastructure	3 to 4 years

Where the assets are revalued, the revaluation increments are credited directly to the asset revaluation reserve except to the extent that an increment reverses a prior year decrement for that class of asset that had been recognised as an expense in which case the increment is recognised as revenue up to the amount of the expense. Revaluation decrements are recognised as an expense except where prior increments are included in the asset revaluation reserve for that class of asset in which case the decrement is taken to the reserve to the extent of the remaining increments. Within the same class of assets, revaluation increments and decrements within the year are offset.

*Impairment of assets*

At each reporting date, the Council reviews the carrying value of its assets to determine whether there is any indication that these assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs of disposal and value in use, is compared to the assets carrying value. Any excess of the assets carrying value over its recoverable amount is expensed to the comprehensive income statement, unless the asset is carried at the revalued amount in which case, the impairment loss is recognised directly against the revaluation surplus in respect of the same class of asset to the extent that the impairment loss does not exceed the amount in the revaluation surplus for that same class of asset.

**8.5. Events occurring after balance date**

No matters have occurred after balance date that require disclosure in the financial report.

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

Note 9. Other matters	Balance at beginning of reporting period \$'000	Increment (decrement) \$'000	Balance at end of reporting period \$'000
<b>9.1. Reserves</b>			
<b>(a) Asset revaluation reserves</b>			
<b>2023</b>			
<b>Property</b>			
Land and land improvements	3,539	-	3,539
Buildings	10,552	-	10,552
	<u>14,091</u>	<u>-</u>	<u>14,091</u>
<b>Infrastructure</b>			
Roads	106,036	4,089	110,125
Bridges	7,579	12,665	20,244
Footpaths and cycleways	3,147	1,585	4,733
Drainage	5,986	1,109	7,095
Waste management	183	-	183
Recreation, parks and open space	3,351	-	3,351
Aerodromes	819	-	819
Kerb and channel	6,617	12,453	19,070
Other infrastructure	8,106	-	8,106
	<u>141,825</u>	<u>31,901</u>	<u>173,726</u>
<b>Total asset revaluation reserves</b>	<b>155,917</b>	<b>31,901</b>	<b>187,818</b>
<b>2022</b>			
<b>Property</b>			
Land and land improvements	1,320	2,219	3,539
Buildings	5,678	4,874	10,552
	<u>6,998</u>	<u>7,093</u>	<u>14,091</u>
<b>Infrastructure</b>			
Roads	97,038	8,998	106,036
Bridges	6,207	1,372	7,579
Footpaths and cycleways	2,605	542	3,147
Drainage	5,051	935	5,986
Waste management	71	112	183
Recreation, parks and open space	1,193	2,158	3,351
Aerodromes	599	220	819
Kerb and channel	5,619	998	6,617
Other infrastructure	2,893	5,213	8,106
	<u>121,276</u>	<u>20,548</u>	<u>141,825</u>
<b>Total asset revaluation reserves</b>	<b>128,274</b>	<b>27,642</b>	<b>155,917</b>

The asset revaluation reserve is used to record the increased (net) value of Council's assets over time.

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

	2023	2022
	\$'000	\$'000
<b>9.2. Reconciliation of cash flows from operating activities to surplus</b>		
Surplus for the year	5,784	7,740
Profit/(loss) on disposal of property, infrastructure, plant and equipment	(254)	(360)
Depreciation	7,075	6,381
Borrowing costs	13	18
<i>Change in assets and liabilities:</i>		
(Increase)/decrease in trade and other receivables	(362)	(83)
(Increase)/decrease in prepayments	29	(21)
Increase/(decrease) in accrued income	(173)	(17)
Increase/(decrease) in trade and other payables	1,116	400
Increase/(Decrease) in unearned income	(221)	1,697
(Decrease)/increase in other liabilities	(129)	(253)
(Increase)/decrease in inventories	(23)	(206)
Increase/(decrease) in provisions	1,647	199
Net cash provided by/(used in) operating activities	<b>14,503</b>	<b>15,495</b>

**9.3. Superannuation**

Council makes the majority of its employer superannuation contributions in respect of its employees to the Local Authorities Superannuation Fund (the Fund). This Fund has two categories of membership, accumulation and defined benefit, each of which is funded differently. Obligations for contributions to the Fund are recognised as an expense in Comprehensive Operating Statement when they are made or due.

**Accumulation**

The Fund's accumulation category, Vision MySuper/Vision Super Saver, receives both employer and employee contributions on a progressive basis. Employer contributions are normally based on a fixed percentage of employee earnings (for the year ended 30 June 2023, this was 10.5% as required under Superannuation Guarantee (SG) legislation (2022: 10.0%)).

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**Notes to the Financial Report  
For the Year Ended 30 June 2023**

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**Defined Benefit**

Council does not use defined benefit accounting for its defined benefit obligations under the Fund's Defined Benefit category. This is because the Fund's Defined Benefit category is a pooled multi-employer sponsored plan.

There is no proportional split of the defined benefit liabilities, assets or costs between the participating employers as the defined benefit obligation is a floating obligation between the participating employers and the only time that the aggregate obligation is allocated to specific employers is when a call is made. As a result, the level of participation of Council in the Fund cannot be measured as a percentage compared with other participating employers. Therefore, the Fund Actuary is unable to allocate benefit liabilities, assets and costs between employers for the purposes of AASB 119 *Employee Benefits*.

**Funding arrangements**

Council makes employer contributions to the Defined Benefit category of the Fund at rates determined by the Trustee on the advice of the Fund Actuary. A triennial actuarial investigation is currently underway for the Defined Benefit category which is expected to be completed by 31 December 2023. Council was notified of the 30 June 2023 VBI during August 2023 (2022: August 2022). The financial assumptions used to calculate the 30 June 2023 VBI were:

- Net investment returns 5.7% pa
- Salary information 3.5% pa
- Price inflation (CPI) 2.8% pa.

As at 30 June 2022, an interim actuarial investigation was held as the Fund provides lifetime pensions in the Defined Benefit category. The vested benefit index (VBI) of the Defined Benefit category of which Council is a contributing employer was 102.2%. The financial assumptions used to calculate the VBI were:

- Net investment returns 5.5% pa
- Salary information 2.5% pa to 30 June 2023, and 3.5% pa thereafter
- Price inflation (CPI) 3.0% pa.

Council was notified of the 30 June 2022 VBI during August 2022 (2021: August 2021). Vision Super has advised that the estimated VBI at June 2023 was 104.1%.

The VBI is used as the primary funding indicator. Because the VBI was above 100%, the 30 June 2022 actuarial investigation determined the Defined Benefit category was in a satisfactory financial position and that no change was necessary to the Defined Benefit category's funding arrangements from prior years.

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**Notes to the Financial Report  
For the Year Ended 30 June 2023**

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***Employer contributions***

***(A) Regular contributions***

On the basis of the results of the 2022 interim actuarial investigation conducted by the Fund Actuary, Council makes employer contributions to the Fund's Defined Benefit category at rates determined by the Fund's Trustee. For the year ended 30 June 2023, this rate was 10.5% of members' salaries (10.0% in 2021/22). This rate is expected to increase in line with any increases in the SG contribution rate and was reviewed as part of the 30 June 2022 interim valuation.

In addition, Council reimburses the Fund to cover the excess of the benefits paid as a consequence of retrenchment above the funded resignation or retirement benefit.

***(B) Funding calls***

If the Defined Benefit category is in an unsatisfactory financial position at an actuarial investigation or the Defined Benefit category's VBI is below its shortfall limit at any time other than the date of the actuarial investigation, the Defined Benefit category has a shortfall for the purposes of SPS 160 and the Fund is required to put a plan in place so that the shortfall is fully funded within three years of the shortfall occurring. The Fund monitors its VBI on a quarterly basis and the Fund has set its shortfall limit at 97%.

In the event that the Fund Actuary determines that there is a shortfall based on the above requirement, the Fund's participating employers (including Council) are required to make an employer contribution to cover the shortfall.

Using the agreed methodology, the shortfall amount is apportioned between the participating employers based on the pre-1 July 1993 and post-30 June 1993 service liabilities of the Fund's Defined Benefit category, together with the employer's payroll at 30 June 1993 and at the date the shortfall has been calculated.

Due to the nature of the contractual obligations between the participating employers and the Fund, and that the Fund includes lifetime pensioners and their reversionary beneficiaries, it is unlikely that the Fund will be wound up.

If there is a surplus in the Fund, the surplus cannot be returned to the participating employers.

In the event that a participating employer is wound-up, the defined benefit obligations of that employer will be transferred to that employer's successor.



**Notes to the Financial Report  
For the Year Ended 30 June 2023**

***The 2022 interim actuarial investigation surplus amounts***

An actuarial investigation is conducted annually for the Defined Benefit category of which Council is a contributing employer. Generally, a full actuarial investigation is conducted every three years and interim actuarial investigations are conducted for each intervening year. An interim investigation was conducted as at 30 June 2022 and the last full investigation was conducted as at 30 June 2020.

The Fund's actuarial investigation identified the following for the Defined Benefit category of which Council is a contributing employer:

	2022 (Interim) \$m	2021 (Interim) \$m
- A VBI Surplus	44.6	214.7
- A total service liability surplus	105.8	270.3
- A discounted accrued benefits surplus	111.9	285.2

The VBI surplus means that the market value of the fund's assets supporting the defined benefit obligations exceed the vested benefits that the defined benefit members would have been entitled to if they had all exited on 30 June 2022.

The total service liability surplus means that the current value of the assets in the Fund's Defined Benefit category plus expected future contributions exceeds the value of expected future benefits and expenses as at 30 June 2022.

The discounted accrued benefits surplus means that the current value of the assets in the Fund's Defined Benefit category exceeds the value of benefits payable in the future but accrued in respect of service to 30 June 2022.

***The 2023 triennial actuarial investigation***

A triennial actuarial investigation is being conducted for the Fund's position as at 30 June 2023. It is anticipated that this actuarial investigation will be completed by 31 December 2023. The financial assumptions for the purposes of this investigation are:

	2023 Triennial Investigation	2020 Triennial Investigation
Net investment return	5.7% p.a	5.6% p.a
Salary inflation	3.5% p.a	2.50 %pa for the first two years and 2.75%pa thereafter
Price inflation	2.8% p.a	2.0% p.a

**Notes to the Financial Report  
For the Year Ended 30 June 2023**

***Superannuation contributions***

Contributions by Council (excluding any unfunded liability payments) to the above superannuation plans for the financial year ended 30 June 2023 are detailed below:

<b>Scheme</b>	<b>Type of Scheme</b>	<b>Rate</b>	<b>2023 \$'000</b>	<b>2022 \$'000</b>
Vision super	Defined benefits	10.5% (2022:10.0%)	43	43
Vision super	Accumulation	10.5% (2022:10.0%)	877	759
Other Funds	Accumulation	10.5% (2022:10.0%)	792	612

[In addition to the above contributions, Council has paid unfunded liability payments to Vision Super totalling NIL during the 2022/23 year] (2021/22 NIL).

There were no contributions outstanding and no loans issued from or to the above schemes as at 30 June 2023.

The expected contributions to be paid to the Defined Benefit category of Vision Super for the year ending 30 June 2024 is \$43k.

**10. Change in accounting policy**

There have been no changes to accounting policies in the 2022-23 year.



## **Gannawarra Shire Council**

### **Performance Statement**

For the year ended 30 June 2023

## Performance Statement

For the year ended 30 June 2023

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### Description of municipality

The Gannawarra is a region loaded with natural features; our rivers, lakes, swamps, marshes, and wetlands, all surrounded by majestic forests.

These special natural places of interest in The Gannawarra are all within a three-hour drive from Melbourne and around one hour from the neighbouring centres of Swan Hill, Echuca, and Bendigo.

Our Mediterranean climate has seen us take advantage of the sun for renewable energy activity – in fact The Gannawarra is home to Australia's largest integrated solar farm and battery storage facility.

Our primary centres are Kerang, Cohuna, and Koondrook. Smaller outlying communities include Leitchville, Quambatook, Murrabit, Lake Charm, Lalbert, Macorna, and Mystic Park, making up a population of 10,528, covering 2,281 kilometres.

Gannawarra is a place of strong community pride where our communities inspire each other to make The Gannawarra a great place to live, visit and do business.

### Overview of 2022/2023

Like many municipalities across northern Victoria, the October-December 2022 floods impacted Gannawarra Shire Council's operations during 2022/23, with resources directed to assist agencies to respond to this emergency and to guide recovery efforts.

Despite these challenges, Council was able to implement a record capital works program featuring projects that have enhanced the liveability of our communities. Completed projects include the Kerang All Abilities Play Space and Changing Facility, both located at Atkinson Park, and the Murrabit Stormwater Project. Work also began on Stage 3 of the Kerang CBD Redevelopment and improvements to play spaces at the Cohuna and District Pre-School and Gannawarra Shire Children's Centre.

Council looks forward to 2023/24 – a year which will see the Gannawarra continue to recover from the October-December 2022 floods and Council will work with the community to achieve milestones identified in the *Growing Gannawarra – 2021-2025 Council Plan*.

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### Sustainable Capacity Indicators

For the year ended 30 June 2023

<i>Indicator / measure</i>	Results				<i>Material Variation Commentary</i>
	2020	2021	2022	2023	
<b>Population</b>					
<i>Expenses per head of municipal population</i> [Total expenses / Municipal population]	\$2,836.04	\$3,169.33	\$3,149.26	\$3,581.78	The increase in 2022/2023 is due to flood related works and depreciation for 2022/2023 being higher than prior years as a result of the infrastructure revaluations as at 30 June 2022. Flood related costs are primarily grant funded and are expected to be recouped via flood claims and acquittal. Provision for payment of redundancies associated with the exit of community care services by 31 October 2023 (\$1.3m) has also been factored into total expenses. The cash flow associated with the redundancies will occur in November 2023.
<i>Infrastructure per head of municipal population</i> [Value of infrastructure / Municipal population]	\$18,220.40	\$19,380.96	\$21,806.76	\$24,553.38	A further increase between 2021/2022 and 2022/2023 is due to infrastructure revaluations. The cost of construction of infrastructure assets have increased significantly.
<i>Population density per length of road</i> [Municipal population / Kilometres of local roads]	4.58	4.55	4.58	4.62	Population density per length of road has remained stable throughout 2022/2023.
<b>Own-source revenue</b>					

<i>Own-source revenue per head of municipal population</i>	\$1,786.96	\$1,902.98	\$2,112.09	\$2,169.26	The growth is line with rate cap and increase in user fees. Please note, 2021/2021 indicator should be \$1,866.92 (LGPRF template issue).
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[Own-source revenue / Municipal population]

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**Recurrent grants**

<i>Recurrent grants per head of municipal population</i>	\$1,027.41	\$1,157.50	\$1,144.09	\$1,271.94	Recurrent grants increased in 2022/2023 due to the early payment of Federal Assistance Grants of 100% of the 2023/2024 annual allocation. Please note, 2019/2020 indicator should be \$1,053.00 (LGPRF template issue).
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[Recurrent grants / Municipal population]

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**Disadvantage**

<i>Relative socio-economic disadvantage</i>	3.00	3.00	3.00	2.00
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[Index of Relative Socio-economic Disadvantage by decile]

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**Workforce turnover**

<i>Percentage of staff turnover</i>	12.09%	8.98%	11.48%	11.36%	Council's staff turnover rate remained steady in 2022/23 with a slight decrease of 1%.
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[Number of permanent staff resignations and terminations / Average number of permanent staff for the financial year] x100

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**Definitions**

"adjusted underlying revenue" means total income other than:

- (a) non-recurrent grants used to fund capital expenditure; and
- (b) non-monetary asset contributions; and
- (c) contributions to fund capital expenditure from sources other than those referred to above

"infrastructure" means non-current property, plant and equipment excluding land.

"local road" means a sealed or unsealed road for which the council is the responsible road authority under the Road Management Act 2004

"population" means the resident population estimated by council<sup>1</sup>

"own-source revenue" means adjusted underlying revenue other than revenue that is not under the control of council (including government grants)

"relative socio-economic disadvantage", in relation to a municipality, means the relative socio-economic disadvantage, expressed as a decile for the relevant financial year, of the area in which the municipality is located according to the Index of Relative Socio-Economic Disadvantage (Catalogue Number 2033.0.55.001) of SEIFA

"SEIFA" means the Socio-Economic Indexes for Areas published from time to time by the Australian Bureau of Statistics on its Internet website.

"unrestricted cash" means all cash and cash equivalents other than restricted cash.

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<sup>1</sup> Council has utilised the March 2022 Australian Bureau of Statistics release for population estimate.

## Service Performance Indicators

For the year ended 30 June 2023

Service / indicator / measure	Results				Material Variation Commentary
	2020	2021	2022	2023	
<b>Aquatic facilities</b>					
<b>Utilisation</b>					
Utilisation of aquatic facilities [Number of visits to aquatic facilities / Municipal population]	3.45	3.27	3.03	3.59	Utilisation of Council aquatic facilities has increased by 18.47% in 2022/2023. The increase has come after previous years of reduced closures due to COVID-19 lockdowns and staffing shortages.
<b>Animal management</b>					
<b>Health and safety</b>					
Animal management prosecutions [Number of successful animal management prosecutions / Number of animal management prosecutions] x 100	0%	0%	0%	0%	There were no animal management prosecutions in 2022/2023.
<b>Food safety</b>					
<b>Health and safety</b>					
Critical and major non-compliance outcome notifications	0.00%	100.00%	100.00%	0.00%	

6



[Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises followed up / Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises] x100

Council has implemented a risk-based food safety assessment approach to achieve compliance. This has led to a reduction in major and critical non-compliances and there has been no non-compliances in 2022/2023.

**Governance**

**Satisfaction**

<i>Satisfaction with council decisions</i>	39.00	55.00	46.00	48.00
[Community satisfaction rating out of 100 with how council has performed in making decisions in the interest of the community]				

The Community Satisfaction Survey showed increasing satisfaction over the past 12 months with Council decisions, and this remains steady.

**Libraries**

**Participation**

<i>Active library borrowers in municipality</i>	16.65%	13.50%	11.47%	10.80%
[Number of active library borrowers in the last three years / The sum of the population for the last three years] x100				

There continues to be a reduction in active library borrowers which can still be attributed to the closure of library services across Gannawarra Shire during the recent floods. Gannawarra Library Service is committed to increasing library membership through advertising campaigns across the municipality.

**Maternal and child health**

**Participation**

<i>Participation in the MCH service</i>	86.88%	85.60%	80.77%	88.56%	Participation in Maternal and Child Health Service has increased in 2023 as service restrictions from previous years have ceased and staff have re-engaged with families on a more regular basis.
[Number of children who attend the MCH service at least once (in the year) / Number of children enrolled in the MCH service] x100					
<b>Participation</b>					
<i>Participation in the MCH service by Aboriginal children</i>	100.00%	97.37%	83.33%	95.56%	Participation in Maternal and Child Health Service by Aboriginal children have increased during 2023 as staff continue to strengthen partnerships with local Aboriginal services to provide a safe environment for all families to attend.
[Number of Aboriginal children who attend the MCH service at least once (in the year) / Number of Aboriginal children enrolled in the MCH service] x100					
<b>Roads</b>					
<b>Satisfaction</b>					
<i>Satisfaction with sealed local roads</i>	47.00	54.00	50.00	41.00	Major decline in the condition of local roads has been influenced by the recent floods from October to December 2022. These have specifically impacted and damaged roads in flood-impacted areas within Gannawarra Shire.
[Community satisfaction rating out of 100 with how council has performed on the condition of sealed local roads]					
<b>Statutory Planning</b>					
<b>Decision making</b>					
<i>Council planning decisions upheld at VCAT</i>	0.00%	0.00%	0.00%	0.00%	No VCAT decisions were received during the 2022/2023 financial year.

[Number of VCAT decisions that did not set aside council's decision in relation to a planning application / Number of VCAT decisions in relation to planning applications] x100

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**Waste Collection**

**Waste diversion**

<i>Kerbside collection waste diverted from landfill</i>	37.15%	44.88%	37.99%	36.50%
[Weight of recyclables and green organics collected from kerbside bins / Weight of garbage, recyclables and green organics collected from kerbside bins] x100				

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The percentage of waste from kerbside collection being diverted from landfill has not changed materially from that reported last year and it continues to remain steady.

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**Definitions**

"Aboriginal child" means a child who is an Aboriginal person.

"Aboriginal person" has the same meaning as in the Aboriginal Heritage Act 2006

"active library borrower" means a member of a library who has borrowed a book from the library.

"annual report" means an annual report prepared by a council under section 98 of the Act.

"class 1 food premises" means food premises, within the meaning of the *Food Act 1984*, that have been declared as class 1 food premises under section 19C of that Act.

"class 2 food premises" means food premises, within the meaning of the *Food Act 1984*, that have been declared as class 2 food premises under section 19C of that Act.

"critical non-compliance outcome notification" means a notification received by council under section 19N (3) or (4) of the *Food Act 1984*, or advice given to council by an authorized officer under that Act, of a deficiency that poses an immediate serious threat to public health.

"food premises" has the same meaning as in the *Food Act 1984*

"local road" means a sealed or unsealed road for which the council is the responsible road authority under the *Road Management Act 2004*

"major non-compliance outcome notification" means a notification received by a council under section 19N (3) or (4) of the *Food Act 1984*, or advice given to council by an authorized officer under that Act, of a deficiency that does not pose an immediate serious threat to public health but may do so if no remedial action is taken.

"MCH" means the Maternal and Child Health Service provided by a council to support the health and development of children within the municipality from birth until school age.

"population" means the resident population estimated by council<sup>2</sup>

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<sup>2</sup> Council has utilised the March 2022 Australian Bureau of Statistics release for population estimate.

### Financial Performance Indicators

For the year ended 30 June 2023

Dimension / indicator / measure	Results				Forecasts				Material Variation Commentary
	2020	2021	2022	2023	2024	2025	2026	2027	
<b>Efficiency</b>									
<b>Expenditure level</b>									
<b>Expenses per property assessment</b> [ Total expenses / Number of property assessments]	\$4,345.14	\$4,708.71	\$4,696.00	\$5,387.00	\$5,035.35	\$5,193.33	\$5,293.20	\$5,414.87	The increase in this ratio is due to flood related works and depreciation for 2022/2023 being higher than prior years as a result of the infrastructure revaluations as at 30 June 2022. Flood related costs are primarily grant funded and are expected to be recouped via flood claims and acquittal. Provision for payment of redundancies associated with the exit of community care services by 31 October 2023 (\$1.3m) has also been factored into total expenses. The cash flow associated with the redundancies will occur in November 2023.
<b>Revenue level</b>									
<b>Average rate per property assessment</b>	\$1,611.12	\$1,613.29	\$1,654.71	\$1,727.29	\$1,786.29	\$1836.95	\$1889.26	\$1,934.16	The increase above rate cap is due the supplementary valuation of Kerang

[General rates and Municipal charges / Number of property assessments]									substation instigated by the Valuer General's office, generating a higher than budgeted rates income.
<b>Liquidity</b>									
<b>Working capital</b>									
<b>Current assets compared to current liabilities</b>	255.12%	197.32%	199.99%	224.38%	327.23%	336.39%	347.73%	359.32%	Council's position is sound with higher than anticipated cash and investments received. This is due to advance payment of 100% annual allocation of Federal Assistance Grants for 2023/2024, flood grants and other capital grants. Current leave provisions have been increased to allow for annual leave, long service leave and redundancy payouts for community care staff in November 2023 when Council exits this service. Current landfill provision has also increased to allow for landfill rehabilitation in 2023/2024. These movements are between non-current provisions and current provisions. The indicator increases in the forward years as Council does not budget for unearned grants which is an unknown factor.
[Current assets / Current liabilities] x100									
<b>Unrestricted cash</b>									
<b>Unrestricted cash compared to current liabilities</b>	48.76%	80.64%	54.41%	47.56%	174.12%	200.07%	219.95%	233.76%	Unrestricted cash is sufficient to cover Council's current obligation towards

<p><b>[Unrestricted cash / Current liabilities] x100</b></p>									<p>employee provisions, loan liabilities and trade payables. Unrestricted cash excludes other financial assets i.e., term deposits with maturity greater than 90 days. This indicator is lower than prior years because of the movement between non-current and current provisions to allow for annual leave, long service leave and redundancy payouts for community care staff in November 2023 when Council exits this service and current landfill provision increased to allow for landfill rehabilitation in 2023/2024.</p>	
<b>Obligations</b>										
<b>Loans and borrowings</b>										
<p><b>Loans and borrowings compared to rates</b></p>	3.46%	2.64%	1.79%	1.06%	0.34%	0.00%	0.00%	13.64%	<p>Council has a low level of debt. Based on current borrowings, Council will be debt free in 2024/2025. Council's Adopted Budget 2023/2024 proposes new loan borrowings for the construction of the Integrated Aquatic Facility in 2026/2027.</p>	
<p><b>[Interest and principal repayments on Interest bearing loans and borrowings / Rate revenue] x100</b></p>										
<b>Loans and borrowings</b>										
<p><b>Loans and borrowings repayments compared to rates</b></p>	1.07%	0.93%	0.89%	0.74%	0.71%	0.34%	0.00%	0.88%	<p>Council has a low level of debt. Based on current borrowings, Council will be debt free in 2024/2025. Council's Adopted Budget 2023/2024 proposes new loan</p>	
<p><b>[Interest and principal repayments on interest bearing</b></p>										

<b>loans and borrowings / Rate revenue] x100</b>											
<b>Indebtedness</b>											
<b>Non-current liabilities compared to own source revenue</b>	7.71%	8.36%	7.48%	3.35%	6.43%	6.28%	6.16%	14.29%			
<b>[Non-current liabilities / Own source revenue] x100</b>											
<b>Asset renewal and upgrade</b>											
<b>Asset renewal and upgrade compared to depreciation</b>	112.16%	111.53%	94.31%	71.15%	469.70%	261.45%	106.89%	141.45%			
<b>[Asset renewal and upgrade expense / Asset depreciation] x100</b>											
											<p>borrowings for the construction of the Integrated Aquatic Facility in 2026/2027.</p> <p>Council has a low level of debt. The debt is reducing and rates income is increasing in line with the rate cap. This indicator is lower than prior years because of the movement between non-current and current provisions to allow for annual leave and long service leave payouts for community care staff in November 2023 when Council exits this service. The current landfill provision increased to allow for landfill rehabilitation in 2023/2024. Council's adopted budget 2023/2024 proposes new loan borrowings for the construction of the Integrated Aquatic Facility in 2026/2027.</p> <p>The decrease in this ratio is due to depreciation for 2022/2023 being higher than prior years as a result of the infrastructure revaluations as at 30 June 2022. Capital spends on asset renewals and upgrade have not increased in line with the depreciation increase due to rate cap limits and limited opportunity to raise additional revenue.</p>



<b>Operating position</b>										
<b>Adjusted underlying result</b>										
<b>Adjusted underlying surplus (or deficit)</b>	-0.26%	-2.23%	4.45%	9.09%	-4.32%	0.26%	1.30%	1.48%	Council's 2022/2023 result is higher due to the early payment of 100% of the 2023/2024 annual allocation of Federal Assistance Grants. In 2021/2022, there was an early payment of 75% of the 2022/2023 annual allocation of Federal Assistance Grants. Provision for payment of redundancies associated with the exit of community care services by 31 October 2023 (\$1.3m) has also been factored into total expenses. The cash flow associated with the redundancies will occur in November 2023.	
<b>[Adjusted underlying surplus (deficit)/ Adjusted underlying revenue] x100</b>										
<b>Stability</b>										
<b>Rates concentration</b>										
<b>Rates compared to adjusted underlying revenue</b>	44.51%	41.84%	40.50%	35.10%	45.97%	43.80%	43.79%	43.78%	Rates proportion of adjusted underlying revenue is lower than prior years because of flood assistance grants received in 2022/2023.	
<b>[Rate revenue / Adjusted underlying revenue] x100</b>										
<b>Rates effort</b>										
<b>Rates compared to property values</b>	0.73%	0.72%	0.69%	0.55%	0.45%	0.46%	0.46%	0.47%		

[Rate revenue / Capital  
improved value of rateable  
properties in the municipality]  
x100

Rates revenue compared to property  
values remains consistent due to rate  
capping.

**Definitions**

"Adjusted underlying revenue" means total income other than:

- (a) non-recurrent grants used to fund capital expenditure; and
- (b) non-monetary asset contributions; and
- (c) contributions to fund capital expenditure from sources other than those referred to above

"Adjusted underlying surplus (or deficit)" means adjusted underlying revenue less total expenditure.

"Asset renewal expenditure" means expenditure on an existing asset or on replacing an existing asset that returns the service capability of the asset to its original capability.

"Current assets" has the same meaning as in the AAS.

"Current liabilities" has the same meaning as in the AAS.

"non-current assets" means all assets other than current assets.

"non-current liabilities" means all liabilities other than current liabilities.

"non-recurrent grant" means a grant obtained on the condition that it be expended in a specified manner and is not expected to be received again during the period covered by a council's Strategic Resource Plan

"Own-source revenue" means adjusted underlying revenue other than revenue that is not under the control of council (including government grants

"population" means the resident population estimated by Council. <sup>2</sup>

"Rate revenue" means revenue from general rates, municipal charges, service rates and service charges.

"Recurrent grant" means a grant other than a non-recurrent grant.

"Residential rates" means revenue from general rates, municipal charges, service rates and service charges levied on residential properties.

"Restricted cash" means cash and cash equivalents, within the meaning of the AAS, that are not available for use other than for a purpose for which it is restricted and includes cash to be used to fund capital works expenditure from the previous financial year.

"Unrestricted cash" means all cash and cash equivalents other than restricted cash.

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<sup>2</sup> Council has utilised the March 2022 Australian Bureau of Statistics release for population estimate.

## Other Information

For the year ended 30 June 2023

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### 1. Basis of preparation

Council is required to prepare and include a performance statement within its annual report. The performance statement includes the results of the prescribed sustainable capacity, service performance and financial performance indicators and measures together with a description of the municipal district and an explanation of material variations in the results. This statement has been prepared to meet the requirements of the *Local Government Act 2020* and *Local Government (Planning and Reporting) Regulations 2020*.

Where applicable the results in the performance statement have been prepared on accounting bases consistent with those reported in the Financial Statements. The other results are based on information drawn from Council information systems or from third parties (e.g., Australian Bureau of Statistics).

The performance statement presents the actual results for the current year and for the prescribed financial performance indicators and measures, the results forecast by the council's strategic resource plan. *The Local Government (Planning and Reporting) Regulations 2020* requires explanation of any material variations in the results contained in the performance statement. Council has adopted materiality thresholds relevant to each indicator and measure and explanations have not been provided for variations below the materiality thresholds unless the variance is considered to be material because of its nature.

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The forecast figures included in the performance statement are those adopted by Council in its strategic resource plan on 28 June 2023 and which forms part of the Council plan. The strategic resource plan includes estimates based on key assumptions about the future that were relevant at the time of adoption and aimed at achieving sustainability over the long term. Detailed information on the actual financial results is contained in the General-Purpose Financial Statements. The strategic resource plan can be obtained by contacting Council.

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## Certification of the Performance Statement

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In my opinion, the accompanying performance statement has been prepared in accordance with the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*.

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Shana Johnny, CPA

**Principal Accounting Officer**

**Dated:**

In our opinion, the accompanying performance statement of the Gannawarra Shire Council for the year ended 30 June 2023 presents fairly the results of Council's performance in accordance with the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*.

The performance statement contains the relevant performance indicators, measures, and results in relation to service performance, financial performance, and sustainable capacity.

At the date of signing, we are not aware of any circumstances that would render any particulars in the performance statement to be misleading or inaccurate.

We have been authorised by the council and by the *Local Government (Planning and Reporting) Regulations 2020* to certify this performance statement in its final form.

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Cr Charlie Gillingham

**Councillor**

**Dated:**

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Cr Garner Smith

**Councillor**

**Dated:**

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Geoff Rollinson

**Chief Executive Officer**

**Dated:**

**7.4 COUNCIL POLICY REVIEW - NO. 132 CHILD SAFE****Author:** Brooke Arnold, Manager Children's Services**Authoriser:** Paul Fernee, Director Community Wellbeing**Attachments:** 1 Council Policy No. 132 Child Safe**RECOMMENDATION****That Council endorse the following reviewed policy:**

1. Policy No. 132 – Child Safe

**EXECUTIVE SUMMARY**

Council officers undertake regular reviews of Council policies to ensure compliance with relevant legislation and to ensure that they are reflective of current practice. This report addresses the following policy that have been recently reviewed:

- Policy No. 132 – Child Safe

**PURPOSE**

The purpose of this report is to ensure good governance practices are in place whilst meeting legislative requirements.

**ATTACHMENTS****DISCUSSION**

Council officers undertake regular reviews of Council policies to ensure compliance with relevant legislation and that they reflect current practice. Council policies are reviewed as needed; however, most policies must be reviewed within either 12 months or two years after a General Election. Reviewed policies are presented to Council for endorsement, or for repeal if it is determined that the policy is no longer required.

Council policies provide guidance to staff, Council and the community and are published on Council's website.

Below is a summary of recommended adjustments to the recently reviewed policies:

<b>Policy No.</b>	<b>Policy Title</b>	<b>Comments</b>
132	Child Safe	<p>The intent of this policy is to support Council's commitment to promoting and protecting the interests and safety of children and young people in accordance with the Victoria Child Safe Standards.</p> <p>The proposed adjustments to this policy are in line with legislative changes. The policy addresses the 11 Child Safe Standards, replacing the previous 7 standards model.</p> <p>The Council's Statement of Commitment has been strengthened to include the views of both council and families utilising council services.</p>

		Key responsibilities have been included in the policy to ensure councillors, employees, contractors and specific management groups understand their responsibility to the Child Safe Standards.
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### RELEVANT LAW

- Children Youth and Families Act (2005)
- Working with Children Act (2005)
- Child Wellbeing and Safety Act (2005)
- Crimes Act (1958)
- The Charter of Human Rights and Responsibilities Act (2006)
- The Commission for Children and Young People Act (2012)
- Equal Opportunity Act (2010)
- Privacy & Data Protection Act (2014)
- Public Records Act (1973)
- Gender Equality Act (2020)

### RELATED COUNCIL DECISIONS

Council originally adopted this Policy at its December 2016 Council meeting, and recently reviewed the policy in July 2022.

### OPTIONS

Council may wish to endorse the proposed adjustments or make alternative adjustments or decide to not make any adjustments to the policy at this time.

### SUSTAINABILITY IMPLICATIONS

Not Applicable.

### COMMUNITY ENGAGEMENT

Engagement regarding the Child Safe Standards was undertaken with the parents and families of children attending the Gannawarra Shire Council's Children's Centre and external kindergartens. All families were asked to respond to three questions around child safety, these were:

- What are four things necessary to keep children safe?
- How do you ensure your child is safe?
- What does child safety mean to you?

The initial response rate was quite low and families required a few prompts before some began to respond. Educators across the services also assisted in collecting responses by having verbal conversations with families about child safety at drop off and pick up times.

The top responses to the questions included:

- Empowering children to make decisions

- Allowing children the right to choose and say no when they are uncomfortable
- Ensuring boundaries are in place and respected
- Providing children with a safe and secure environment
- Inclusion of families in decision making around care provided to children

Family responses have been included in the statement of commitment to Child Safety.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not Applicable.

**COLLABORATION**

Not Applicable.

**FINANCIAL VIABILITY**

Not Applicable.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not Applicable.

**COUNCIL PLANS AND POLICIES**

Council Policy No. 074 – Information Privacy and Health Records

Council Policy No. 117 – Complaint Handling

Council Policy No. 127 – Compliance

Council Policy No. 137 – Abuse and Neglect

**TRANSPARENCY OF COUNCIL DECISIONS**

This report will be considered in an open Council meeting.

**CONFLICT OF INTEREST**

The officer preparing this report declares that they have no conflict of interest in regard to this matter.





# Child Safe

## COUNCIL POLICY NO. 132

### 1. PURPOSE

The intent of this policy is to support Council's commitment to promoting and protecting the interests and safety of children and young people and in accordance with the Victoria Child Safe Standards.

Council supports and respects the rights of all children and young people, and for children and young people to feel and be safe, happy and empowered. Council has a zero tolerance toward child abuse.

This Policy applies to all Councillors, staff, contractors and volunteers engaged by Council.

### 2. DEFINITIONS

**Child:** a person who is under the age of 18

**Child Abuse:** For the purposes of the Child Safe Standards, abuse constitutes any act committed against a child involving:

- Sexual abuse or sexual misconduct
- Grooming
- Physical abuse or violence
- Significant emotional and psychological abuse
- Significant neglect

**Child related work:** Work within one or more occupational fields defined under the Children's Services Act where contact with children is direct, unsupervised, and part of a person's duties, not incidental to their work.

**Child Safe Officer:** Child Safe officers will provide guidance, support and advice to the person who witnessed the offence. They will ensure that all proper reporting processes are adhered to in relation to any child safety concerns or allegations of abuse within.

**Child safety:** In the context of the Child Safe Standards, child safety means measures to protect a child from abuse.

**Child Safe Organisation:** In the context of the Child Safe Standards, a child safe organisation is one that meets the Child Safe Standards by proactively taking measures to protect children from abuse.

**Council:** Gannawarra Shire Council

**Councillor:** Councillor is an elected Council member of the Gannawarra Shire Council, including the Mayor and Councillors.

**Cultural safety for Aboriginal Children:** The positive recognition and celebration of cultures. It is more than just the absence of racism or discrimination, and more than cultural awareness and cultural sensitivity.

**Cultural safety for children from culturally and/or linguistically diverse backgrounds:** A child who identifies as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home or because of their parents' identification on a similar basis.



**Children with a disability:** A disability can be any physical, sensory, neurological disability, acquired brain injury or intellectual disability or developmental delay that affects a child's ability to undertake everyday activities. A disability can occur at any time in life. Children can be born with a disability or acquire a disability suddenly through an injury or illness. Some disabilities may be obvious while others are hidden.

**Designated Child Safe Officer:** Council's Manager Children's Services.

**Duty of Care:** The obligation of Council employees, contractors and volunteers to take reasonable steps to protect children in their care from the risks of injury that are reasonably foreseeable.

**Staff:** Staff in this instance include any person representing Council in its delivery of services including employees, contractors and volunteers.

**Young Person:** a person 18 years and under.

### 3. SUMMARY

All staff are responsible for supporting the safety, participation, wellbeing, and empowerment of children as part of Council's obligations under the Victorian Child Safe Standards. Staff, whether working directly with children or not, are required to observe child safety principles and expectations of appropriate behaviour towards and in the company of children whilst at work, along with their responsibilities in reporting incidents.

The Child Safe Standards are:

- **Standard 1** – Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued.
- **Standard 2** – Child safety and wellbeing is embedded in organizational leadership, governance, and culture.
- **Standard 3** – Children and young people are empowered about their rights, participate in decisions affecting them and taken seriously.
- **Standard 4** – Families and communities are informed and involved in promoting child safety and wellbeing
- **Standard 5** – Equity is upheld and diverse needs respected in policy and practice.
- **Standard 6** – People working with children and young people are supported to reflect child safety and wellbeing values in practice.
- **Standard 7** – Processes for complaints and concerns are child focused.
- **Standard 8** – Staff and Volunteers are equipped with knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
- **Standard 9** – Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
- **Standard 10** – Implementation of the Child Safe Standards is regularly reviewed and improved.
- **Standard 11** – Policies and procedures document how the organisation is safe for children and young people.

For further information, please contact Council's Designated Child Safe Officer.

### 4. POLICY

#### Statement of commitment

Gannawarra Shire Council is committed to ensuring the safety and wellbeing of children and young people. We have a Zero Tolerance approach to child abuse. We are committed to creating and maintaining a child-safe and child-friendly organisation where all children and young people are valued and protected from abuse.

Particular attention will be paid to the cultural safety of Aboriginal children, children from culturally and/or linguistically diverse backgrounds, LGBTI young people as well as the safety of children with a disability. Every person involved with Gannawarra Shire Council has a responsibility to understand the important specific role they play, individually and collectively, to ensure that the wellbeing and safety of children and young people is at the forefront of



every decision they make.

We are committed to creating and maintaining a child-safe organisation where protecting children from abuse, harm and neglect is embedded in the everyday thinking and practice of council, its employees, contractors and volunteers.

As a child safe organisation, we are committed to providing a child safe environment where children feel safe, are empowered, valued and protected. Council will actively listen to children, ensuring their voices are heard and considered in decisions that affect their lives.

We believe children and young people have an inherent right to grow up happy, healthy and safe.

**Responsibilities**

Every person employed with or acting on behalf of Gannawarra Shire Council has a responsibility to understand their important and specific role, individually and collectively, to ensure that the wellbeing and safety of all children is at the forefront of all they do and every decision they make. Key roles and responsibilities have been outlined for the purpose of clarity and understanding as follows:

<p><b>All Staff – Employees/Contractors/Volunteers</b></p>	<ul style="list-style-type: none"> <li>• Complete the mandatory Child Safe Standards training on commencement with Gannawarra Shire Council and undertake recertification every two years</li> <li>• Conduct work according to the requirements of the Gannawarra Shire Council Child Safe Policy, procedures and Staff Code of Conduct.</li> <li>• Report all concerns regarding child safety or harm to a Child Safety Officer.</li> <li>• Where a child is in immediate danger call 000.</li> <li>• Employees can also call Child Protection Crisis Line available 24/7 on 13 12 78 or Child Protection Northern Division 1300 664 977 for additional support.</li> </ul>
<p><b>All Councillors</b></p>	<ul style="list-style-type: none"> <li>• Complete the mandatory Child Safe Standards training on commencement of their election with Gannawarra Shire Council and undertake recertification every two years.</li> <li>• Conduct work according to the requirements of the Gannawarra Shire Council Child Safe Policy, procedures and Councillor Code of Conduct.</li> </ul>
<p><b>Child Safety Officer/s</b></p>	<p>Act as the first point of contact for child safety concerns or allegations of:</p> <ul style="list-style-type: none"> <li>• abuse within Council and provide support to other personnel.</li> <li>• Oversee the implementation of Child Safe policies and procedures.</li> <li>• Engage the assistance of expert advice as required when the nature of the child safety issue is beyond experience, knowledge or qualifications.</li> <li>• Ensure child safety concerns are reported in accordance with Council’s Child Safe Reporting Process.</li> </ul>





<p><b>Executive Team</b></p>	<ul style="list-style-type: none"> <li>• Receive reports of child safety concerns or allegations of abuse within council.</li> <li>• Where required, offer support to the child, the parents, the person who reports and the accused staff member or volunteer.</li> <li>• Initiate internal processes to ensure the safety of the child, clarify the nature of the complaint and commence disciplinary process (if required).</li> <li>• Where applicable, decide, in accordance with legal requirements and duty of care, whether the matter should/must be reported to the police or Child Protection and make a report as soon as possible if required.</li> <li>• Ensure child safety concerns are reported in accordance with Council’s Child Safe Reporting Process.</li> </ul>
<p><b>Managers &amp; Team Leaders</b></p>	<ul style="list-style-type: none"> <li>• Conduct recruitment practices in line with Council’s recruitment and selection guideline requirements for child related work.</li> <li>• Ensure appropriate child safety checks and screening is undertaken prior to offering positions.</li> <li>• Ensure staff have access to and are aware of the Child Safe Policy and procedures.</li> <li>• Ensure that new workers complete compulsory Induction on commencement with Council.</li> </ul>
<p><b>Leadership Team</b></p>	<ul style="list-style-type: none"> <li>• Act as the first point of contact for child safety concerns or allegations of abuse within Council and provide support to other personnel.</li> <li>• Oversee the implementation of Child Safe policies and procedures.</li> <li>• Engage the assistance of expert advice as required when the nature of the child safety issue is beyond experience, knowledge or qualifications.</li> <li>• Ensure child safety concerns are reported in accordance with Council’s Child Safe Reporting Process.</li> </ul>
<p><b>Human Resources</b></p>	<ul style="list-style-type: none"> <li>• Provide information (including Staff Code of Conduct) relating to the Child Safe Standards and Policy via training / induction material and make available to all leaders for dissemination.</li> <li>• Manage Council’s disciplinary procedures as they apply to the Child Safe Standards and policy.</li> <li>• Support the application of relevant recruitment and pre-employment screening processes to select appropriate staff to work with children.</li> <li>• Support staff to build resilience and cope with child abuse incidences, for example through resilience training, and Council’s Employee Assistance Program (EAP) counselling service.</li> <li>• Reflect a culture of child safety in Organisational Development activities.</li> </ul>

**Legislative Requirements**

All Council Representatives are responsible for the care and protection of children and young people, and reporting information about child abuse. Everyone in the organisation must have a shared understanding of child safety and their responsibilities in keeping children safe from abuse and harm.

Council takes its legal and reporting responsibilities seriously, including the following obligations:



**Responsibility to protect**

When a Council Representative forms a reasonable belief that a child or young person has been harmed or is at risk, they have a duty of care to take action to protect the safety and wellbeing of that child. It is a moral obligation and everyone has a responsibility to protect children.

Council will ensure that all Council Representatives have the ability to identify potential risks and understand their responsibility to act to prevent the abuse or harm of a child or young person. If they fail to do so, it is a criminal offence under Section 49C Crimes Act 1958 (Vic).

Council will take all reasonable care to prevent the abuse of a child or young person by a person associated with Council while the child is under the care, supervision or authority of Council in its services or programs.

**Responsibility to disclose**

This section specifically refers to sexual offences against children under the age of 16 years.

All adults in the state of Victoria, hence all Council Representatives who have any reasonable belief that a sexual offence has been committed by another adult over 18 years against a child under the age of 16 years **must** report that belief to police. It is a criminal offence to fail to report.

This must be reported as soon as possible unless there is a reasonable excuse or an exemption applies.

A reasonable excuse may include a fear for the immediate safety of the victim or another person as a result of the disclosure, or the information has already been disclosed to the police. It does not include a perceived interest such as reputation, legal liability or financial status.

**Responsibility for mandatory reporting**

Everyone has a moral responsibility to report concerns about child abuse. Under Section 182(1) of the Children, Youth and Families Act 2005 (as amended in 2011) certain professionals including nurses, midwives, teachers including early childhood teachers, principals, a person in a religious ministry, a person employed by a children's service within the meaning of the Children's Services Act, registered psychologist, youth and child welfare worker, youth justice officer and a youth parole officer and police are mandatory reporters and are legally bound to make a report to Child Protection Services when they have concerns of child abuse and the child is in need of protection.

**Risk Management**

A risk management approach will be adopted to minimise or eliminate the potential for child abuse or harm to occur. Risk analysis and data is utilised to inform policy, procedures and activity planning, helping to facilitate ongoing continuous improvement.

Risk management strategies are outlined in our Children's Services Risk Management Documentation and are used to identify, assess, and take steps to minimise child abuse risks. In addition to general occupational health and safety, risk assessments will include potential risks to child safety such as the physical environment.

**Recruitment**

Our commitment to child safety will be further demonstrated in careful selection of people that we work with both through employment and in the provision of services to council. The engagement of staff will be subject to robust reference checking, interviews and where appropriate working with children and police checks.

**Training**

Training and education are important to ensure that everyone understands that child safety is everyone's responsibility within the organisation. All Council Representatives will be made aware of their obligations and expectations of working in a Child Safe Organisation via Council's Code of Conduct, new employee induction and awareness and training sessions.



All employees are assigned compulsory online Child Safe Standards training to complete as part of their induction to Council and every two years thereafter. Child Protection and Mandatory Reporting Training will be completed by relevant employees as prescribed by the Department of Education

Council ensures all employees are aware of the established Gannawarra Shire Council Child Safe Reporting Process to ensure the implementation of child safe practices are implemented with children and young people across the organisation

#### **Reportable Conduct Scheme**

The Victorian Reportable Conduct Scheme (RCS) seeks to improve organisations' response to allegations of child abuse and neglect by their workers and volunteers. The scheme is established by the Child Wellbeing and Safety Act 2005.

The RCS has been designed to ensure that the Commission of Children and Young People (the Commission) will be aware of every allegation of certain types of misconduct involving children in relevant organisations that exercise care, supervision and authority over children.

For more detailed information about the RCS and organisations' responsibilities please refer to:

<https://ccyp.vic.gov.au/reportable-conduct-scheme/>

Council will comply with all requirements under the RCS and will ensure all staff report all allegations of misconduct or reportable conduct to the appropriate person- even if the conduct happens outside the workplace.

#### **Children's Participation and empowerment**

Council will aim to ensure:

- reporting procedures are accessible for all children and young people.
- children and young people understand their rights and understand what abuse is and how they can seek support or advice (in an age appropriate manner).
- children and young people feel safe, empowered and taken seriously if they raise concerns.
- children and young people's reports of concern are responded to appropriately.
- staff and volunteers understand how to empower children and young people and encourage their participation.

## **5. ALLEGATIONS, CONCERNS AND COMPLAINTS**

### **Reporting**

Council takes all allegations seriously and has practices in place to investigate thoroughly and quickly.

We work to ensure all children, families, Councillors, staff and volunteers know what to do and who to tell if they observe abuse or are a victim, and if they notice inappropriate behaviour. We all have a responsibility to report an allegation of abuse if we have a reasonable belief that an incident took place. If an adult has a reasonable belief that an incident has occurred, then they must report the incident. Factors contributing to reasonable belief may include:

- a child states they or someone they know has been abused (noting that sometimes the child may in fact be referring to themselves),
- behaviour consistent with that of an abuse victim is observed,
- someone else has raised a suspicion of abuse but is unwilling to report it,
- observing suspicious behaviour.

Concerns, requests for advice, or complaints may be raised with Council's Designated Child Safe Officer – Manager Children's Services.



### Privacy and Record Keeping

Council is committed to protecting an individual's right to privacy. All personal information considered or recorded during the process of a report or investigation will be handled in accordance with Council Policy No. 074 – Information Privacy and Health Records. Council is committed to best practice when keeping and maintaining confidential records of child abuse allegations or reports. Records will be retained in keeping with the recommendations from the Public Records Office Victoria.

Risks to child safety that are identified in complaints, reports or allegations of abuse will be reviewed and incorporated into the relevant risk register.

### Support

Where appropriate, following a reported child safety concern, Council will:

- assist alleged victims and their families to access counselling and support services.
- provide support to affected staff through Council's Employee Assistance Program.

## 6. POLICY REVIEW

Council will review this policy as required but always within 2 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*.

## 7. 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](http://www.gannawarra.vic.gov.au).

Any enquiries in relation to this Policy should be directed to the Chief Executive Officer on (03) 5450 9333.

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Originally adopted:	21/12/2016	Minute Book Reference:	12478
Reviewed:	20/07/2022		
Reviewed:	Xx/xx/2023		
To be reviewed by:	2026		

## 7.5 GOVERNANCE RULES REVIEW

**Author:** Alissa Harrower, Manager Governance

**Authoriser:** Geoff Rollinson, Chief Executive Officer

**Attachments:** 1 Gannawarra Shire Council Governance Rules (version 20 September 2023)

### RECOMMENDATION

**That Council:**

1. Revoke Gannawarra Shire Council's Governance Rules, adopted by Council on 17 August 2022.
2. Adopt Gannawarra Shire Council Governance Rules as presented and attached to this report.

### EXECUTIVE SUMMARY

Council is required to develop, adopt and keep in force Governance Rules, pursuant to Section 60 of the *Local Government Act 2020* (the Act). The Governance Rules also incorporate Council's Election Period Policy.

The Governance Rules were last reviewed and endorsed by Council at the August 2022 Council meeting. Since then, a number of required changes have been identified. These changes are presented to Council for final endorsement after a period of community engagement.

### PURPOSE

To ensure compliance with Sections 60 and 69 of the *Local Government Act 2020*, whilst providing for good governance practices.

### ATTACHMENTS

Gannawarra Shire Council Governance Rules (version 20 September 2023).

### DISCUSSION

Since the last review of the Governance Rules in August 2022, further changes have been identified to improve the operation of Council meetings.

A summary of proposed changes and the purpose of the change is included in the table below.

Rule	Current Rule	Proposed change	Purpose
7(3)(f)	The procedure in paragraph (e) must be repeated until the circumstances in paragraph (c) apply or until there are only two nominees remaining in which case a further vote must be taken and	The procedure in paragraph (e) must be repeated until the circumstances in paragraph (c) apply or until there are only two nominees remaining in which case a further vote must be taken and the nominee with an absolute majority will be	The addition of absolute majority ensures a consistent approach as per Rule 7(3) (a) which states <i>Subject to paragraphs c) and d, the Mayor must be elected by an</i>



	the nominee with a majority will be declared elected.	declared elected.	<i>absolutely majority of the Councillors.</i>
13(4)(c) (proposed)		A written notice to call an unscheduled meeting must: (c) include the proposed motion or a summary of the proposed action.	The addition of this rule will ensure officers are able to draft the Council report with the appropriate information required as well as an officer recommendation.
Rule 24	The Chief Executive Officer may provide written notice of an adjourned meeting but where that is not practicable because time does not permit that to occur, then provided a reasonable attempt is made to contact each Councillor, notice by telephone, facsimile, in person or by some other means will be sufficient.	The Chief Executive Officer may provide written notice of an adjourned meeting but where that is not practicable because time does not permit that to occur, then provided a reasonable attempt is made to contact each Councillor, notice by telephone, email, in person or by some other means will be sufficient.	Facsimile is not a current contact method by Council.
Rule 51	<ol style="list-style-type: none"> <li>1) Any Councillor or person who addresses the meeting may remain seated and shall direct all remarks through the Chair.</li> <li>2) Any person addressing the Chairperson should refer to the Chairperson as: <ol style="list-style-type: none"> <li>a) Mayor, or</li> <li>b) Chairperson as the case may be.</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1) Any Councillor or person who addresses the meeting may remain seated and shall direct all remarks through the Chair.</li> <li>2) Any person addressing the Chairperson should refer to the Chairperson as: <ul style="list-style-type: none"> <li>• Mayor, or</li> <li>• Chairperson as the case may be.</li> </ul> </li> <li>3) All Councillors, other than the Mayor,</li> </ol>	This change ensures Council's obligation with the Gender Equality Act 2020 and Council's obligations.

	<p>3) All Councillors, other than the Mayor, should be addressed as Councillor _____ (surname).</p> <p>4) All Council staff, should be addressed as Officer _____ (surname) or by their official title.</p>	<p>should be addressed as Councillor _____ (surname).</p> <p>4) All Council staff, should be addressed as Officer _____ (surname) or by their official title.</p>	
Rule 25(3)(b)	Admitted as Urgent Business in accordance with Clause 27.	Admitted as Urgent Business in accordance with Clause 28.	Currently, clause 27 does not reflect the relevant rule. Clause 28 reflects Urgent Business.
104(1) (proposed)		A petition or joint letter must be received by Council no later than 12 noon ten business days before the Meeting at which it is intended to be considered to ensure its inclusion in the agenda.	This will ensure the item can be listed in the agenda and is given the time and consideration required to prepare a report for Council.
Division 9 (proposed)		<p><b>Division 9. Tabling of Arbiters Decision</b></p> <p>(1) In accordance with section 147(4) of the <i>Local Government Act 2020</i>, a copy of the arbiter’s decision and statement of reason must be tabled at the next Council meeting after the Council received the copy of the arbiter’s decision and statement of reasons and recorded in the minutes of the meeting.</p> <p>(2) A copy of the decision and statement of reason will not be included in the agenda.</p>	There is currently no Rule in place to guide the tabling of an Arbiter’s Decision and Statement of Reason. By including this Rule, officers and Councillors will be clear on the process to be followed.

		<p>(3) If the arbiter’s decision and statement of reason contains any confidential information, the confidential information must be redacted from the copy tabled under subsection (4) of The Act.</p> <p>(4) Discussion on the item will be at the discretion of the Chair.</p>	
Schedule 2 – Question Time Guidelines	<p>Completed Questions Time forms must be submitted to the Chief Executive Officer or a person authorised for this purpose by the Chief Executive Officer no later than 8.30am on the day prior to the Council meeting.</p> <p>Questions will be read by the Mayor or Chief Executive Officer.</p>	<p>Completed Questions Time forms must be submitted to the Chief Executive Officer or a person authorised for this purpose by the Chief Executive Officer no later than 5.00pm on the day prior to the Council meeting.</p> <p>All Councillors will receive a copy of the questions received and if applicable, the answers to be provided, prior to the relevant Council Meeting.</p> <p>When the Council Meeting moves to public question time, the Mayor or in their absence, the Meeting Chair, will call on each person who has submitted an approved question to ask their question verbally, if they wish. If they do not wish to ask their question, the Mayor or Chief Executive Officer will read out their question on their behalf.</p>	<p>These changes will allow for improved community engagement and will also ensure all Councillors are provided with Question Time questions, ensuring they are best placed when representing their community.</p>
Schedule 3 – Guidelines for Petitions and Joint Letters	<p><b>Processing a petition</b></p> <p>Petitions should be forwarded to the Chief Executive Officer. The CEO will provide a copy of petitions to all Councillors and submit</p>	<p><b>Processing a petition</b></p> <p>Petitions should be forwarded to the Chief Executive Officer no later than 12 noon, 10 business days before the Meeting at which it is intended to be</p>	

	the petition to the next Council meeting.	considered. The CEO will provide a copy of petitions to all Councillors and submit the petition to the Council meeting.	
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In respect of Section 69 of the Act, a number of proposed amendments have been made to Schedule 4 – Election Period Policy. These proposed amendments bring the Policy in line with the 2024 Council Election.

### **RELEVANT LAW**

*Local Government Act 2020*

### **RELATED COUNCIL DECISIONS**

The Gannawarra Shire Council Governance Rules were last reviewed and endorsed by Council at its meeting on 17 August 2022.

At its meeting on 16 August 2023, Council resolved to endorse the proposed amendments to Council's Governance Rules for community feedback.

### **OPTIONS**

Option 1. Council may choose to endorse the proposed amendments.

Option 2. Council may choose to endorse alternative amendments.

Option 2. Council may choose to not endorse the amendments to the Governance Rules. This option is not recommended by officers.

### **SUSTAINABILITY IMPLICATIONS**

There are no sustainability implications resulting from the Governance Rules review.

### **COMMUNITY ENGAGEMENT**

The *Local Government Act 2020* requires Council to ensure that a process of community engagement is followed in developing or amending its Governance Rules.

The draft Governance Rules were advertised on Council's website and social media pages from 17 August 2023 to 30 August 2023. There was no feedback received from the community.

### **INNOVATION AND CONTINUOUS IMPROVEMENT**

In the 12 months of operation under the current Governance Rules, additional improvements have been identified, providing for good governance practices in order to achieve the best outcomes for the community via the operation of Council meetings.

### **COLLABORATION**

Officers have reviewed a number of councils Governance Rules including those listed by the Victorian Local Government Inspectorate.

### **FINANCIAL VIABILITY**

The review of Council's Governance Rules contains no budgetary implications or considerations.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

Gannawarra Shire Council Plan 2021 – 2025

- Be a creative employer of choice through our adherence to good governance and our inclusive culture.

**TRANSPARENCY OF COUNCIL DECISIONS**

This report will be considered in an open Council meeting.

**CONFLICT OF INTEREST**

The officer preparing this report declares that they have no conflict of interest in regards to this matter.

# GANNAWARRA SHIRE COUNCIL

## GOVERNANCE RULES

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## PART 1 - PRELIMINARY

### 1. Purpose

The purpose of these Governance Rules is to provide for:

- a) the conduct of Council meetings;
- b) the conduct of meetings of delegated committees;
- c) the form and availability of meeting records;
- d) the election of the Mayor and Deputy Mayor;
- e) the appointment of an Acting Mayor;
- f) an election period policy;
- g) the procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee at a meeting of the Council or a delegated committee;
- h) the procedure for the disclosure of a conflict of interest by a Councillor at a meeting under the auspices of Council that is not a meeting of the Council or a delegated committee;
- i) the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter;
- j) the consideration and making of decisions on any matter being considered by Council fairly and on the merits;
- k) the institution of decision-making processes to ensure that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered; and
- l) any other matters prescribed by regulations made under the Act.

### 2. Role of Council

- 1) The role of Council is to provide good governance in its municipal district for the benefit and wellbeing of the Gannawarra municipal community.
- 2) Council will provide good governance through —
  - a) the performance of its role in accordance with the overarching governance principles and supporting principles of the Act; and
  - b) the Councillors of the Council performing their roles in accordance with the requirements of the Act.
- 3) In performing its role, Council may—
  - a) perform any duties or functions or exercise any powers conferred on Council by or under the Act or any other Act; and
  - b) perform any other functions that Council determines are necessary to enable Council to perform its role.
- 4) If it is necessary to do so for the purpose of performing its role, Council may perform a function outside its municipal district.

### 3. Overarching governance principles and supporting principles

- 1) Council will in the performance of its role give effect to the overarching governance principles.
- 2) The following are the overarching governance principles—
  - a) Council decisions are to be made and actions taken in accordance with the relevant law;

- b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;
  - c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
  - d) the municipal community is to be engaged in strategic planning and strategic decision making;
  - e) innovation and continuous improvement is to be pursued;
  - f) collaboration with other Councils and Governments and statutory bodies is to be sought;
  - g) the ongoing financial viability of the Council is to be ensured;
  - h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making; and
  - i) the transparency of Council decisions, actions and information is to be ensured.
- 3) In giving effect to the overarching governance principles, Council will take into account the following supporting principles—
- a) the community engagement principles;
  - b) the public transparency principles;
  - c) the strategic planning principles;
  - d) the financial management principles; and
  - e) the service performance principles.

**4. Council decision making**

- 1) Council must consider, and make decisions on, any matter being considered by Council fairly and on the merits.
- 2) Any person whose rights will be directly affected by a decision of the Council is entitled to:
  - a) communicate their views by written submission; and
  - b) have their interests considered.
- 3) For the purposes of subclauses (1) and (2), a decision of Council means the following—
  - a) a resolution made at a Council meeting;
  - b) a resolution made at a meeting of a Delegated Committee; or
  - c) the exercise of a power or the performance of a duty or function of Council by a member of Council staff or a Community Asset Committee under delegation.

**5. Definitions**

In these Governance Rules, unless inconsistent with the context:

<b>Words</b>	<b>Meaning</b>
Act	The <i>Local Government Act 2020</i>
Agenda	A document containing the date, time and place of a meeting and a list of business to be transacted at the meeting
Business days	Monday to Friday, excluding public holidays
Chair	The Chairperson

<b>Words</b>	<b>Meaning</b>
Chairperson	The person who chairs a meeting of Council, a Delegated Committee or a Community Asset Committee, and includes a person acting as Chairperson, a temporary Chairperson or a substitute Chairperson.
Chief Executive Officer	The person occupying the office of Chief Executive Officer of Council, including a person acting in that office
Clause	A clause of these Governance Rules
Delegated Committee Meeting	A meeting of a Delegated Committee convened in accordance with these Governance Rules and includes a scheduled or unscheduled meeting, whether held as face-to-face (in person) attendance in a set location or via electronic means of communication (virtual)
Common Seal	The Common Seal of Council
Community Asset Committee	A Community Asset Committee established by Council under section 65 of the Act
Council	The Gannawarra Shire Council
Councillor	A Councillor of Council
Council Meeting	A meeting of Council convened in accordance with these Governance Rules and includes a scheduled or unscheduled meeting whether held as face-to-face (in person) attendance in a set location or via electronic means (virtual)
Delegate	A member of Council staff to whom powers, functions and duties have been delegated by an instrument of delegation
Delegated Committee	A Delegated Committee established by Council under section 63 of the Act
Deputy Mayor	The Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor
Division	A formal count and recording of those for and those against a motion
Mayor	The Mayor of Council and any person appointed by Council to be acting as Mayor
Meeting	A meeting of Council, a Delegated Committee or a Community Asset Committee
Member	A person who is entitled to vote at a meeting of Council, a Delegated Committee or a Community Asset Committee
Minutes	The official record of the proceedings and decisions of a meeting
Motion	A proposal framed in a way that will result in the opinion of Council being expressed, and a Council decision being made, if the proposal is adopted
Notice of Motion	A notice setting out the text of a motion which is proposed to be moved at the next relevant meeting
Notice of Rescission	A Notice of Motion to rescind a resolution made by Council
Procedural Motion	A Motion that relates to a procedural matter only and which is not designed to produce any substantive decision but used merely as a formal procedural measure

Words	Meaning
Suspension of Standing Orders	The suspension of the meetings provisions of the Governance Rules to facilitate full discussion on a matter without formal constraints

## PART 2 – THE MAYOR, DEPUTY MAYOR AND ACTING MAYOR

### 6. When a Mayor is to be elected

- 1) A Mayor is to be elected:
  - a) as soon as practicable after the declaration of the result of the election; or
  - b) where the position of Mayor otherwise becomes vacant, as soon as practicable after the vacancy has occurred.
- 2) Before the election of the Mayor, Council must determine by resolution whether the Mayor is to be elected for a one or two year term.
- 3) If the Mayor is elected for a one year term, the next election of the Mayor must be held on a day to be determined by Council that is as close to the end of the one year term as is reasonably practicable.
- 4) If the Mayor is elected for a two year term, the next election of the Mayor must be held on a day to be determined by Council that is as close to the end of the two year term as is reasonably practicable.
- 5) The election of a Mayor after the period specified in this clause does not invalidate the election.
- 6) A Councillor elected to fill a vacancy in the office of Mayor caused other than by the expiration of a one or two year term serves the remaining period of the previous Mayor's term.

### 7. Election of Mayor

- 1) Any meeting to elect the Mayor must be chaired by the Chief Executive Officer.
- 2) The election of the Mayor must be undertaken by a show of hands.
- 3) In determining the election of the Mayor, the following will apply:
  - a) Subject to paragraphs c) and d), the Mayor must be elected by an absolute majority of the Councillors.
  - b) If an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.
  - c) However, if only one Councillor is a candidate for Mayor, the meeting must declare that Councillor to be duly elected as Mayor.
  - d) In this clause, absolute majority means the number of Councillors which is greater than half the total number of the Councillors of a Council.
  - e) where there are more than two nominations received and the result has not been determined under paragraphs (b) or (c) the nominee with the fewest number of votes cast must be eliminated (and if more than one of them, the nominee determined by lot) and the names of the remaining nominees must be put to the vote again.
  - f) the procedure in paragraph (e) must be repeated until the circumstances in paragraph (c) apply or until there are only two nominees remaining in which case a further vote must be taken and the nominee with an absolute majority will be declared elected.

- 4) If the Mayor is temporarily absent, including being unable to attend a Council meeting for any reason, the Deputy Mayor is the appointed Acting Mayor unless there is no elected Deputy Mayor or such person is unavailable in which case an Acting Mayor is to be appointed.

**8. Deputy Mayor**

Any election by Council of a Deputy Mayor will follow the same procedure as that for an election of the Mayor with the exception of clause 1).

**9. Acting Mayor**

Any appointment of an Acting Mayor will be in accordance with section 20B of the Act.

## PART 3 – COUNCIL MEETINGS

### Division 1 – General

#### 10. Purpose of Council meetings

- 1) Council holds scheduled meetings and, when required, unscheduled meetings to conduct the business of Council.
- 2) Council is committed to transparency in decision making and, in accordance with the Act, Council and Delegated Committee meetings are open to the public including by:
  - a) allowing members of the community to attend the meetings;
  - b) livestreaming virtual meetings;
  - c) making a recording of the meeting proceedings available on Council's website; and/or
  - d) making available the agenda and minutes of the meetings, except to the extent that these documents contain confidential information or information which is contrary to the public interest to release.
- 3) Meetings will only be closed to members of the public if:
  - a) the meeting is to consider confidential information as defined in the Act; or
  - b) a meeting is required to be closed for security reasons; or
  - c) the meeting is required to be closed for the protection of Councillors, or the public consistent with state or federal government guidelines or public health considerations; or
  - d) it is necessary to enable the meeting to proceed in an orderly manner.
- 4) If a meeting is closed to the public for the reasons outlined in subclause 3b), 3c) or 3d), and if that meeting is a virtual meeting, the meeting will continue to be livestreamed. In the event the meeting is being held face-to-face, or a livestream is not available, the meeting may be adjourned, or a recording of the proceedings may be available on Council's website.
- 5) If it has been determined that a meeting is to be closed to the public to consider confidential information, the minutes of the meeting that are available for public inspection must record:
  - a) the ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of confidential information in clause 3(1) of the Act; and
  - b) an explanation of why the specified ground or grounds have been applied.

#### 11. Apologies and absences

- 1) Councillors and members of Delegated Committees who are unable to attend a meeting may submit an apology:
  - a) in writing to the Chairperson, who will advise the meeting; or
  - b) by seeking another Councillor or member of a Delegated Committee to submit it at the meeting on their behalf.
- 2) An apology submitted to a meeting will be recorded in the minutes.
- 3) A Councillor intending to take a leave of absence should submit it in writing to the Mayor.
- 4) The Mayor will seek to have any leave of absence request received included in the agenda of the next Council meeting.
- 5) A leave of absence not included in a Council meeting agenda may still be considered by Council if a written request has been received by the Mayor prior to the meeting.
- 6) Council will not unreasonably withhold its approval of a leave of absence request.

- 7) A Councillor who has not submitted an apology or had a leave of absence approved who is not in attendance at a Council or Delegated Committee meeting will be recorded as absent.

## **Division 2 - Notice of meetings and availability of agendas**

### **12. Date, time, place and format of Council meetings**

- 1) By default, Council meetings will be held face-to-face except as provided for in this division.
- 2) At or before the last meeting each calendar year, Council must fix the date, time and place of all scheduled Council meetings and any Delegated Committee meetings for the following calendar year.
- 3) Council by resolution may change the date, time, place or format of, or cancel any meeting which has been fixed and must provide notice of the change to the public.
- 4) The Chief Executive Officer may change the date, time, place or format of, or cancel any meeting which has been fixed and must provide notice of the change to all councillors and the public. This includes changing the meeting format following receipt of a written request signed by an absolute majority of councillors, received by the Chief Executive Officer at least 24 hours prior to the commencement of the meeting.
- 5) Before making a determination that circumstances warrant a meeting to be a virtual meeting, the following factors will be taken into account:
  - a. Any risk to the health and safety of Councillors, staff and the community
  - b. whether all or part of the meeting is planned to be closed to members of the public under section 66(2) of the Act
  - c. the ability to provide public notice to members of the public who may wish to attend the meeting
  - d. whether the orderly conduct of a meeting may be affected by the choice of meeting format
  - e. the availability of suitable meeting facilities.

### **13. Unscheduled Council meetings**

- 1) Council may by resolution call an unscheduled meeting of the Council.
- 2) The Mayor, or three Councillors may by written notice call an unscheduled meeting of the Council.
- 3) The Chief Executive Officer, following consultation with the Mayor, may call an unscheduled meeting of the Council.
- 4) A written notice to call an unscheduled meeting must:
  - a) specify the business to be transacted; and
  - b) be delivered to the Chief Executive Officer or Delegate in sufficient time to enable notice to be given in accordance with clause 14) and;
  - c) include the proposed motion or a summary of the proposed action.
- 5) The Chief Executive Officer must determine the date, time, place and format for the meeting, giving consideration to:
  - a) the urgency of the business to be transacted;
  - b) the availability of Councillors; and
  - c) a reasonable notice period for persons whose rights or interests may be impacted by the business to be transacted; and



- d) relevant factors listed at subclause 12. 5).
- 6) The Chief Executive Officer must arrange for notice of the meeting on Council's website.
- 7) Any resolution of Council to call an unscheduled meeting must specify the date, time, place and format of the unscheduled meeting and the business to be transacted. The date and time of the unscheduled meeting must not be prior to 6pm on the day following the Council meeting at which the resolution was made. Determination of the meeting format will consider factors listed at subclauses 12. 5) and 13. 5).
- 8) The Chief Executive Officer must call an unscheduled meeting to elect a Mayor following a Council election declaration, in accordance with the Act.
- 9) The unscheduled meeting for the election of a Mayor following an election may also consider the role of Deputy Mayor and any other matters as determined by the Chief Executive Officer.
- 10) Only the business specified in the Council resolution, or written notice, may be considered at an unscheduled meeting, unless Council, by unanimous resolution determines to admit another matter.

#### **14. Notice of meeting**

- 1) A notice of meeting incorporating or accompanied by an agenda of the business to be dealt with must be provided electronically to every Councillor:
  - a) for a Council meeting that is not an unscheduled meeting, at least five business days before the meeting. A period of less than five business days may be justified if exceptional circumstances exist; and
  - b) for an unscheduled meeting at least 48 hours before the meeting. A period of less than 48 hours may be justified if exceptional circumstances exist.
- 2) A notice may be handed personally to a Councillor in any location within the time required, or may be delivered to another destination, provided a written authorisation of the relevant Councillor is held by the Chief Executive Officer.
- 3) An Agenda for each Council meeting, that is not an unscheduled meeting, will be made available on Council's website no less than 48 hours before the Council meeting.
- 4) Notice of an unscheduled meeting must be published on Council's website as soon as practicable after the time and date of the meeting has been determined.
- 5) An Agenda for an unscheduled meeting will be made available on Council's website no less than 24 hours before the unscheduled meeting.
- 6) A schedule of Council meetings must be prepared and published ensuring it is available to a broad section of the community, including on Council's website at least once each year and with such greater frequency as the Chief Executive Officer determines. The schedule of Council meetings must also be available from Council's Customer Service Centres.

#### **15. Leave of Absence**

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

#### **16. Emergency meetings**

- 1) In the case of an emergency, the Chief Executive Officer or, in their absence, a senior officer, may call or postpone a meeting of the Council, without the necessity to comply with clauses 13 to 15 provided reasonable attempts are made to notify every Councillor.
- 2) The Chief Executive Officer or senior officer must submit a full written report of the circumstances requiring their action to the next meeting of the Council.

**Division 3 - Quorums****17. Council meetings**

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

**18. Virtual Meetings**

In accordance with section 61(6A) of the Act, a Councillor present at a virtual Council meeting is deemed present for the purpose of a quorum.

**19. Unscheduled or emergency meetings**

The quorum required for unscheduled or emergency meetings will be the same as for a Council meeting.

**20. Meetings of Delegated Committees and Community Asset Committees**

The quorum for a meeting of a Delegated Committee or a Community Asset Committee will be determined by Council for each committee, but in the absence of Council's determination, the quorum required will be not less than a majority of members.

**21. Inability to gain a quorum**

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

**22. Inability to maintain a quorum**

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

**23. Inability to achieve or maintain a quorum due to conflicts of interest of Councillors**

- 1) The Chairperson may defer an item of business in respect of which there is, or is likely to be, a disclosure of a conflict of interest by one or more Councillors that will cause a quorum to be lost, and direct the Chief Executive Officer to include that item of business on an agenda for a future Council meeting.
- 2) If during any meeting or adjournment a quorum cannot be achieved or maintained due to the number of declarations of conflicts of interest by Councillors, Council will:
  - a) determine the matter will be considered in separate parts, if a quorum can be maintained for each separate part; or
  - b) determine to make decisions on separate parts of the matter at a meeting where quorum can be maintained, before making a decision on the whole matter at a meeting for which quorum can be maintained.
- 3) If during any meeting or adjournment a quorum cannot be achieved or maintained due to the number of declarations of conflicts of interest by Councillors and the matter cannot be separated into component parts or prior decisions made, Council will delegate the decision to be made:
  - a) by the Chief Executive Officer; or
  - b) by a Delegated Committee, established for the purpose of determining the matter, comprised of all the Councillors who have not disclosed a conflict of interest and any other person(s) the Council considers suitable.

- 4) A decision made under delegation due to Council not being able to achieve or maintain a quorum will be reported to the next Council meeting.

#### **24. Notice for adjourned meeting**

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

### **Division 4 – Conduct of business**

#### **25. Business at meetings and Order of Business**

- 1) The order of business of Council meetings will be determined by the Chief Executive Officer, in consultation with the Mayor, to facilitate and maintain open, efficient and effective processes of government.
- 2) Although preparation should aim at consistent agendas from meeting to meeting, this should not preclude altering the order of business to enhance the fluent and open process of government of the Council, to meet identified needs of Council or to take advantage of opportunities which may arise from time to time.
- 3) No business can be dealt with at a meeting unless it is:
  - a) contained on the agenda; or
  - b) admitted as Urgent Business in accordance with Clause 28).
- 4) In determining the agenda, the Chief Executive Officer should consider:
  - a) the general attitude of the Council;
  - b) convenience to the community and interested community groups particularly in relation to the administration of the municipal district;
  - c) the sensitivity of issues;
  - d) the interest of the community and community groups; and
  - e) any other relevant factor which may impact on the fluent and open processes of the government of the Council.
- 5) As a guide, the Chief Executive Officer should list items, giving priority as follows:
  - a) Procedural and protocol matters, which may include:
    - An Acknowledgement of, or Welcome to Country
    - Opening Declaration or Prayer
    - Receipt of apologies
    - Requests for leave of absence
    - Confirmation of minutes
    - Declarations of Conflict of Interest
    - Questions from the public
    - Petitions
  - b) Reports for Council decision
  - c) Other matters, which may include:
    - Notices of Motion
    - Urgent Business
    - Council Delegates Reports.

**26. Change to Order of Business**

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

**27. Chief Executive Officer may include items on an agenda**

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

**28. Urgent Business**

- 1) Business cannot be admitted as Urgent Business other than by resolution of Council and only then if:
  - a) it relates to or arises out of a matter which has arisen since distribution of the agenda; and
  - b) deferring the item until the next meeting will mean a decision on the item will not have any effect on the matter; or
  - c) the item involves a matter of urgency as determined by the Chief Executive Officer; and
  - d) it cannot be addressed through an operational service request process.

Provided the matter does not:

- Substantially affect the levels of Council service;
- Commit Council to significant expenditure not included in the adopted budget;
- Establish or amend Council policy; or
- Commit Council to any contractual arrangement.

- 2) A Councillor proposing a matter be admitted as urgent business must lodge it in writing to the Chief Executive Officer no later than 12 pm on the day of the meeting.
- 3) The Chief Executive Officer will advise the Mayor of any matter he or she determines appropriate for Council to consider admitting as urgent business.

**29. Time limits for meetings**

- 1) A meeting must not continue after three hours from the time it commences unless a majority of Councillors present vote in favour of its extension.
- 2) In the absence of such an extension, the meeting must stand adjourned to a date, time and place to be then and there announced by the Chairperson.
- 3) The Chief Executive Officer must give notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.

**30. Meetings of Delegated Committees and Community Asset Committees**

The agenda for a meeting of a Delegated Committee or a Community Asset Committee will be relevant to the issues which are to be raised at the meeting and any reference to Councillors extends to non-Councillor members of a Delegated Committee or Community Asset Committee and any reference to the Council is to be read as referring to the Community Asset Committee or Delegated Committee.

**Division 5 – Disclosure of conflicts of interest****31. Procedure for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee at a meeting of the Council or a delegated committee**

- 1) If a Councillor or member of a delegated committee has a conflict of interest in a matter which is to be considered or discussed at a meeting of the council or the delegated committee, the Councillor or member must, if they are attending the meeting, disclose the conflict of interest in accordance with subclause 2), and if applicable, subclause 3) below.

- 2) A councillor or member of a delegated committee who has a conflict of interest and is attending the meeting of the Council or delegated committee must make a full disclosure of that interest by either advising:
  - a) the Council or delegated committee at the meeting immediately before the matter is considered at the meeting; or
  - b) the Chief Executive Officer in writing before the meeting –  
whether the interest is a general conflict of interest or a material conflict of interest; and the nature of the interest.
- 3) If the Councillor or member advised the Chief Executive Officer of the details under paragraph (b) of subclause 2) above, the Councillor or member must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.
- 4) The Chief Executive Officer must –
  - a) keep written disclosures received under this clause in a secure place for three years after the date the Councillor or member of a delegated committee who made the disclosure ceases to be a Councillor or member of a delegated committee; and
  - b) destroy the written disclosure when the three year period referred to in paragraph (a) has expired.
- 5) While the matter is being considered or any vote is taken in relation to the matter in a face-to-face meeting, the Councillor or member of a delegated committee must –
  - a) leave the meeting and notify the Mayor or the Chairperson of the delegated committee of their departure; and
  - b) remain outside the room and any gallery or other area in view or hearing of the meeting.
- 6) While the matter is being considered or any vote is taken in relation to the matter in a virtual meeting, the Mayor or the Chairperson of the delegated committee will request the meeting host to temporarily disconnect the Councillor or member of a delegated committee from the meeting.
- 7) The Mayor or the Chairperson of the delegated committee must cause the Councillor or member of a delegated committee to be notified that they may return to a face-to-face meeting after –
  - a) consideration of the matter; and
  - b) all votes have been cast on the matter.
- 8) The Mayor or Chairperson of the delegated committee must request the meeting host to reconnect the Councillor or a member of a delegated committee to the meeting after –
  - a) consideration of the matter; and
  - b) all votes have been cast on the matter.
- 9) If a Councillor or member of a delegated committee discloses a conflict of interest, the Chief Executive Officer or the Chairperson must record in the minutes of the meeting –
  - a) the declaration of the conflict of interest; and
  - b) the classification of the interest that has given rise to the conflict; and
  - c) if the Councillor or member has disclosed the nature of the interest to the meeting, the nature of the interest.

**32. Procedure for the disclosure of a conflict of interest by a Councillor at a meeting under the auspices of Council that is not a meeting of Council or a delegated committee**

- 1) At a meeting under the auspices of Council that is not a meeting of the Council or delegated committee, the Chief Executive Officer must ensure that a written record is kept of –

- a) the names of all Councillors and members of Council staff attending;
  - b) the matters considered;
  - c) any conflict of interest disclosures made by a Councillor attending under subclause 3);
  - d) whether a Councillor who has disclosed a conflict of interest as required by subclause 3) leaves the meeting.
- 2) The Chief Executive Officer must ensure that the written record of a meeting held under this clause is, as soon as practicable –
    - a) reported at a meeting of the Council; and
    - b) incorporated in the minutes of that Council meeting.
  - 3) If a Councillor attending a meeting held under this clause knows, or would reasonably be expected to know, that a matter being considered by the meeting is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest, the Councillor must, at the time set out in subclause 4), disclose to the meeting that they have a conflict of interest and leave the meeting whilst the matter is being considered by the meeting.
  - 4) A Councillor must disclose the conflict of interest either –
    - a) immediately before the matter in relation to which the Councillor has a conflict of interest is considered; or
    - b) if the Councillor realises that they have a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware that they have a conflict of interest.

### **33. Disclosure of a conflict of interest by a member of Council staff**

- 1) A member of Council staff who is providing information to:
  - a) a meeting of Council, a delegated committee or a community asset committee; or
  - b) another member of Council staff exercising a power of delegation or performing a statutory function –and who has a conflict of interest in a matter to which the information relates, must disclose the conflict of interest when providing the information and before the information is considered by the applicable meeting referred to in paragraph a) or another member of staff referred to in paragraph b).
- 2) A disclosure made by a person under subclause 1) must be recorded:
  - a) in the minutes of the applicable meeting referred to in paragraph a); or
  - b) in a conflict of interest disclosure register maintained by the Chief Executive Officer if the information is provided to another member of Council staff referred to in paragraph b).
- 3) A member of Council staff who has a conflict of interest in a matter in which they also have delegated power, duty or function must –
  - a) not exercise the power or discharge the duty or function; and
  - b) in the case of the Chief Executive Officer, disclose the type of interest and the nature of the interest to –
    - i. the Mayor, in writing, as soon as they become aware of the conflict of interest in the matter; and
    - ii. the Council by no later than the next meeting of the Council; and
  - c) in the case of another member of staff, disclose the type of interest and the nature of the interest to the Chief Executive Officer, in writing, as soon as they become aware of the conflict of interest in the matter.

- 4) The Chief Executive Officer does not have a conflict of interest in a matter if the matter only relates to –
  - a) the adoption or amendment of a policy relating to Council staff generally;
  - b) the adoption of a code of conduct for Council staff; or
  - c) a decision to delegate a power, duty or function to a member of Council staff.

## **Division 6 – Virtual Meetings**

### **34. Adjustments to meeting rules**

- 1) If a meeting is a virtual meeting, the following further modifications to the application of the Rules in this Division are to be made:
  - a) References to a Councillor being present at a meeting shall be a reference to a Councillor being able to both hear and see other members in attendance and be heard and be seen by other members in attendance.
  - b) Momentary absences (less than one minute) shall not be recorded as absences for the purposes of the meeting minutes, unless a vote or the Mayor's request for the declaration of conflicts of interest occurs during the absence;
  - c) Casting a vote may occur by a Councillor either raising their hand in view of their camera such that it can be seen by others in attendance or, at the Chair's request, verbally stating their vote;
  - d) In the event of the absence of a Councillor during a vote due to an apparent technical failure, a Councillor may bring this to the attention of the meeting Chair, who may briefly adjourn the meeting to enable the Councillor to re-join the meeting. Should the Councillor be unable to reconnect within five minutes, the meeting shall resume in the Councillor's absence.
- 2) The Chair may, with the consent of the meeting, modify the application of a Rule to facilitate the more efficient and effective transaction of the business of a virtual meeting.

## **Division 7 - Minutes**

### **35. Keeping of minutes**

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

### **36. Contents of minutes**

- 1) In keeping the minutes of any meeting, the Chief Executive Officer must arrange the recording of minutes so as to show:
  - a) the date, time, place, duration and nature of the Council meeting;
  - b) the names of Councillors present;
  - c) apologies and leaves of absence;
  - d) the titles of the members of Council staff present who are not part of the gallery;
  - e) the number of media and gallery attendees;
  - f) any conflicts of interest that a Councillor or Council officer has declared in relation to an item (or items) of business listed on the agenda;
  - g) a record of any meetings held under the auspices of Council that are not meetings of Council or a delegated committee since the previous meeting of Council;
  - h) the arrival and departure times of Councillors during the course of the meeting (including any temporary departures or arrivals);

- i) every motion and amendment moved, including the mover (and seconder if relevant) of such motion or amendment;
  - j) the outcome of every motion, that is, whether it was put to the vote and the result of either CARRIED, LOST, WITHDRAWN, LAPSED or AMENDED;
  - k) procedural motions (which may be highlighted);
  - l) where a valid division is called, the names of every Councillor and the way their vote was cast; either FOR or AGAINST, or whether they ABSTAINED;
  - m) when requested by a Councillor, a record of that Councillor's support of, opposition to or abstention from voting on any motion noting that under section 61(5) of the Act, a councillor present at the meeting who does not vote is taken to have voted against the question;
  - n) details of failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise;
  - o) a summary of any question asked and the response provided as part of public question time;
  - p) details of any petitions made to the Council;
  - q) the time and reason for any adjournment of the meeting or suspension and resumption of standing orders;
  - r) disclosure by a Councillor of a conflict of interest and the details associated with that disclosure required by section 130 and 131 of the Act and any disclosure of conflict of interest by the Chief Executive Officer required by section 126 of the Act;
  - s) closure of the meeting to members of the public and the reasons for such closure; and
  - t) any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or the reading of the minutes.
- 2) In addition, the minutes should:
- a) bear the date and time the meeting was commenced, adjourned, resumed and concluded;
  - b) be page numbered;
  - c) contain consecutive item numbers which are clearly headed with a subject title and where appropriate sub-titles and file references; and
  - d) contain an index which lists every item in the minutes.

### 37. Confirmation of Minutes

- 1) The minutes as recorded by the Chief Executive Officer, or delegate, will be made available as the proposed minutes to:
  - a) Councillors, within seven business days;
  - b) members of the public, by publishing them on Council's website, within nine business days
 of the Council meeting they relate to.
- 2) At every Council meeting, the minutes of the preceding Council meeting(s) must be dealt with as follows:
  - a) A motion will be moved to confirm the minutes in the following terms: *'That the Minutes of the \_\_\_\_\_ Meeting held on \_\_\_\_\_ 20\_\_\_ be confirmed.'*;

### 38. No Debate on Confirmation of Minutes

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



**39. Objection to Confirmation of Minutes**

- 1) If a Councillor is dissatisfied with the accuracy of the minutes, then they must:
  - a) state the item or items with which they are dissatisfied; and
  - b) propose a motion to rectify the alleged error(s) in the minutes by adding the following words to the motion in clause 35 '*... subject to the following alterations(s)*'  
\_\_\_\_\_.

**40. Deferral of Confirmation of Minutes**

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

**41. Record Keeping**

Following confirmation, the minutes will be captured into Council's Electronic Content Management System, in accordance with the requirements of the *Public Records Act 1973* and clause 8.4.1 of the Retention & Disposal Authority for Records of Local Government Functions (PROS 09/05).

**42. Availability of Minutes**

The Chief Executive Officer will make available confirmed minutes of open meetings of Council and Delegated Committees together with relevant reports on Council's website.

**43. Recording of meetings**

- 1) The Chief Executive Officer (or other person authorised by the Chief Executive Officer) may record with appropriate recording equipment the proceedings of a Council meeting.
- 2) Subject to sub-clause 1), a person must not operate any visual or sound recording equipment at any Council meeting without first obtaining the consent of Council or the Chairperson. Such consent may be at any time during the course of such meeting be revoked by Council or the Chairperson.

**Division 8 – Voting at Meetings****44. How determined**

To determine a matter before a meeting, the Chairperson will first call for those in favour of the motion and then those opposed to the motion and will declare the result to the meeting.

**45. By show of hands**

Voting on any matter will be by show of hands.

**46. Casting vote**

In the event of a tied vote, the Chairperson may exercise the casting vote.

**47. When a division permitted**

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

**48. Procedure for a division**

- 1) Once a division has been requested, the Chairperson will call for a show of hands by those Councillors voting for the motion and then those Councillors opposed to the motion.

- 2) The Chairperson shall name those Councillors voting for the motion, those Councillors voting against the motion, and any Councillor abstaining from voting, and the names shall be recorded in the minutes of the meeting.

**49. Change between the original vote and the division**

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

**50. No discussion once declared**

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

- 1) for a Councillor to request that his or her opposition to the motion be recorded in the minutes; or
- 2) a Councillor foreshadowing a notice of rescission where a resolution has just been made, or a positive Motion where a resolution has just been rescinded.

**51. Addressing the meeting**

- 1) Any Councillor or person who addresses the meeting may remain seated and shall direct all remarks through the Chair.
- 2) Any person addressing the Chairperson should refer to the Chairperson as:
  - Mayor, or
  - Chairpersonas the case may be.
- 3) All Councillors, other than the Mayor, should be addressed as Councillor \_\_\_\_\_ (surname).
- 4) All Council staff, should be addressed as Officer \_\_\_\_\_ (surname) or by their official title.

## PART 4 – DELEGATED COMMITTEE MEETINGS

52. **Schedule 1 applies to the conduct of Delegated Committee meetings.**

## PART 5 – OTHER MEETING PROCEDURES

### Division 1 – Matters not provided for

#### 53. Matters not provided for

Where a situation has not been provided for under these Governance Rules, Council may determine the matter by resolution.

### Division 2 – Motions

#### 54. Chairperson's duty

- 1) The Chairperson must not accept any motion or amendment which:
  - a) is defamatory; or
  - b) is objectionable in language or nature; or
  - c) is vague or unclear in its intention; or
  - d) is outside the powers of Council; or
  - e) is not relevant to an item of business on the agenda and has not been admitted as urgent business; or
  - f) purports to be an amendment but is not.

#### 55. Moving a motion

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

**56. Right of reply**

- 1) The mover of a motion which has not been amended may, once debate has been exhausted, have a right of reply to matters raised during debate but cannot introduce any new material.
- 2) After the right of reply has been exercised, the motion must be immediately put to the vote without any further discussion or debate.

**57. No right of reply for amendments**

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

**58. Moving an amendment**

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

**59. Who may propose an amendment**

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

**60. Who may debate an amendment**

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

**61. How many amendments may be proposed**

- 1) Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time. No second or subsequent amendment, whether to the motion or an amendment of it, can be taken into consideration until the previous amendment has been dealt with.
- 2) A Councillor cannot move more than two amendments in succession.

**62. An amendment once carried**

If the amendment is adopted, it becomes the substantive motion and, as such, shall be put to the vote by the Chairperson but only after Councillors who did not speak to the motion have exercised their right to do so.

**63. Foreshadowing motions**

- 1) At any time during debate, a Councillor may foreshadow a motion to inform the Council of their intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- 2) A motion foreshadowed may be prefaced with a statement that, in the event that a particular motion before the meeting is resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- 3) A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.
- 4) The Chief Executive Officer is not required to record foreshadowed motions in the minutes, but may do if it is thought appropriate.

**64. Withdrawal of motions**

The mover of a motion may withdraw it only if the meeting gives leave (unanimous consent) to do so and if it has not already been amended.

**65. Separation of motions**

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

**66. Chairperson may separate motions**

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

**67. Motions in writing**

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

**68. Debating the motion**

- 1) Debate must always be relevant to the motion before the meeting, and if not, the Chairperson may request the speaker to confine debate to the subject motion.
- 2) If after being requested to confine debate to the motion before the Chair, the Councillor continues to debate irrelevant matters, the Chairperson may require the Councillor to not speak further in respect of the motion before the Chairperson.
- 3) Adequate debate is required where a matter is contentious in nature. In such a case, every Councillor should be given an opportunity to debate.
- 4) A motion has not been sufficiently debated if opposing views (where they exist) have not been sufficiently put, not so much the number of those who have spoken, but whether all minority opposing views have not been put.
- 5) Once the views put are representative of the views of all Councillors, the debate would be regarded as sufficient.

**69. When a resolution is acted upon**

- 1) The Chief Executive Officer or other senior officer may initiate action or cause action to be initiated on any Council resolution at any time after the close of the meeting at which it was carried.
- 2) A resolution will be considered as having been acted upon once its details have been formally communicated to a person affected by or reliant on the resolution or where a statutory procedure has been actioned.

**70. Suspension of standing orders**

- 1) The provisions of these Governance Rules may be suspended for a particular purpose by resolution of Council.
- 2) The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.
- 3) The motion to suspend standing orders should include reference the purpose, eg '*That Standing Orders be suspended to enable discussion on.....*'.
- 4) Once the discussion has taken place, and before any motion can be put, the resumption of Standing Orders will be necessary.

**71. No motions may be accepted during the suspension of standing orders**

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

**72. Interruption for point of order**

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

**Division 3 – Speaking times****73. Speaking times**

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

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

**74. Extension of speaking times by resolution of Council**

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

**75. When an extension can be proposed**

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

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

**76. No extension after next speaker has commenced**

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

**77. Length of extension**

Any extension of speaking time must not exceed three minutes.

**Division 4 – Points of order and other procedural matters****78. Points of Order**

A Point of Order is an objection that the motion, amendment or statement made is:

- a) contrary to these Governance Rules or the provisions of the Act;
- b) defamatory or disloyal;
- c) irrelevant;
- d) improper;
- e) obscene; or
- f) outside Council's legal powers.

**79. Raising a Point of Order**

A Councillor raising a Point of Order must:

- a) Identify the point or order; and
- b) The reason for bringing it to the attention of the Chair.

**80. Chairperson to decide**

- 1) The Chairperson may adjourn the meeting to consider a Point of Order, otherwise the Chairperson must rule on it as soon as it is raised.
- 2) The Chairperson will decide all points of order by stating the provision, rule, practice or precedent which they consider applicable to the Point of Order raised without entering into any discussion or comment.

**81. Disagreeing with the Chairperson's ruling on a Point of Order**

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

**82. Adjournment and resumption of meeting**

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

**83. Procedural motions**

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

**84. The Closure**

- 1) A motion "*That the motion be now put*"-
  - a) is a procedural motion which if carried in respect to an original motion, requires that the original motion must be put to the vote immediately without any further debate, discussion or amendment; and



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

#### **85. Adjourning the debate**

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

### **Division 5 – Notice of Motion**

#### **86. Must be listed on agenda**

Councillors may give advance notice of their intention to move a particular motion at a forthcoming meeting by giving a Notice of Motion.

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

#### **87. Procedure**

- 1) A Notice of Motion must be in writing, signed by the Councillor (including by electronic means) and be given to the Chief Executive Officer no later than 12 noon ten business days before the Meeting at which it is intended to be considered to ensure its inclusion in the agenda.
- 2) The Chief Executive Officer must inform Councillors about any legal and/or cost implications of any proposed Notice of Motion. The Chief Executive Officer may suggest revised wording to the draft Notice of Motion to facilitate compliance with the requirements for Notices of Motion under these Governance Rules.
- 3) A Notice of Motion must relate to the objectives, role and functions of Council as outlined in the Act.
- 4) A Notice of Motion must call for a Council report if the Notice of Motion proposes any action that:
  - impacts the levels of Council services;
  - proposes to establish, amend or extend Council policy;
  - commits Council to significant expenditure not included in the adopted budget;
  - proposes to impact the rights of any person who has not had the opportunity to contribute their views;
  - commits Council to any contractual arrangement; or
  - concerns any litigation in respect of which Council is a party.

**88. Rejection of a vague notice**

- 1) The Chief Executive Officer:
  - a) must reject any notice of motion that is vague, defamatory, prejudicial to any person or Council, is objectionable in language or nature, or is outside the powers of Council;
  - b) may reject a proposed Notice of Motion that relates to a matter able to be addressed through operational processes or a matter that has previously been resolved by Council or acted upon.
  - c) must notify the relevant Councillor of any notice of motion which has been rejected no later than eight business days before the Meeting at which it is intended to be considered, and give the reasons for its rejection.

**89. Listing notice on agenda**

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

The Chief Executive Officer may designate a Notice of Motion to be confidential in accordance with relevant grounds as contained in the Act, in which case, the Notice of Motion will be considered in the part of the relevant Council meeting that is closed to members of the public.

**90. Register of notices**

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

**91. May be moved by any Councillor and amended**

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

**92. If lost**

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

**Division 6 – Notice of Amendment or Rescission****93. Procedure**

- 1) A Councillor may propose a motion to amend or rescind a decision of Council provided:
  - a) the decision has not been acted upon; and
  - b) a notice is delivered to the Chief Executive Officer outlining:
    - i. the decision proposed to be amended or rescinded; and
    - ii. the meeting and date when the decision was made.
- 2) Any Councillor providing a Notice of Rescission Motion is required to provide written justification that must include one or more of the following:
  - a) the vote may not have accurately reflected the opinion held by the meeting due to the misunderstanding of the motion or for some other reason; or
  - b) new information or vital information that had been overlooked.
- 3) Once a Notice of Rescission Motion has been given, no further action is to be taken on the decision.

**94. Listing notice on agenda**

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

**95. Criteria to amend or rescind a motion**

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

**96. If lost**

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

**97. If not moved**

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

**98. May be moved by any Councillor**

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

**99. When not required**

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

**100. Register of notices**

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

**Division 7 – Public Participation****101. Question Time**

- 1) At every meeting of Council, with the exception of unscheduled or emergency meetings, time may be allocated to enable any member of the community to address Council.
- 2) Sub-clause 1) does not apply during any period when the Council has resolved to close the meeting in respect of a matter under section 66 of the Act.
- 3) Questions must be submitted on a Question Time form to the Chief Executive Officer or a person authorised for this purpose by the Chief Executive Officer no later than 5.00 pm on the day prior to the Council meeting.
- 4) Council may allocate reasonable time to each person who wishes to address the Council having regard to:
  - (a) the nature of the matter to be discussed;
  - (b) priorities in relation to other Council business;
  - (c) other members of the community present who also wish to address the Council;
  - (d) whether such an opportunity has already been provided to the person.

- 5) Council may decide to defer discussion to a later date and the views of the person addressing the Council should be sought concerning that other date.
- 6) Question Time guidelines are provided in Schedule 2.

#### **102. Addressing Council during meetings**

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

#### **103. Chairperson may remove**

- 1) The Chairperson has the discretion to cause the removal of any person including a Councillor who disrupts any meeting or fails to comply with a direction.
- 2) Any member of Victoria Police may remove from the Chamber any person who acts in breach of these Governance Rules.

#### **104. Petitions and Joint Letters**

- 1) Any Councillor receiving a petition on behalf of a community member will be responsible for ensuring that:-
  - a) A petition or joint letter presented to Council must lay on the table until the next meeting of the Council and no motion, other than to receive the petition or joint letter may be accepted by the Chairperson, unless the Council agrees to deal with it earlier.
  - b) A petition or joint letter must be received by Council no later than 12 noon ten business days before the Meeting at which it is intended to be considered to ensure its inclusion in the agenda.
- 2) Any Councillor presenting a petition or joint letter will be responsible for ensuring that –
  - a) they are familiar with the contents and purpose of the petition or joint letter; and
  - b) the petition or joint letter is not derogatory or defamatory.
- 3) Guidelines for Petitions and Joint Letters are provided in Schedule 3.

### **Division 8 – Additional Duties of Chairperson**

#### **104. The Chairperson's duties and discretions**

In addition to other duties and discretions provided in these Governance Rules, the Chairperson-

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

### **Division 9 – Tabling of Arbiters Decision**

#### **105. The Tabling of an Arbiters decision**

- 1) In accordance with section 147(4) of the *Local Government Act 2020*, a copy of the arbiter's decision and statement of reason must be tabled at the next Council meeting after the Council received the copy of the arbiter's decision and statement of reason and recorded in the minutes of the meeting.
- 2) A copy of the decision and statement of reason will not be included in the meeting agenda.
- 3) If the arbiter's decision and statement of reason contains any confidential information, the

confidential information must be redacted from the copy tabled under subsection (4).

- 4) Discussion on the item will be at the discretion of the meeting Chair.

## PART 6 – COMMON SEAL

### 106. The Council's Common Seal

- 1) The Chief Executive Officer must ensure the security of Council's common seal at all times.
- 2) Council's common seal may only be used on the authority of Council given either generally or specifically unless the matter has been previously approved by Council and every document to which the seal is affixed must be signed by the Chief Executive Officer or some other senior officer authorised by him or her.
- 3) The use of the Common Seal must be recorded in a register maintained by the Chief Executive Officer or a member of Council staff to whom this duty has been delegated.

## SCHEDULE 1 – MEETING PROCEDURE FOR DELEGATED COMMITTEES

### 1. Notices and agendas

- 1) The date, time and place of all delegated committee meetings are determined on an annual basis by the committee and at least seven days' notice must be provided to the public.
- 2) The delegated committee may change the date, time and place of any committee meeting which has been fixed and must provide at least seven days' notice of the changes to the members.
- 3) The agenda for the delegated committee meeting will be set by the Chairperson.

### 2. Quorums

- 1) The quorum required for delegated committee meetings will be not less than half the total number of elected committee members.
- 2) If after 30 minutes of the scheduled starting time of any meeting or adjournment a quorum cannot be obtained, those committee members present may adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

### 3. Minutes

- 1) The Secretary is responsible for the keeping of minutes on behalf of the delegated committee.
- 2) No discussion or debate on the confirmation of minutes will be permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.
- 3) If a committee member is dissatisfied with the accuracy of the minutes, then they must:
  - a) state the item or items with which they are dissatisfied; and
  - b) propose a motion clearly outlining the alternative wording to amend the minutes.

### 4. Business of the meeting

- 1) The order of business will be determined by the Secretary to facilitate and maintain open, efficient and effective processes of governance and must include the opportunity for members to declare any conflict of interest on items on the agenda.
- 2) Once an agenda has been sent to committee members, the order of business for that meeting may only be altered by resolution of the delegated committee.

### 5. Voting

- 1) To determine a matter before a meeting, the Chair will first call for those in favour of the motion and then those opposed to the motion, and will declare the result of the motion.
- 2) Unless the committee resolves otherwise, voting on any matter will be by a show of hands.
- 3) If there is an equal number of votes, the Chair has a second, casting vote.

### 6. Addressing the meeting

- 1) Except for the Chair, any committee member or person who addresses the delegated committee meeting must address all remarks through the Chair.
- 2) A committee member who is speaking must not be interrupted unless called to order when they must remain silent until the committee member raising the point of order has been heard and the Chairperson has ruled on the point of order.

**7. Motions and amendments**

- 1) Any motion or amendment which is –
  - a) defamatory; or
  - b) objectionable in language or nature; or
  - c) outside the powers of the delegated committee; or
  - d) stated to be an amendment but is notmust not be accepted by the Chairperson.
- 2) The procedure for any motion is –
  - a) the mover must state the motion without speaking to it;
  - b) it must be seconded by a committee member other than the mover;
  - c) if a motion is not seconded, the motion will lapse for want of a seconder; and
  - d) if the motion is seconded, the Chair must ask if the mover wishes to address the committee on the motion and if the seconder wishes to address the committee on the motion or if they wish to reserve their address until later in the debate.
- 3) The Chair will then ask if any committee member is opposed to the motion and if they wish to speak. Other committee members for and against the motion can then debate in turn.
- 4) The mover of a motion shall have a right of reply after the debate, after which the motion shall be immediately put to the vote. No right of reply is available where an amendment is before the delegated committee.
- 5) An amendment may be proposed or seconded by a committee member, except the mover or seconder of the original motion. An amendment shall not be a direct negative of the motion.
- 6) A committee member may address the meeting once on any amendment, whether or not they have spoken to the original motion but debate must be confined to the terms of the amendment.
- 7) Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time. No second or subsequent amendment, whether to the original motion or an amendment of it, can be taken into consideration until the previous amendment has been dealt with.
- 8) If the amendment motion is carried, it then becomes the final motion before the Chair.
- 9) At any time during debate a committee member may foreshadow a motion to inform the committee of his or her intention to move a motion at a later stage in the meeting.
- 10) Before any motion is put to the vote it may be withdrawn with leave of the mover and seconder.
- 11) The Chairperson may require any complicated or lengthy motion to be submitted in writing.
- 12) Debate must always be relevant to the question before the Chair and, if not, the Chairperson will request the speaker to confine debate to the subject motion.
- 13) If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters the Chairperson may require the speaker not speak further in respect of the matter then before the Chair.
- 14) Unless a motion for an extension of time has been carried, the maximum speaking times will be:
  - a) The mover of a motion – 5 minutes
  - b) The mover of a motion when exercising their right of reply – 2 minutes
  - c) Any other committee member – 3 minutes.

**8. Other matters**

If the committee is required to deal with:

- a) divisions;
- b) formal motions;
- c) separation of motions;
- d) points of order;
- e) adjournment of a meeting;
- f) suspension of standing orders;
- g) a notice of motion;
- h) a notice of rescission motion;
- i) maintenance of order;
- j) suspension; or
- k) removal of the meeting –

these matters should be dealt with in accordance with the relevant Governance Rules applying to the meeting.



## SCHEDULE 2 – QUESTION TIME GUIDELINES

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

- Questions must be submitted on a Question Time form, available from Council's website and the Kerang and Cohuna Customer Service Centres.
- A maximum number of two questions may be asked by any one person at each Council meeting.
- Completed Questions Time forms must be submitted to the Chief Executive Officer or a person authorised for this purpose by the Chief Executive Officer no later than 5.00pm on the day prior to the Council meeting.
- All Councillors will receive a copy of the questions received and if applicable, the answers to be provided, prior to the relevant Council Meeting.
- When the Council Meeting moves to public question time, the Mayor or in their absence, the Meeting Chair, will call on each person who has submitted an approved question to ask their question verbally, if they wish. If they do not wish to ask their question, the Mayor or Chief Executive Officer will read out their question on their behalf.
- The Mayor or Chief Executive Officer may indicate that they require further time to research an answer. In this case, an answer will be provided in writing generally within ten days.
- Questions will be answered at the meeting, or later in writing, unless the Mayor or Chief Executive Officer has determined that the relevant question seeks confidential information defined in section 3 of the Act such as:
  - Council business information;
  - security information;
  - land use planning information;
  - law enforcement information;
  - legal privileged information;
  - personal information;
  - private commercial information;
  - confidential meeting information;
  - internal arbitration information;
  - Councillor Conduct Panel confidential information.
  - an issue outside the Gannawarra Shire Council core business.or if the questions is:
  - defamatory, indecent, abusive or objectionable in language or substance
  - repetitive of a question already answered (whether at the same or an earlier meeting)
  - asked to embarrass a Councillor or Council officer
- No debate or discussion of questions or answers shall be permitted and all questions and answers shall be as brief as possible.

## SCHEDULE 3 – GUIDELINES FOR PETITIONS AND JOINT LETTERS

### What is a petition?

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

### Presenting a petition to Council

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

### Alternatives to petitioning Council

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

### Using a petition to have your view heard

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

### Should the petition be sent to Council?

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

### Writing a petition

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

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

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

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

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

## Processing a petition

Petitions should be forwarded to the Chief Executive Officer no later than 12 noon, 10 business days before the Meeting at which it is intended to be considered. The CEO will provide a copy of petitions to all councillors and submit the petition to the Council meeting.

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

A pro-forma for petitions is available for download from the council's website at [www.gsc.vic.gov.au](http://www.gsc.vic.gov.au)

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

## SCHEDULE 4 – ELECTION PERIOD POLICY

### 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 period policy provisions contained within the *Local Government Act 2020* (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 2024 local government elections will commence on 24 September 2024 and end at 6 pm on election day, 26 October 2024.

#### 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 2024 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.

#### 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 2023
Candidate	Means a person who has nominated as a candidate for an election under section 256 of the Act.	Act s.3(1)
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 2023
Councillor Candidate	Means a current Councillor who has nominated, or is considering nominating for election in the 26 October 2024 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
Election Manager	Means – (a) the VEC; or (b) a person appointed in writing by the VEC.	Act s.3(1)
Electoral Material	Means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting.	Act s.3(1)

Term	Definition	Source
Electoral Matter	Means 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 election manager for the purposes of conducting an election.  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-  (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.	Act s.3(4)  Act s.3(5)
Election Period	Means the period that-  (a) starts at the time that nominations close on nomination day; and (b) ends at 6 pm on election day.	Act s.3(1)
Nomination Day	Means the last day on which nominations to be a candidate at a Council election may be received in accordance with the Act and the regulations.	Act s.3(1)
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(1)
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
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 Decision making

- 5.1.1 In accordance with Section 69 of the Act Council is prohibited from making any decision during the election period for a general election that:
- relates to the appointment or remuneration of the CEO, but not to the appointment or remuneration of an Acting CEO;
  - commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year;
  - the Council considers could be reasonably deferred until the next Council is in place; or
  - the Council considers should not be made during an election period.
- 5.1.2 Council is prohibited from making any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.
- 5.1.3 A Council decision made in contravention of a) or b) above is invalid.
- 5.1.4 Any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is invalid by virtue of point 3 above is entitled to compensation from Council for that loss or damage.
- 5.1.4 During the Election Period, the Council, a Committee of Council, the CEO or a Council employee acting under delegation will not:
- approve, amend or repeal any policy, plan or strategy, including those contained in or related to the Gannawarra Shire Planning Scheme, which has been adopted by Council; or
  - use their position to influence Council officers, or access Council resources of information, in support of any election campaign or candidacy.

### 5.2 Extraordinary Circumstances

If Council considers that there are extraordinary circumstances which require the making of a decision during the Election Period that in doing so would breach the Act, Council may apply in writing to the Minister for Local Government for an exemption from the application of this prohibition.

### 5.3 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.

#### 5.4 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*
- Council Policy No. 143 – Community Engagement

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.

#### 5.5 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.

#### 5.6 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 Election Manager.

#### 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.

### **5.7 Council Publications**

Council is prohibited 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, Manager Governance or their delegate.

The prohibition 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, Manager Governance or their delegate.

The certification will be in writing on or affixed to a copy of the publication and be in the following form:

*‘Certified in accordance with Gannawarra Shire Council Governance Rules’*

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 (which includes Facebook and Twitter posts)
- Emails with multiple addresses, used for broad communication with the community
- Mass mail outs or identical letters sent to many 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 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.gsc.vic.gov.au](http://www.gsc.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 2023-2024 Annual Report may be published during the election period with the approval of the CEO. 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 Delegated Committee Meetings

Council's Governance Rules require Council to:

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

No Delegated 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, Manager Governance or their delegate.

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.

### **5.8 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.

#### **5.9 Assistance to Candidates**

All election enquiries from candidates, whether sitting councillors or not, will be directed to the Election Manager or, where the matter is outside the responsibilities of the Election Manager, 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
- 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.

#### **5.10 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 2020*

Originally Adopted	19 August 2020
Reviewed:	17 August 2022
Reviewed:	20 September 2023
Next review:	2025

**7.6 CONTRACT G05-2023 FLOOD RECOVERY WORKS PACKAGE 4 AND 5****Author:** Leigh Hollingworth, Acting Manager Property & Design**Authoriser:** Wade Williams, Director Infrastructure and Development**Attachments:** 1 G05-2023 Evaluation**RECOMMENDATION**

That Council Award contract G05-2023 Flood Recovery Works Package 4 & 5 to Northern Constructions (Aust) Pty Ltd for the lump sum amount, not subject to rise and fall, of \$1,046,807.88 excluding GST.

**EXECUTIVE SUMMARY**

In October and November 2022, the Gannawarra Shire experienced a major flood event, which caused significant damage to Council's infrastructure.

This report seeks to appoint a contractor for G05-2023 Flood Recovery Works Package 4 & 5, to a lump sum contract, as part of a series of package of works contracts to complete the full scope of road rehabilitation works. This will allow Council to complete the critical public infrastructure rehabilitation works necessary to reinstate its road network to pre-disaster condition.

**PURPOSE**

This report seeks to appoint a contractor for G05-2023 Flood Recovery Works Package 4 & 5 to a lump sum tender price not subject to rise and fall. This will allow Council to complete the critical public infrastructure rehabilitation works necessary to reinstate to pre-disaster conditions under Victorian Disaster Recovery Funding Arrangements.

**ATTACHMENTS**

G05-2023 Evaluation

**DISCUSSION**

As a result of the October and November 2022 Flood event, Council's road and rural drainage networks, across the flood impacted districts have been significantly damaged. The full extent of the damage and the works required to reconstruct is in the vicinity of \$7,000,000.

A complete scope of the damage has been assessed and completed by Council and Contractor staff. These assessments have provided a defined scope of works for Council to submit to the Victorian State Government for approval to commence work under the DRFA.

Council officers have advertised a group of tenders based on packages of works assembled by geographical location. The purpose of these tenders is to obtain lump sum prices from contractors to enable Council to complete the works on the basis of time and quantities, subject to approval by Department of Transport and Planning (DTP) and Emergency Management Victoria (EMV). This will reduce the financial risk for Council by having a firm price for a set scope of works and replace the schedule of rates contract G09-2022 Flood Recovery Works - Roads, Drainage and Associated Works.

Tenderers were invited to submit a lump sum price in a pricing schedule that includes labour, materials, plant, delivery, environmental controls, traffic control, testing and reporting and

documentation to support Council's claims through the DRFA arrangements with the State Government.

Council received 12 tender submissions at the close of tenders on 30 August 2023. All tenders received were conforming to the specification. Pricing for the works was competitive and a comparison of the tendered prices is shown in Table 1:

*Table 1: Tender Prices*

Tenderer	Tender Price (excluding GST)
Northern Constructions Pty Ltd	\$1,046,807.88
Tenderer B	\$ 927,156.00
Tenderer C	\$1,864,341.87
Tenderer D	\$1,464,789.00
Tenderer E	\$1,815,516.41
Tenderer F	\$ 792,700.00
Tenderer G	\$ 926,705.00
Tenderer H	\$ 853,725.00
Tenderer I	\$ 906,766.04
Tenderer J	\$1,120,250.23
Tenderer K	\$1,209,322.44
Tenderer L	\$1,814,029.27

The evaluation panel completed its evaluation on 04 September 2023. The evaluation criteria, and weighting contained in the conditions of tender, supplied to all tenderers are shown below :

Mandatory requirements	Complies
Satisfaction of Insurance Requirements	Yes/No
Willingness to negotiate based on proposed conditions of Contract with reasonable amendments	Yes/No
OH&S Policy and accreditation	Yes/No
Financial Capacity	Yes/No

EVALUATION CRITERIA	RELATIVE WEIGHTING
Financial costs to Council - including rates for variations etc. and any additional overhead costs and/or liabilities Council could bear (such as WorkCover).	30%
Tenderer's and any nominated sub-contractors' resources, technical and financial capabilities to successfully complete the contract, including timelines.	25%

Tenderer's and any nominated sub-contractor's experience on similar projects and standing, experience and skill within the industry.	20%
Tenderer's and any nominated sub-contractor's OH&S record and procedures and ability to minimise Council's insurance risks.	15%
Local Benefit	10%

The tender required contractors to provide pricing for each line item on a specified standard treatment. It was made clear to the Tenderers that this lump price sum was subject to change due to the assessment from DTP of the scope and feedback received of any ineligible standard treatments.

Following assessment of this package of works officers recommend that Council accept a tender that is not the cheapest offering. Cheaper alternate tenders are considered less beneficial to Council due to several factors, including capacity to complete the works, demonstrated relevant experience, timeframes, and methodology/plant selection.

A single alternate contractor is recommended for the remaining packages of unsealed road rehabilitation works. By awarding this contract to Northern Constructions Pty Ltd, Council will enable faster completion of the full scope of rehabilitation works within the municipality.

The preferred tenderer has a substantially shorter timeframe for completion of the works which will allow farming enterprises and local traffic to return normality quicker than choosing an alternate option.

#### RELEVANT LAW

- *Local Government Act 2020* - s. 109 Procurement
- *Road Management Act 2004* – Council has suspended its Road Management Plan due to the extensive damage to the road network and it being unreasonable to comply with intervention levels and timelines within the plan. Completing the rehabilitation works will enable Council to reactivate the plan and resume normal maintenance activities to better service the community.

#### RELATED COUNCIL DECISIONS

At a Special Council Meeting on 03 January 2023, Council awarded Schedule of Rates contract G09-2022 for Flood Recovery Works – Roads Drainage and Associated Works. This contract was awarded when a defined scope of works was not clear as assessment of the network was still being undertaken.

G05-2023 Flood Recovery Works Package 4 & 5 is part of a series of contracts that will supersede the previous flood recovery works contract.

#### OPTIONS

1. Award contract G05-2023 Flood Recovery Works Package 4 & 5 to Northern Constructions (Aust) Pty Ltd for the lump sum amount, not subject to rise and fall, of \$1,046,807.88 excluding GST.
2. Award a contract to an alternate tenderer.
3. Not award the contract and return to market.

**SUSTAINABILITY IMPLICATIONS**

- Economic – Restoring access to agricultural businesses within the Shire and providing income opportunities for local and regional contractors.
- Social – Re-connecting our communities after a significant flood emergency event.
- Environmental – Works will be undertaken in consideration of the environment and with a view to minimising damage to roadside verges in line with Council’s road maintenance practices and State Government Guidelines.

**COMMUNITY ENGAGEMENT**

Once works commence, regular updates will be provided to the community informing them of any disruption to the road and drainage networks in advance, whilst ensuring appropriate traffic management is in place to minimise disruptions.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

DRFA Guidelines state that assets are to be restored to their pre-disaster function, this restriction and the nature of the works limits opportunities for innovation.

**COLLABORATION**

Council will undertake the repair restoration works to the road and drainage network in collaboration with the DTP and EMV, the assigned assessor responsible for reviewing the program of works and costings and to approve the works under Category B of DRFA.

Due to neighbouring councils being at differing various stages of damage assessment, and the fact that works are grouped by location, opportunities for collaborative tendering was not deemed feasible to progress works as quickly as possible.

**FINANCIAL VIABILITY**

These works are to be completed under the Reconstruction of Essential Public Assets (REPA) framework. This will minimise Council’s financial risk, as approval of the scope and agreement on the upper price limit is granted prior to works commencing. It is anticipated that DRFA funding will cover the full cost of the works associated with this contract.

Council will apply for a cash advancement to be able to undertake these works.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Disaster Recovery Funding Arrangements and associated Guidelines.

**COUNCIL PLANS AND POLICIES**

Council Policy 109 – Procurement

Gannawarra Shire Council Municipal Emergency Management Plan

Gannawarra Shire Council Road Asset Management Plan

**TRANSPARENCY OF COUNCIL DECISIONS**

This report will be considered in an open Council meeting.

**CONFLICT OF INTEREST**

The officer preparing this report declares that they have no conflict of interest in regard to this matter.

Gannawarra Shire Council

Contract name: Flood Recovery - Road Rehabilitation Works  
 Contract number: G05-2023 - Package 4 & 5

Criteria	Weight	Northern Constructions Group		Tenderer B		Tenderer C		Tenderer D		Tenderer E		Tenderer F		Tenderer G		Tenderer H		Tenderer I		Tenderer J		Tenderer K		Tenderer L	
		Score	Wghtd score	Score	Wghtd score	Score	Wghtd score	Score	Wghtd score	Score	Wghtd score	Score	Wghtd score	Score	Wghtd score	Score	Wghtd score	Score	Wghtd score	Score	Wghtd score	Score	Wghtd score	Score	Wghtd score
1 Price - Financial Cost to Council	0.30	5.34	1.60	6.44	1.93	0.00	0.00	1.48	0.44	0.00	0.00	7.68	2.31	6.45	1.93	7.12	2.14	6.63	1.99	4.66	1.40	3.84	1.15	0.00	0.00
2 Tenderer's and any nominated sub-contractor's resources, technical and financial capabilities to successfully complete the contract, including timeliness.	0.25	9.25	2.31	5.33	1.33	8.00	2.00	8.00	2.00	6.33	1.58	6.00	1.50	5.00	1.25	6.33	1.58	7.33	1.83	6.67	1.67	7.33	1.83	7.67	1.92
3 Tenderer's and any nominated sub-contractor's experience on similar projects and standing, experience and skill within the industry.	0.20	8.33	1.67	6.33	1.27	7.00	1.40	7.67	1.53	7.33	1.47	8.33	1.67	5.67	1.13	6.00	1.20	7.00	1.40	6.67	1.33	7.67	1.53	6.67	1.33
4 Tenderer's and any nominated sub-contractor's OHS&S record and procedures and ability to minimise Council's insurance risks.	0.15	8.67	1.30	6.67	1.00	8.67	1.30	8.33	1.25	8.33	1.25	8.67	1.30	6.00	0.90	8.67	1.30	7.67	1.15	8.67	1.30	8.00	1.20	8.00	1.20
5 Local Benefit	0.10	7.00	0.70	5.33	0.53	5.67	0.57	7.33	0.73	7.00	0.70	7.00	0.70	5.33	0.53	7.00	0.70	5.33	0.53	7.00	0.70	6.67	0.67	5.67	0.57
<b>TOTAL WEIGHTED SCORE :</b>			<b>7.58</b>		<b>6.07</b>		<b>5.27</b>		<b>5.96</b>		<b>5.00</b>		<b>7.47</b>		<b>5.75</b>		<b>6.92</b>		<b>6.91</b>		<b>6.40</b>		<b>6.39</b>		<b>5.02</b>

Approximate Contract Total

Criteria	Weight	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments
Price - Financial Cost to Council	0.30	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation
Tenderer's and any nominated sub-contractor's resources, technical and financial capabilities to successfully complete the contract, including timeliness.	0.25	Have necessary resources. Well established Multiple crews. 8 week program. 1,000 t/day gravel supply	Traffic light TMP. Have necessary resources. Multiple crews. Pre- and post works photos. 1000t/day gravel	Pre-, during & post works photos. 2 x crews. Bulby or side dumping 0-Doubles. Have necessary resources. Proof roll tests. Nominal 2 wk notice to start work.	Have necessary resources. Well established.	1 mobilisation, continuous work. Road closures for unsealed roads. Assume 800 t/day resources. 40 wk timeframe.	VicRoads prequal for road works. Completed a range of road works for SHRCC.	VicRoads prequal for road construction and maintenance. Have completed road recovery works for a number of other rural councils (Loddon, Buloke, Pyrenees, 5th Grampians and VicRoads)	Completed road recovery works for GSC, Buloke and SHRCC. Carried out maintenance grading for GSC and SHRCC. VicRoads prequal for road construction. Have complete flood recovery work for Council to a good standard.	15 week program. TC for resheeting. Have necessary resources. 2 x crews.	Has earthmoving equipment (1 grader?). Not sure about capacity to complete works.	Stops/slow for tipping gravel. 100 mm resheet 5 mth program. Do they have the equipment and operators? Good ITP - photos?	Assumed 10 min loading time. Assumed 1500 t/day product available. Appear to have necessary resources.	Assume full or partial road closures. Post works photos. 1m shoulder for unsealed roads. Tender valid for 30 days. About 10% diesel price increase.	3-3 crews. Smooth drum and multi-wheel rollers. Well established company	Good methodology. Large company with adequate staff and resources.									
Tenderer's and any nominated sub-contractor's experience on similar projects and standing, experience and skill within the industry.	0.20	Flood recovery reinstatement of over 500 km of local roads for various local shires (Loddon, Campaspe, GSC). Experienced contractor. Have complete flood recovery work for Council to a good standard.	Have completed road recovery work for Ararat council.	Completed \$17.7 million flood recovery works for Southern Grampians Shire 2017/18. Have completed a range of other road projects. VicRoads prequal for road and bridge construction.																					
Tenderer's and any nominated sub-contractor's OHS&S record and procedures and ability to minimise Council's insurance risks.	0.15	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. Environmental & Quality systems.	\$20 M PL insurance. Have safety management plan. Registered in Rapid. Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	
Local Benefit	0.10	Based in neighbouring LGA/Local food and accommodation.	Stawell based. Local food and accommodation.	Portland based. Local supply of fuel, oils, lubricants, spare parts and maintenance. Engagement of local subcontractors for transport and logistics services	Based in neighbouring LGA.	Based in neighbouring LGA. Purchase of fuel, accommodation and meals, use of local labour and subcontractors to supplement internal crews.	Based in neighbouring LGA. Purchase of fuel, accommodation and meals.	Merbein based. Purchase of fuel, accommodation and meals.	Based in neighbouring LGA, developing a depot in Cobuna. Employ local staff.	Regional Vic based. Nil mentioned	Bendigo based. Local employees and contractors. Sponsor local sporting club.	Based in neighboring LGA. Purchase of fuel, accommodation and meals. Engagement of local subcontractors for transport.	Melbourne based. Purchase of fuel, accommodation and meals. Engagement of local subcontractors for transport.												

Evaluation Panel

Name: Leigh Hollingworth  
 Title: Acting Manager Projects & Design

Name: Jon Haw  
 Title: Acting Manager Infrastructure Rehabilitation

Name: Wayne Galloway  
 Title: CT Management Group

These personnel were approved to form the Evaluation Panel.  
 Consideration has been given when establishing the above evaluation panel to ensure proper probity issues are considered, especially when an existing contractor may be involved in the tender process. All members of the Evaluation Panel shall being signatories to this report declare their probity and confidentiality in dealing with this tender evaluation.  
 The evaluation process used was in accordance with the adopted policies of Gannawarra Shire Council and were advised to all tenderers in the Tender Conditions.



Gannawarra Shire Council  
 Contract name: Flood Recovery - Road Rehabilitation Works  
 Contract number: G05-2023 - Package 4 & 5

Based on "Lump Sum" only	Northern Constructors Group	Tenderer B	Tenderer C	Tenderer D	Tenderer E	Tenderer F	Tenderer G	Tenderer H	Tenderer I	Tenderer J	Tenderer K	Tenderer L
Tender price:	1046807.88	927156.00	1884341.87	1464789.00	1815516.41	792700.00	926705.00	853725.00	906766.04	1120250.23	1209322.44	1814029.27
Median Price	1083529.06	1083529.06	1083529.06	1083529.06	1083529.06	1083529.06	1083529.06	1083529.06	1083529.06	1083529.06	1083529.06	1083529.06
(Median Price - Tender Price)	36721.17	15673.06	-780812.82	-381259.95	-731987.36	29829.06	156824.06	229804.06	176763.02	-36721.18	-125793.39	-730500.22
10 x (Median \$ - Tender \$) / Median \$	0.34	1.44	-7.21	-3.52	-6.76	2.68	1.46	2.12	1.63	-0.34	-1.16	-6.74
Financial Criteria Score:	5.34	6.44	0.09	1.43	0.60	7.68	6.45	7.12	6.83	4.68	3.24	0.60
	5	4				1		2	3			
Median Price: \$	1083529.06											

**7.7 CONTRACT G06-2023 FLOOD RECOVERY WORKS PACKAGE 6 AND 7****Author:** Leigh Hollingworth, Acting Manager Property & Design**Authoriser:** Wade Williams, Director Infrastructure and Development**Attachments:** 1 G06-2023 Evaluation**RECOMMENDATION**

**That Council award contract G06-2023 Flood Recovery Works Package 6 and 7 to Harril Pty Ltd for the lump sum amount, not subject to rise and fall, of \$86,540 excluding GST.**

**EXECUTIVE SUMMARY**

In October and November 2022, the Gannawarra Shire experienced a major flood event, which caused significant damage to Council's infrastructure.

This report seeks to appoint a contractor for G06-2023 Flood Recovery Works Package 6 and 7, to a lump sum contract, as part of a series of package of works contracts to complete the full scope of road rehabilitation works. This will allow Council to complete the critical public infrastructure rehabilitation works necessary to reinstate its road network to pre-disaster condition.

**PURPOSE**

This report seeks to appoint a contractor for G06-2023 Flood Recovery Works Package 6 and 7 to a lump sum tender price not subject to rise and fall. This will allow Council to complete the critical public infrastructure rehabilitation works necessary to reinstate to pre-disaster conditions under Victorian Disaster Recovery Funding Arrangements.

**ATTACHMENTS**

G06-2023 Evaluation.pdf

**DISCUSSION**

As a result of the October and November 2022 Flood event, Council's road and rural drainage networks, across the flood impacted districts have been significantly damaged. The full extent of the damage and the works required to reconstruct is in the vicinity of \$7,000,000.

A complete scope of the damage has been assessed and completed by Council and Contractor staff. These assessments have provided a defined scope of works for Council to submit to the Victorian State Government for approval to commence work under the DRFA.

Council officers have advertised a group of tenders based on packages of works assembled by geographical location. The purpose of these tenders is to obtain lump sum prices from contractors to enable Council to complete the works on the basis of time and quantities, subject to approval by Department of Transport and Planning (DTP) and Emergency Management Victoria (EMV). This will reduce the financial risk for Council by having a firm price for a set scope of works and replace the schedule of rates contract G09-2022 Flood Recovery Works - Roads, Drainage and Associated Works.

Tenderers were invited to submit a lump sum price in a pricing schedule that includes labour, materials, plant, delivery, environmental controls, traffic control, testing and reporting and

documentation to support Council's claims through the DRFA arrangements with the State Government.

Council received 12 tender submissions at the close of tenders on 30 August 2023. All tenders received were conforming to the specification. Pricing for the works was competitive and a comparison of the tendered prices is shown in Table 1:

*Table 1: Tender Prices*

Tenderer	Tender Price (excluding GST)
Tenderer A	\$335,101.43
Tenderer B	\$550,785.42
Tenderer C	\$197,522.23
Tenderer D	\$471,595.00
Tenderer E	\$346,298.00
Tenderer F	\$154,615.00
Tenderer G	\$297,774.50
Tenderer H	\$504,248.90
Tenderer I	\$253,177.23
Tenderer J	\$638,025.40
Harril Pty Ltd	\$ 86,540.00
Tenderer L	\$286,199.11

The evaluation panel completed its evaluation on Thursday 31 August 2023. The evaluation criteria, and weighting contained in the conditions of tender, supplied to all tenderers were:

Mandatory requirements	Complies
Satisfaction of Insurance Requirements	Yes/No
Willingness to negotiate based on proposed conditions of Contract with reasonable amendments	Yes/No
OH&S Policy and accreditation	Yes/No
Financial Capacity	Yes/No

EVALUATION CRITERIA	RELATIVE WEIGHTING
Financial costs to Council - including rates for variations etc. and any additional overhead costs and/or liabilities Council could bear (such as WorkCover).	30%
Tenderer's and any nominated sub-contractors' resources, technical and financial capabilities to successfully complete the contract, including timelines.	25%
Tenderer's and any nominated sub-contractor's experience on similar projects	20%

and standing, experience and skill within the industry.	
Tenderer's and any nominated sub-contractor's OH&S record and procedures and ability to minimise Council's insurance risks.	15%
Local Benefit	10%

The Tender required contractors to provide pricing for each line item on a specified standard treatment. It was made clear to the Tenderers that this lump price sum was subject to change due to the assessment from DTP of the scope and feedback received of any ineligible standard treatments.

### RELEVANT LAW

- *Local Government Act 2020* - s. 109 Procurement
- *Road Management Act 2004* – Council has suspended its Road Management Plan due to the extensive damage to the road network and it being unreasonable to comply with intervention levels and timelines within the plan. Completing the rehabilitation works will enable Council to reactivate the plan and resume normal maintenance activities to better service the community.

### RELATED COUNCIL DECISIONS

At a Special Council Meeting on 03 January 2023, Council awarded Schedule of Rates contract G09-2022 for Flood Recovery Works – Roads Drainage and Associated Works. This contract was awarded when a defined scope of works was not clear as assessment of the network was still being undertaken.

G06-2023 Flood Recovery Works Package 6 and 7 is part of a series of contracts that will supersede the previous flood recovery works contract.

### OPTIONS

1. Award contract G06-2023 Flood Recovery Works Package 6 and 7 to Harril Pty Ltd for the lump sum amount, not subject to rise and fall, of \$86,540.00 excluding GST.
2. Award the contract to an alternate tenderer.
3. Not award the contract and return to market.

### SUSTAINABILITY IMPLICATIONS

- Economic – Restoring access to agricultural businesses within the Shire and providing income opportunities for local and regional contractors.
- Social – Re-connecting our communities after a significant flood emergency event.
- Environmental – Works will be undertaken in consideration of the environment and with a view to minimising damage to roadside verges in line with Council's road maintenance practices and State Government Guidelines.

**COMMUNITY ENGAGEMENT**

Once works commence, regular updates will be provided to the community informing them of any disruption to the road and drainage networks in advance, whilst ensuring appropriate traffic management is in place to minimise disruptions.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

DRFA Guidelines state that assets are to be restored to their pre-disaster function, this restriction and the nature of the works limits opportunities for innovation.

**COLLABORATION**

Council will undertake the repair restoration works to the road and drainage network in collaboration with the DTP and EMV, the assigned assessor responsible for reviewing the program of works and costings and to approve the works under Category B of DRFA.

Due to neighbouring councils being at differing various stages of damage assessment, and the fact that works are grouped by location, opportunities for collaborative tendering was not deemed feasible to progress works as quickly as possible.

**FINANCIAL VIABILITY**

These works are to be completed under the Reconstruction of Essential Public Assets (REPA) framework. This will minimise Council's financial risk, as approval of the scope and agreement on the upper price limit is granted prior to works commencing. It is anticipated that DRFA funding will cover the full cost of the works associated with this contract.

Council will apply for a cash advancement to be able to undertake these works.

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Disaster Recovery Funding Arrangements and associated Guidelines.

**COUNCIL PLANS AND POLICIES**

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**TRANSPARENCY OF COUNCIL DECISIONS**

This report will be considered in an open Council meeting.

**CONFLICT OF INTEREST**

The officer preparing this report declares that they have no conflict of interest in regard to this matter.

Gannawarra Shire Council

Contract name: Flood Recovery - Road Rehabilitation Works  
 Contract number: G06-2023 Flood Recovery Works Package 6 & 7

Criteria	Weight	Tenderer A		Tenderer B		Tenderer C		Tenderer D		Tenderer E		Tenderer F		Tenderer G		Tenderer H		Tenderer I		Tenderer J		Harri Pty Ltd		Tenderer K	
		Score	Wght score	Score	Wght score	Score	Wght score	Score	Wght score	Score	Wght score	Score	Wght score	Score	Wght score	Score	Wght score	Score	Wght score	Score	Wght score	Score	Wght score	Score	Wght score
1 Price - Financial Cost to Council	0.30	4.41	1.32	0.00	0.00	8.76	2.63	0.10	0.03	4.06	1.22	10.00	3.00	5.55	1.68	0.00	0.00	7.00	2.10	0.00	0.00	10.00	3.00	5.96	1.79
2 Tenderer's and any nominated sub-contractors' resources, technical and financial capabilities to successfully complete the contract, including timelines.	0.25	9.00	2.25	8.00	2.00	5.33	1.33	8.00	2.00	5.00	1.25	6.33	1.58	7.33	1.83	6.33	1.58	6.67	1.67	7.67	1.92	7.00	1.75	7.33	1.83
3 Tenderer's and any nominated sub-contractor's experience on similar projects and standing, experience and skill within the industry.	0.20	8.33	1.67	7.00	1.40	6.33	1.27	7.67	1.53	5.67	1.13	6.00	1.20	7.00	1.40	7.33	1.47	6.67	1.33	6.67	1.33	8.33	1.67	7.67	1.53
4 Tenderer's and any nominated sub-contractor's OH&S record and procedures and ability to minimise Council's insurance risks.	0.15	8.67	1.30	8.67	1.30	6.67	1.00	8.33	1.25	6.00	0.90	8.67	1.30	7.67	1.15	8.33	1.25	8.67	1.30	8.00	1.20	8.67	1.30	8.00	1.20
5 Local Benefit	0.10	7.00	0.70	5.67	0.57	5.33	0.53	7.33	0.73	5.33	0.53	7.00	0.70	5.33	0.53	7.00	0.70	7.00	0.70	5.67	0.57	7.00	0.70	6.67	0.67
<b>TOTAL WEIGHTED SCORE :</b>			<b>7.24</b>		<b>5.27</b>		<b>6.76</b>		<b>5.55</b>		<b>5.03</b>		<b>7.78</b>		<b>6.59</b>		<b>5.00</b>		<b>7.10</b>		<b>5.02</b>		<b>8.42</b>		<b>7.02</b>

Criteria	Weight	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments
Price - Financial Cost to Council	0.30	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation
Tenderer's and any nominated sub-contractors' resources, technical and financial capabilities to successfully complete the contract, including timelines.	0.25	Have necessary resources. Well established. Multiple crews. 1,000 t/day gravel supply.	Pre, during, & post works photos. 2 x crews. Belly or side dumping B. Doubles. Have necessary resources. Proof roll tests. Nominal 2 wk notice to start work.	Traffic lights TMR. Have necessary resources. Multiple crews. Pre- and post works photos. 1000t/day gravel	Have necessary resources. Well established.	Has earthmoving equipment (1 grader?). Capacity to complete works?	Stapflow for tipping road. Good ITP	Assumed 1500 t/day product available. Appear to have necessary resources.	1 mobilisation, continuous work. Road closures for unsealed roads. Assume 800 t/day. Have necessary resources.	1 crew? Assume full or partial road closures. Post works photos.	Good methodology. Large company with adequate staff and resources.	TC for repheeting. Have necessary resources. 2 x crews.	23 crews. Smooth drum and multi-wheel rollers. Well established company												
Tenderer's and any nominated sub-contractor's experience on similar projects and standing, experience and skill within the industry.	0.20	Flood recovery reinstatement of over 500 km of local roads for various local shires (Loddon, Campaspe, GSC). Experienced contractor.	Completed \$37.7 million flood recovery works for Southern Grampians Shire 2017/18. Have completed a range of other road projects. VicRoads prequal for road and bridge construction.	Have completed road works previously. Flood recovery work for Ararat council.	VicRoads prequal for road works. Completed a range of road works for SHRCC.	Completed flood recovery and road maintenance works for Balranald Shire. Industrial subdivision for MRCC. Road construction for Wentworth Shire. Mine and earthmoving experience.	Campaspe flood works. Experience in water infrastructure installation but minimal road experience demonstrated. 13T Cat roller.	Have completed flood recovery works for a number of other rural councils (Hepburn Shire, Moorabool Shire, Loddon Shire and Mount Alexander Shire) along with a range of other major civil projects for a variety of clients.	VicRoads prequal for traffic management, road construction and maintenance. Have completed flood recovery works for a number of other rural councils (Loddon, Buloke, Pyrenees, 5th Grampians) and VicRoads	Completed subdivision works for GSC and private. Completed maintenance grading for GSC. Not many examples of completed unsealed road projects.	Extensive road construction experience, predominately sealed roads. VicRoads prequal for roads. Flood recovery works for Moira.	Completed flood recovery works for GSC, Buloke and SHRCC. Carried out maintenance grading for GSC and SHRCC. VicRoads prequal for road construction	Extensive road construction experience, predominately sealed roads. Flood recovery works for Loddon. VicRoads prequal for roads and bridges.												
Tenderer's and any nominated sub-contractor's OH&S record and procedures and ability to minimise Council's insurance risks.	0.15	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Have safety management plan. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Have OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems. Recent OHS incident.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	\$20 M PL insurance. Registered in Rapid. ISO accredited OHS, Environmental & Quality systems.	
Local Benefit	0.10	Based in neighbouring LGA Local food and accommodation.	Portland Based. Local food and accommodation. Local supply of fuels, oils, lubricants, spare parts and maintenance. Engagement of local subcontractors for transport and logistics services.	Stawell based. Local food and accommodation.	Based in neighbouring LGA	Merben based. Purchase of fuel, accommodation and meals.	Based in neighbouring LGA, developing a depot in Cohuna. Employ local staff.	Regional Vic based. Nil mentioned	Based in neighbouring LGA. Purchase of fuel, accommodation and meals, use of local labour and subcontractors to supplement internal crews.	Bendigo based. Local employees and contractors. Sponsor local sporting club.	Melbourne based. Purchase of fuel, accommodation and meals. Engagement of local subcontractors for transport.	Based in neighbouring LGA. Purchase of fuel, accommodation and meals.	Based in neighbouring LGA. Purchase of fuel, accommodation and meals. Engagement of local subcontractors for transport.												

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 Title: Acting Manager Projects & Design

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 The evaluation process used was in accordance with the

Gannawarra Shire Council  
 Contract name: Flood Recovery - Road Rehabilitation Works  
 Contract number: G06-2023 Flood Recovery Works Package 6 & 7

Based on "Lump Sum" only	Tenderer A	Tenderer B	Tenderer C	Tenderer D	Tenderer E	Tenderer F	Tenderer G	Tenderer H	Tenderer I	Tenderer J	Harril Pty Ltd	Tenderer L
Tender price:	335101.43	520765.42	197523.23	471595.00	346798.00	154615.00	297774.50	504248.90	253177.23	638075.40	86540.00	286190.11
Median Price	316437.97	316437.97	316437.97	316437.97	316437.97	316437.97	316437.97	316437.97	316437.97	316437.97	316437.97	316437.97
(Median Price - Tender Price) /	-18663.47	-24347.46	118915.74	-15157.04	-29890.04	161822.97	18663.47	-187810.94	63290.74	-321587.44	229897.97	30238.85
10 x (Median Price - Tender Price) / Median Price	-0.59	-7.41	3.76	-4.90	-9.44	5.11	0.59	-5.94	2.00	-10.16	7.27	-0.96
Financial Criteria Score:	4.41	0.00	8.76	0.10	4.06	10.00	5.59	0.00	7.00	0.00	10.00	5.98
Median Price: \$ 116,437.97												

**7.8 CONTRACT G07-2023 FLOOD RECOVERY WORKS PACKAGE 8 AND 9****Author:** Leigh Hollingworth, Acting Manager Property & Design**Authoriser:** Wade Williams, Director Infrastructure and Development**Attachments:** 1 G07-2023 Evaluation**RECOMMENDATION**

**That Council award contract G07-2023 Flood Recovery Works Package 8 and 9 to Harril Pty Ltd for the lump sum amount, not subject to rise and fall, of \$307,180.00 excluding GST.**

**EXECUTIVE SUMMARY**

In October and November 2022, the Gannawarra Shire experienced a major flood event, which caused significant damage to Council's infrastructure.

This report seeks to appoint a contractor for G07-2023 Flood Recovery Works Package 8 and 9, to a lump sum contract, as part of a series of package of works contracts to complete the full scope of road rehabilitation works. This will allow Council to complete the critical public infrastructure rehabilitation works necessary to reinstate its road network to pre-disaster condition.

**PURPOSE**

This report seeks to appoint a contractor for G07-2023 Flood Recovery Works Package 8 and 9 to a lump sum tender price not subject to rise and fall. This will allow Council to complete the critical public infrastructure rehabilitation works necessary to reinstate to pre-disaster conditions under Victorian Disaster Recovery Funding Arrangements.

**ATTACHMENTS**

G07-2023 Evaluation.pdf

**DISCUSSION**

As a result of the October and November 2022 Flood event, Council's road and rural drainage networks, across the flood impacted districts have been significantly damaged. The full extent of the damage and the works required to reconstruct is in the vicinity of \$7,000,000.

A complete scope of the damage has been assessed and completed by Council and Contractor staff. These assessments have provided a defined scope of works for Council to submit to the Victorian State Government for approval to commence work under the DRFA.

Council officers have advertised a group of tenders based on packages of works assembled by geographical location. The purpose of these tenders is to obtain lump sum prices from contractors to enable Council to complete the works on the basis of time and quantities, subject to approval by Department of Transport and Planning (DTP) and Emergency Management Victoria (EMV). This will reduce the financial risk for Council by having a firm price for a set scope of works and replace the schedule of rates contract G09-2022 Flood Recovery Works - Roads, Drainage and Associated Works.

Tenderers were invited to submit a lump sum price in a pricing schedule that includes labour, materials, plant, delivery, environmental controls, traffic control, testing and reporting and



documentation to support Council's claims through the DRFA arrangements with the State Government.

Council received 11 tender submissions at the close of tenders on 30 August 2023. All tenders received were conforming to the specification. Pricing for the works was competitive and a comparison of the tendered prices is shown in Table 1:

*Table 1: Tender Prices*

Tenderer	Tender Price (excluding GST)
Tenderer A	\$1,138,184.77
Tenderer B	\$ 511,733.80
Tenderer C	\$1,306,540.00
Tenderer D	\$1,001,362.00
Tenderer E	\$ 467,245.00
Tenderer F	\$1,451,263.48
Tenderer G	\$ 744,493.50
Tenderer H	\$ 622,380.58
Harril Pty Ltd	\$ 307,180.00
Tenderer J	\$1,970,069.85
Tenderer K	\$ 890,169.10

The evaluation panel completed its evaluation on Thursday 31 August 2023. The evaluation criteria, and weighting contained in the conditions of tender, supplied to all tenderers were:

Mandatory requirements	Complies
Satisfaction of Insurance Requirements	Yes/No
Willingness to negotiate based on proposed conditions of Contract with reasonable amendments	Yes/No
OH&S Policy and accreditation	Yes/No
Financial Capacity	Yes/No

EVALUATION CRITERIA	RELATIVE WEIGHTING
Financial costs to Council - including rates for variations etc. and any additional overhead costs and/or liabilities Council could bear (such as WorkCover).	30%
Tenderer's and any nominated sub-contractors' resources, technical and financial capabilities to successfully complete the contract, including timelines.	25%
Tenderer's and any nominated sub-contractor's experience on similar projects and standing, experience and skill within the industry.	20%

Tenderer's and any nominated sub-contractor's OH&S record and procedures and ability to minimise Council's insurance risks.	15%
Local Benefit	10%

The Tender required contractors to provide pricing for each line item on a specified standard treatment. It was made clear to the Tenderers that this lump price sum was subject to change due to the assessment from DTP of the scope and feedback received of any ineligible standard treatments.

### RELEVANT LAW

- *Local Government Act 2020* - s. 109 Procurement
- *Road Management Act 2004* – Council has suspended its Road Management Plan due to the extensive damage to the road network and it being unreasonable to comply with intervention levels and timelines within the plan. Completing the rehabilitation works will enable Council to reactivate the plan and resume normal maintenance activities to better service the community.

### RELATED COUNCIL DECISIONS

At a Special Council Meeting on 03 January 2023, Council awarded Schedule of Rates contract G09-2022 for Flood Recovery Works – Roads Drainage and Associated Works. This contract was awarded when a defined scope of works was not clear as assessment of the network was still being undertaken.

G07-2023 Flood Recovery Works Package 8 and 9 is part of a series of contracts that will supersede the previous flood recovery works contract.

### OPTIONS

1. Award contract G07-2023 Flood Recovery Works Package 8 and 9 to Harril Pty Ltd for the lump sum amount, not subject to rise and fall, of \$307,180.00 excluding GST.
2. Award the contract to an alternate tenderer.
3. Not award the contract and return to market.

### SUSTAINABILITY IMPLICATIONS

- Economic – Restoring access to agricultural businesses within the Shire and providing income opportunities for local and regional contractors.
- Social – Re-connecting our communities after a significant flood emergency event.
- Environmental – Works will be undertaken in consideration of the environment and with a view to minimising damage to roadside verges in line with Council's road maintenance practices and State Government Guidelines.

### COMMUNITY ENGAGEMENT

Once works commence, regular updates will be provided to the community informing them of any disruption to the road and drainage networks in advance, whilst ensuring appropriate traffic management is in place to minimise disruptions.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

DRFA Guidelines state that assets are to be restored to their pre-disaster function, this restriction and the nature of the works limits opportunities for innovation.

**COLLABORATION**

Council will undertake the repair restoration works to the road and drainage network in collaboration with the DTP and EMV, the assigned assessor responsible for reviewing the program of works and costings and to approve the works under Category B of DRFA.

Due to neighbouring councils being at differing various stages of damage assessment, and the fact that works are grouped by location, opportunities for collaborative tendering was not deemed feasible to progress works as quickly as possible.

**FINANCIAL VIABILITY**

These works are to be completed under the Reconstruction of Essential Public Assets (REPA) framework. This will minimise Council's financial risk, as approval of the scope and agreement on the upper price limit is granted prior to works commencing. It is anticipated that DRFA funding will cover the full cost of the works associated with this contract.

Council will apply for a cash advancement to be able to undertake these works.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Disaster Recovery Funding Arrangements and associated Guidelines.

**COUNCIL PLANS AND POLICIES**

Council Policy 109 – Procurement

Gannawarra Shire Council Municipal Emergency Management Plan

Gannawarra Shire Council Road Asset Management Plan

**TRANSPARENCY OF COUNCIL DECISIONS**

This report will be considered in an open Council meeting.

**CONFLICT OF INTEREST**

The officer preparing this report declares that they have no conflict of interest in regard to this matter.

**Gannawarra Shire Council**

**Contract name:** Flood Recovery - Road Rehabilitation Works  
**Contract number:** G07-2023 Flood Recovery Works Package 8 & 9

Criteria	Weight	Tenderer A		Tenderer B		Tenderer C		Tenderer D		Tenderer E		Tenderer F		Tenderer G		Tenderer H		Harril Pty Ltd		Tenderer J		Tenderer K	
		Score	Wghtd score	Score	Wghtd score	Score	Wghtd score	Score	Wghtd score	Score	Wghtd score	Score	Wghtd score	Score	Wghtd score	Score	Wghtd score	Score	Wghtd score	Score	Wghtd score	Score	Wghtd score
1 Price - Financial Cost to Council	0.30	2.21	0.66	9.25	2.78	0.32	0.10	3.75	1.13	9.75	2.93	0.00	0.00	6.64	1.99	8.01	2.40	10.00	3.00	0.00	0.00	5.00	1.50
2 Tenderer's and any nominated sub-contractors' resources, technical and financial capabilities to successfully complete the contract, including timelines.	0.25	9.00	2.25	5.33	1.33	8.00	2.00	5.00	1.25	6.33	1.58	6.33	1.58	7.33	1.83	6.67	1.67	7.00	1.75	7.67	1.92	7.33	1.83
3 Tenderer's and any nominated sub-contractor's experience on similar projects and standing, experience and skill within the industry.	0.20	8.33	1.67	6.33	1.27	7.67	1.53	5.67	1.13	6.00	1.20	7.33	1.47	7.00	1.40	6.67	1.33	8.33	1.67	6.67	1.33	7.67	1.53
4 Tenderer's and any nominated sub-contractor's OH&S record and procedures and ability to minimise Council's insurance risks.	0.15	8.67	1.30	6.67	1.00	8.33	1.25	6.00	0.90	8.67	1.30	8.33	1.25	7.67	1.15	8.67	1.30	8.67	1.30	8.00	1.20	8.00	1.20
5 Local Benefit	0.10	7.00	0.70	5.33	0.53	7.33	0.73	5.33	0.53	7.00	0.70	7.00	0.70	5.33	0.53	7.00	0.70	7.00	0.70	5.67	0.57	6.67	0.67
<b>TOTAL WEIGHTEDSCORE :</b>			<b>6.58</b>		<b>6.91</b>		<b>5.61</b>		<b>4.94</b>		<b>7.71</b>		<b>5.00</b>		<b>6.91</b>		<b>7.40</b>		<b>8.42</b>		<b>5.02</b>		<b>6.73</b>

**Approximate Contract Total**

**Evaluation Panel**

Name: Leigh Hollingworth   
 Title: Acting Manager Projects & Design

Name: Jon Haw   
 Title: Acting Manager Infrastructure Rehabilitation

Name: Wayne Galloway   
 Title: CT Management Group

These personnel were previously approved to form the Evaluation Panel.  
 Consideration has been given when establishing the above evaluation panel to ensure proper probity issues are considered, especially when an existing contractor may be involved in the tender process.  
 All members of the Evaluation Panel shall being signatories to this report declare their probity and confidentiality in dealing with this tender evaluation.  
 The evaluation process used was in accordance with the adopted

Gannawarra Shire Council  
 Contract name: Flood Recovery - Road Rehabilitation Works  
 Contract number: G07-2023 Flood Recovery Works Package 8 & 9

Based on "Lump Sum" only	Tenderer A	Tenderer B	Tenderer C	Tenderer D	Tenderer E	Tenderer F	Tenderer G	Tenderer H	Harril Pty Ltd	Tenderer J	Tenderer K
Tender price:	1138184.77	511733.80	1306540.00	1001362.00	467245.00	1451263.48	744493.50	622380.58	307180.00	1970069.85	890169.10
Median Price	890169.10	890169.10	890169.10	890169.10	890169.10	890169.10	890169.10	890169.10	890169.10	890169.10	890169.10
( Median Price -Tender Price )	-248015.67	378435.30	-416370.90	-111192.90	422924.10	-561094.38	145675.60	267768.52	562989.10	-1079900.75	0.00
10 x (Median \$ -Tender \$ ) / Median \$	-2.79	4.25	-4.68	-1.25	4.75	-6.30	1.64	3.01	6.55	-12.13	0.00
<b>Financial Criteria Score:</b>	<b>2.21</b>	<b>9.25</b>	<b>0.32</b>	<b>3.75</b>	<b>9.75</b>	<b>0.00</b>	<b>6.64</b>	<b>8.01</b>	<b>10.00</b>	<b>0.00</b>	<b>5.00</b>

Median Price: \$ 890,169.10

**7.9 CONTRACT G08-2023 FLOOD RECOVERY WORKS PACKAGE 10,11 AND 12****Author:** Leigh Hollingworth, Acting Manager Property & Design**Authoriser:** Wade Williams, Director Infrastructure and Development**Attachments:** 1 G08-2023 Evaluation**RECOMMENDATION**

**That Council ward contract G08-2023 Flood Recovery Works Packages 10, 11 and 12 to Harril Pty Ltd for the lump sum amount, not subject to rise and fall, of \$986,884.10 excluding GST.**

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**EXECUTIVE SUMMARY**

In October and November 2022, the Gannawarra Shire experienced a major flood event, which caused significant damage to Council's infrastructure.

This report seeks to appoint a contractor for G08-2023 Flood Recovery Works Package 10, 11 and 12 to a lump sum contract, as part of a series of package of works contracts to complete the full scope of road rehabilitation works. This will allow Council to complete the critical public infrastructure rehabilitation works necessary to reinstate its road network to pre-disaster condition.

**PURPOSE**

This report seeks to appoint a contractor for G08-2023 Flood Recovery Works Package 10, 11 and 12 to a lump sum tender price not subject to rise and fall. This will allow Council to complete the critical public infrastructure rehabilitation works necessary to reinstate to pre-disaster conditions under Victorian Disaster Recovery Funding Arrangements.

**ATTACHMENTS**

G08-2023 Evaluation.pdf

**DISCUSSION**

As a result of the October and November 2022 Flood event, Council's road and rural drainage networks, across the flood impacted districts have been significantly damaged. The full extent of the damage and the works required to reconstruct is in the vicinity of \$7,000,000.

A complete scope of the damage has been assessed and completed by Council and Contractor staff. These assessments have provided a defined scope of works for Council to submit to the Victorian State Government for approval to commence work under the DRFA.

Council officers have advertised a group of tenders based on packages of works assembled by geographical location. The purpose of these tenders is to obtain lump sum prices from contractors to enable Council to complete the works on the basis of time and quantities, subject to approval by Department of Transport and Planning (DTP) and Emergency Management Victoria (EMV). This will reduce the financial risk for Council by having a firm price for a set scope of works and replace the schedule of rates contract G09-2022 Flood Recovery Works - Roads, Drainage and Associated Works.

Tenderers were invited to submit a lump sum price in a pricing schedule that includes labour, materials, plant, delivery, environmental controls, traffic control, testing and reporting and

documentation to support Council's claims through the DRFA arrangements with the State Government.

Council received 11 tender submissions at the close of tenders on 30 August 2023. All tenders received were conforming to the specification. Pricing for the works was competitive and a comparison of the tendered prices is shown in Table 1:

*Table 1: Tender Prices*

Tenderer	Tender Price (excluding GST)
Tenderer A	\$1,267,434.29
Tenderer B	\$1,489,880.86
Tenderer C	\$1,896,470.00
Tenderer E	\$2,586,074.11
Tenderer F	\$1,126,150.00
Tenderer G	\$2,294,308.21
Tenderer H	\$1,174,353.35
Harril Pty Ltd	\$ 986,884.10
Tenderer J	\$1,409,937.75
Tenderer K	\$2,383,227.62

The evaluation panel completed its evaluation on Thursday 31 August 2023. The evaluation criteria, and weighting contained in the conditions of tender, supplied to all tenderers were:

Mandatory requirements	Complies
Satisfaction of Insurance Requirements	Yes/No
Willingness to negotiate based on proposed conditions of Contract with reasonable amendments	Yes/No
OH&S Policy and accreditation	Yes/No
Financial Capacity	Yes/No

EVALUATION CRITERIA	RELATIVE WEIGHTING
Financial costs to Council - including rates for variations etc. and any additional overhead costs and/or liabilities Council could bear (such as WorkCover).	30%
Tenderer's and any nominated sub-contractors' resources, technical and financial capabilities to successfully complete the contract, including timelines.	25%
Tenderer's and any nominated sub-contractor's experience on similar projects and standing, experience and skill within the industry.	20%
Tenderer's and any nominated sub-contractor's OH&S record and procedures and ability to minimise Council's insurance risks.	15%

Local Benefit	10%
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The Tender required contractors to provide pricing for each line item on a specified standard treatment. It was made clear to the Tenderers that this lump price sum was subject to change due to the assessment from DTP of the scope and feedback received of any ineligible standard treatments.

### RELEVANT LAW

- *Local Government Act 2020* - s. 109 Procurement
- *Road Management Act 2004* – Council has suspended its Road Management Plan due to the extensive damage to the road network and it being unreasonable to comply with intervention levels and timelines within the plan. Completing the rehabilitation works will enable Council to reactivate the plan and resume normal maintenance activities to better service the community.

### RELATED COUNCIL DECISIONS

At a Special Council Meeting on 03 January 2023, Council awarded Schedule of Rates contract G09-2022 for Flood Recovery Works – Roads Drainage and Associated Works. This contract was awarded when a defined scope of works was not clear as assessment of the network was still being undertaken.

G08-2023 Flood Recovery Works Package 10, 11 and 12 is part of a series of contracts that will supersede the previous flood recovery works contract.

### OPTIONS

1. Award contract G08-2023 Flood Recovery Works Packages 10, 11 and 12 to Harril Pty Ltd for the lump sum amount, not subject to rise and fall, of \$986,884.10 excluding GST.
2. Award the contract to an alternate tenderer.
3. Not award the contract and return to market.

### SUSTAINABILITY IMPLICATIONS

- Economic – Restoring access to agricultural businesses within the Shire and providing income opportunities for local and regional contractors.
- Social – Re-connecting our communities after a significant flood emergency event.
- Environmental – Works will be undertaken in consideration of the environment and with a view to minimising damage to roadside verges in line with Council road maintenance practices and State Government Guidelines.

### COMMUNITY ENGAGEMENT

Once works commence, regular updates will be provided to the community informing them of any disruption to the road and drainage networks in advance, whilst ensuring appropriate traffic management is in place to minimise disruptions.

### INNOVATION AND CONTINUOUS IMPROVEMENT

DRFA Guidelines state that assets are to be restored to their pre-disaster function, this restriction and the nature of the works limits opportunities for innovation.



**COLLABORATION**

Council will undertake the repair restoration works to the road and drainage network in collaboration with the DTP and EMV, the assigned assessor responsible for reviewing the program of works and costings and to approve the works under Category B of DRFA.

Due to neighbouring councils being at differing various stages of damage assessment, and the fact that works are grouped by location, opportunities for collaborative tendering was not deemed feasible to progress works as quickly as possible.

**FINANCIAL VIABILITY**

These works are to be completed under the Reconstruction of Essential Public Assets (REPA) framework. This will minimise Council's financial risk, as approval of the scope and agreement on the upper price limit is granted prior to works commencing. It is anticipated that DRFA funding will cover the full cost of the works associated with this contract.

Council will apply for a cash advancement to be able to undertake these works.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Disaster Recovery Funding Arrangements and associated Guidelines.

**COUNCIL PLANS AND POLICIES**

Council Policy 109 – Procurement

Gannawarra Shire Council Municipal Emergency Management Plan

Gannawarra Shire Council Road Asset Management Plan

**TRANSPARENCY OF COUNCIL DECISIONS**

This report will be considered in an open Council meeting.

**CONFLICT OF INTEREST**

The officer preparing this report declares that they have no conflict of interest in regard to this matter.

Gannawarra Shire Council

Contract name: Flood Recovery - Road Rehabilitation Works

Contract number: G08-2023 Flood Recovery Works Package 10,11 & 12

Criteria	Weight	Tenderer A		Tenderer B		Tenderer C		Tenderer D		Tenderer E		Tenderer F		Tenderer G		Harril Pty Ltd		Tenderer I		Tenderer J		Tenderer K	
		Score	vwgntu	Score	vwgntu	Score	vwgntu	Score	vwgntu	Score	vwgntu	Score	vwgntu	Score	vwgntu	Score	vwgntu	Score	vwgntu	Score	vwgntu	Score	vwgntu
1 Price - Financial Cost to Council	0.30	6.49	1.95	5.00	1.50	2.27	0.68	0.00	0.00	7.44	2.23	0.00	0.00	7.12	2.14	8.38	2.51	5.54	1.66	0.00	0.00	4.68	1.41
2 Tenderer's and any nominated sub-contractors' resources, technical and financial capabilities to successfully complete the contract, including timelines.	0.25	5.33	1.33	9.00	2.25	8.00	2.00	8.00	2.00	6.33	1.58	6.33	1.58	7.33	1.83	7.00	1.75	6.67	1.67	7.67	1.92	7.33	1.83
3 Tenderer's and any nominated sub-contractor's experience on similar projects and standing, experience and skill within the industry.	0.20	6.33	1.27	8.33	1.67	7.67	1.53	7.00	1.40	6.00	1.20	7.33	1.47	7.00	1.40	8.33	1.67	6.67	1.33	6.67	1.33	7.67	1.53
4 Tenderer's and any nominated sub-contractor's OH&S record and procedures and ability to minimise Council's insurance risks.	0.15	6.67	1.00	8.67	1.30	8.33	1.25	8.67	1.30	8.67	1.30	8.33	1.25	7.67	1.15	8.67	1.30	8.67	1.30	8.00	1.20	8.00	1.20
5 Local Benefit	0.10	5.33	0.53	7.00	0.70	7.33	0.73	5.67	0.57	7.00	0.70	7.00	0.70	5.33	0.53	7.00	0.70	7.00	0.70	5.67	0.57	6.67	0.67
<b>TOTAL WEIGHTEDSCORE :</b>			<b>6.08</b>		<b>7.42</b>		<b>6.20</b>		<b>5.27</b>		<b>7.02</b>		<b>5.00</b>		<b>7.05</b>		<b>7.93</b>		<b>6.66</b>		<b>5.02</b>		<b>6.64</b>

Evaluation Panel

Name: Leigh Hollingworth   
 Title: Acting Manager Projects & Design

Name: Jon Haw   
 Title: Acting Manager Infrastructure Rehabilitation

Name: Wayne Galloway   
 Title: CT Management Group

The above personnel were previously approved to form the Evaluation Panel.

Consideration has been given when establishing the above evaluation panel to ensure proper probity issues are considered, especially when an existing contractor may be involved in the tender process.

All members of the Evaluation Panel shall being signatories to this report declare their probity and confidentiality in dealing with this tender evaluation.

The evaluation process used was in accordance with the

**Gannawarra Shire Council**

**Contract name:** Flood Recovery - Road Rehabilitation Works  
**Contract number:** G08-2023 Flood Recovery Works Package 10,11 & 12

Based on "Lump Sum" only	Tenderer A	Tenderer B	Tenderer C	Tenderer D	Tenderer E	Tenderer F	Tenderer G	Harril Pty Ltd	Tenderer I	Tenderer J	Tenderer K
Tender price:	1267434.29	1489880.86	1896470.00	2586074.11	1126150.00	2294308.21	1174353.35	986884.10	1409937.75	2383227.62	1536834.66
Median Price	1489880.86	1489880.86	1489880.86	1489880.86	1489880.86	1489880.86	1489880.86	1489880.86	1489880.86	1489880.86	1489880.86
( Median Price - Tender Price )	222446.57	0.00	-406589.14	-1096193.25	363730.86	-804427.35	315527.51	502996.76	79943.11	-893346.76	-46953.80
10 x (Median \$ -Tender \$ ) / Median \$	1.49	0.00	-2.73	-7.36	2.44	-5.40	2.12	3.38	0.54	-6.00	-0.32
<b>Financial Criteria Score:</b>	<b>6.49</b>	<b>5.00</b>	<b>2.27</b>	<b>0.00</b>	<b>7.44</b>	<b>0.00</b>	<b>7.12</b>	<b>8.38</b>	<b>5.54</b>	<b>0.00</b>	<b>4.68</b>

Median Price: \$ 1,489,880.86

**7.10 CONTRACT G09-2023 FLOOD RECOVERY WORKS PRIORITY PACKAGE**

**Author:** Leigh Hollingworth, Acting Manager Property & Design  
**Authoriser:** Wade Williams, Director Infrastructure and Development  
**Attachments:** 1 G09-2023 Evaluation

**RECOMMENDATION**

**That Council award contract G09-2023 Flood Recovery Works Priority Package to RECivil Pty Ltd for the lump sum amount, not subject to rise and fall, of \$681,909.62 excluding GST.**

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**EXECUTIVE SUMMARY**

In October and November 2022, the Gannawarra Shire experienced a major flood event, which caused significant damage to Council's infrastructure.

This report seeks to appoint a contractor for G09-2023 Flood Recovery Works Priority Package, to a lump sum contract, as part of a series of package of works contracts to complete the full scope of road rehabilitation works. This will allow Council to complete the critical public infrastructure rehabilitation works necessary to reinstate its road network to pre-disaster condition.

**PURPOSE**

This report seeks to appoint a contractor for G09-2023 Flood Recovery Works Priority Package to a lump sum tender price not subject to rise and fall. This will allow Council to complete the critical public infrastructure rehabilitation works necessary to reinstate to pre-disaster conditions under Victorian Disaster Recovery Funding Arrangements.

**ATTACHMENTS**

G09-2023 Evaluation.pdf

**DISCUSSION**

As a result of the October and November 2022 Flood event, Council's road and rural drainage networks, across the flood impacted districts have been significantly damaged. The full extent of the damage and the works required to reconstruct is in the vicinity of \$7,000,000.

A complete scope of the damage has been assessed and completed by Council and Contractor staff. These assessments have provided a defined scope of works for Council to submit to the Victorian State Government for approval to commence work under the DRFA.

Council officers have advertised a group of tenders based on packages of works assembled by geographical location. The purpose of these tenders is to obtain lump sum prices from contractors to enable Council to complete the works on the basis of time and quantities, subject to approval by Department of Transport and Planning (DTP) and Emergency Management Victoria (EMV). This will reduce the financial risk for Council by having a firm price for a set scope of works and replace the schedule of rates contract G09-2022 Flood Recovery Works - Roads, Drainage and Associated Works.

Tenderers were invited to submit a lump sum price in a pricing schedule that includes labour, materials, plant, delivery, environmental controls, traffic control, testing and reporting and

documentation to support Council's claims through the DRFA arrangements with the State Government.

Council received 6 tender submissions at the close of tenders on 30 August 2023. All tenders received were conforming to the specification. Pricing for the works was competitive and a comparison of the tendered prices is shown in Table 1:

*Table 1: Tender Prices*

Tenderer	Tender Price (excluding GST)
Tenderer A	\$ 975,423.00
Tenderer B	\$ 677,705.34
Tenderer C	\$1,056,097.07
Tenderer D	\$1,246,891.68
Tenderer E	\$ 687,535.88
RECivil Pty Ltd	\$ 681,909.62

The evaluation panel completed its evaluation on Thursday 31 August 2023. The evaluation criteria, and weighting contained in the conditions of tender, supplied to all tenderers were:

Mandatory requirements	Complies
Satisfaction of Insurance Requirements	Yes/No
Willingness to negotiate based on proposed conditions of Contract with reasonable amendments	Yes/No
OH&S Policy and accreditation	Yes/No
Financial Capacity	Yes/No

EVALUATION CRITERIA	RELATIVE WEIGHTING
Financial costs to Council - including rates for variations etc. and any additional overhead costs and/or liabilities Council could bear (such as WorkCover).	30%
Tenderer's and any nominated sub-contractors' resources, technical and financial capabilities to successfully complete the contract, including timelines.	25%
Tenderer's and any nominated sub-contractor's experience on similar projects and standing, experience and skill within the industry.	20%
Tenderer's and any nominated sub-contractor's OH&S record and procedures and ability to minimise Council's insurance risks.	15%
Local Benefit	10%

The Tender required contractors to provide pricing for each line item on a specified standard treatment. It was made clear to the Tenderers that this lump price sum was subject to change due

to the assessment from DTP of the scope and feedback received of any ineligible standard treatments.

The recommended tenderer did not submit the cheapest lump sum price, although the increase is not significant, however is the preferred contractor based on other evaluation criteria including:

- Shorter timelines to complete the works.
- Methodology, including provision of own specialised plant and equipment.
- Relevant experience.

#### **RELEVANT LAW**

- *Local Government Act 2020* - s. 109 Procurement
- *Road Management Act 2004* – Council has suspended its Road Management Plan due to the extensive damage to the road network and it being unreasonable to comply with intervention levels and timelines within the plan. Completing the rehabilitation works will enable Council to reactivate the plan and resume normal maintenance activities to better service the community.

#### **RELATED COUNCIL DECISIONS**

At a Special Council Meeting on 03 January 2023, Council awarded Schedule of Rates contract G09-2022 for Flood Recovery Works – Roads Drainage and Associated Works. This contract was awarded when a defined scope of works was not clear as assessment of the network was still being undertaken.

G09-2023 Flood Recovery Works Priority Package is part of a series of contracts that will supersede the previous flood recovery works contract.

#### **OPTIONS**

1. Award contract G09-2023 Flood Recovery Works Priority Package to RECivil Pty Ltd for the lump sum amount, not subject to rise and fall, of \$681,909.62 excluding GST.
2. Award the contract to an alternate tenderer.
3. Not award the contract and return to market.

#### **SUSTAINABILITY IMPLICATIONS**

- Economic – Restoring access to agricultural businesses within the Shire and providing income opportunities for local and regional contractors.
- Social – Re-connecting our communities after a significant flood emergency event.
- Environmental – Works will be undertaken in consideration of the environment and with a view to minimising damage to roadside verges in line with Council road maintenance practices and State Government Guidelines.

#### **COMMUNITY ENGAGEMENT**

Once works commence, regular updates will be provided to the community informing them of any disruption to the road and drainage networks in advance, whilst ensuring appropriate traffic management is in place to minimise disruptions.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

DRFA Guidelines state that assets are to be restored to their pre-disaster function, this restriction and the nature of the works limits opportunities for innovation.

**COLLABORATION**

Council will undertake the repair restoration works to the road and drainage network in collaboration with the DTP and EMV, the assigned assessor responsible for reviewing the program of works and costings and to approve the works under Category B of DRFA.

Due to neighbouring councils being at differing various stages of damage assessment, and the fact that works are grouped by location, opportunities for collaborative tendering was not deemed feasible to progress works as quickly as possible.

**FINANCIAL VIABILITY**

These works are to be completed under the Reconstruction of Essential Public Assets (REPA) framework. This will minimise Council's financial risk, as approval of the scope and agreement on the upper price limit is granted prior to works commencing. It is anticipated that DRFA funding will cover the full cost of the works associated with this contract.

Council will apply for a cash advancement to be able to undertake these works.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Disaster Recovery Funding Arrangements and associated Guidelines.

**COUNCIL PLANS AND POLICIES**

Council Policy 109 – Procurement

Gannawarra Shire Council Municipal Emergency Management Plan

Gannawarra Shire Council Road Asset Management Plan

**TRANSPARENCY OF COUNCIL DECISIONS**

This report will be considered in an open Council meeting.

**CONFLICT OF INTEREST**

The officer preparing this report declares that they have no conflict of interest in regard to this matter.

**Gannawarra Shire Council**

**Contract name:** Flood Recovery - Road Rehabilitation Works  
**Contract number:** G09-2023 Flood Recovery Works Priority Package

Criteria	Weight	Tenderer A		Tenderer B		Tenderer C		Tenderer D		Tenderer E		RECivil	
		Score	Wghtd score	Score	Wghtd score	Score	wghtd	Score	wghtd	Score	wghtd	Score	wghtd
1 Price - Financial Cost to Council	0.30	3.27	0.98	6.85	2.05	2.30	0.69	0.00	0.00	6.73	2.02	6.80	2.04
2 Tenderer's and any nominated sub-contractors' resources, technical and financial capabilities to successfully complete the contract, including timelines.	0.25	7.00	1.75	7.00	1.75	8.00	2.00	8.00	2.00	8.00	2.00	8.00	2.00
3 Tenderer's and any nominated sub-contractor's experience on similar projects and standing, experience and skill within the industry.	0.20	6.00	1.20	6.00	1.20	8.00	1.60	8.00	1.60	8.00	1.60	8.00	1.60
4 Tenderer's and any nominated sub-contractor's OH&S record and procedures and ability to minimise Council's insurance risks.	0.15	8.33	1.25	8.67	1.30	8.00	1.20	8.33	1.25	8.00	1.20	8.00	1.20
5 Local Benefit	0.10	7.33	0.73	7.33	0.73	6.00	0.60	7.00	0.70	5.67	0.57	6.67	0.67
<b>TOTAL WEIGHTEDSCORE :</b>			<b>5.91</b>		<b>7.04</b>		<b>6.09</b>		<b>5.55</b>		<b>7.39</b>		<b>7.51</b>

**Approximate Contract Total**

Criteria	Weight	Comments	Comments	Comments	Comments	Comments	Comments
Price - Financial Cost to Council	0.30	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation
Tenderer's and any nominated sub-contractors' resources, technical and financial capabilities to successfully complete the contract, including timelines.	0.25	Have necessary resources. Well established.	Timeline provided. Have a workforce of 35 with 5 crews. 2 crews committed to other works to end of 2023.	Resources to provide Asphalt, spray sealing and stabilisation works.	Large company with large resource base. 10 Week project timeline	Some examples seem excessive	National Prequalification Scheme accredited via DTP. Utilise own fleet of plant.
Tenderer's and any nominated sub-contractor's experience on similar projects and standing, experience and skill within the industry.	0.20	Have proven experience in Local Government setting. Have a large fleet of plant required to complete works. Experience in previous sealed constuction works	Completed Road Maintenance and sealed road reconstruction for Gannawarra Shire Council and Swan Hill Council. Completed flood works for Gannawarra, SHRCC and Buloke Council.	Stabilisation and sealing works for Federation Shire, Strathbogie Shire, Forbes Shire and Upper Lachlan Shire.	Extensive road construction experience, predominately sealed roads including rehabs and stabilisation. VicRoads prequal for roads.	Have completed various sealed road rehabilitation and variety of other civil works.	Completed various sealed road rehabilitation and asphalting works.
Tenderer's and any nominated sub-contractor's OH&S record and procedures and ability to minimise Council's insurance risks.	0.15	Have an internal OH&S Management System, provided insurance evidence. Compliant on Rapid Global Contractor Management System	Accredited OH&S, Quality and Environmental Management systems. Proof of insurances provided. Generic SWMS provided. Registered on Rapid Global contractor Management system.	Provided insurance details upto \$20M. Accredited OH&S, Quality and Environmental Management systems.	Insurance details provided. Accredited OH&S, Quality and Environmental Management systems	Accredited OH&S, Quality and Environmental Management systems. Proof of insurances provided. Has been subject to PIN notice.	Accredited OH&S, Quality and Environmental Management systems. Proof of insurances provided
Local Benefit	0.10	Based in neighbouring LGA	Based in neighbouring LGA. Local contractors to be engaged if required.	Wodonga, Victoria based	Based in neighbouring LGA	Based in Dandenong South, Victoria.	Based in neighbouring LGA

**Evaluation Panel**

Name: Leigh Hollingworth   
 Title: Acting Manager Projects & Design

Name: Jon Haw   
 Title: Acting Manager Infrastructure Rehabilitation

Name: Wayne Galloway   
 Title: CT Management Group

The above personnel were previously approved to form the Evaluation Panel.

Consideration has been given when establishing the above evaluation panel to ensure proper probity issues are considered, especially when an existing contractor may be involved in the tender process. All members of the Evaluation Panel shall being signatories to this report declare their probity and confidentiality in dealing with this tender evaluation.

The evaluation process used was in accordance with the



**Gannawarra Shire Council**

**Contract name:** Flood Recovery - Road Rehabilitation Works  
**Contract number:** G09-2023 Flood Recovery Works Priority Package

Based on "Lump Sum" only	Tenderer A	Tenderer B	Tenderer C	Tenderer D	Tenderer E	RECivil
Tender price:	975423.00	677705.34	1056097.07	1246891.68	687535.88	681909.62
Median Price	831479.44	831479.44	831479.44	831479.44	831479.44	831479.44
( Median Price -Tender Price )	-143943.56	153774.10	-224617.63	-415412.24	143943.56	149569.82
10 x (Median \$ -Tender \$ ) / Median \$	-1.73	1.85	-2.70	-5.00	1.73	1.80
<b>Financial Criteria Score:</b>	<b>3.27</b>	<b>6.85</b>	<b>2.30</b>	<b>0.00</b>	<b>6.73</b>	<b>6.80</b>

Median Price: \$

**8 URGENT BUSINESS****9 NOTICES OF MOTION****9.1 NOTICE OF MOTION - 88**

**Author:** Councillor Garner Smith  
**Authoriser:** Geoff Rollinson, Chief Executive Officer  
**Attachments:** Nil

I, Councillor Garner Smith, give notice that at the next Ordinary Meeting of Council be held on 20 September 2023, I intend to move the following motion:

**MOTION**

**Given that the ongoing benefits to the Gannawarra community of the proposed VNI west interconnector are negligible, the Gannawarra council support for this project is dependent on the electricity generated by the renewable energy projects within Gannawarra Shire being supplied to Gannawarra residents and businesses at the feed in Tariff.**

## 10 QUESTION TIME

*Question Time provides an opportunity for members of the public to submit questions, in advance, to gain a response at the Council meeting.*

### QUESTIONS FROM THE GALLERY

Completed Question Time forms must be submitted to the Chief Executive Officer via email [council@gsc.vic.gov.au](mailto:council@gsc.vic.gov.au) no later than 8:30am on the day prior to the Council meeting.

A maximum number of two questions may be submitted in writing by any one person.

Questions will be read by the Mayor or Chief Executive Officer.

The Mayor or Chief Executive Officer may indicate that they require further time to research an answer. In this case, an answer will be provided in writing generally within ten (10) business days.

Questions will be answered at the meeting, or later in writing, unless the Mayor or Chief Executive Officer has determined that the relevant question seeks confidential information defined in Section 3 of the *Local Government Act 2020* such as:

- Council business information
- security information
- land use planning information
- law enforcement information
- legal privileged information
- personal information
- private commercial information
- confidential meeting information
- internal arbitration information
- Councillor Conduct Panel confidential information
- an issue outside the Gannawarra Shire Council core business

or if the question is:

- defamatory, indecent, abusive or objectionable in language or substance
- repetitive of a question already answered (whether at the same or an earlier meeting)
- asked to embarrass a Councillor or Council officer.

No debate or discussion of questions or answers shall be permitted and all questions and answers shall be as brief as possible.

## 11 DELEGATES REPORTS

### 11.1 DELEGATES REPORTS

**Author:** Mel Mathers, Executive Assistant - Chief Executive Office

**Authoriser:** Geoff Rollinson, Chief Executive Officer

**Attachments:** Nil

#### EXECUTIVE SUMMARY

Council has memberships with peak Local Government associations, local and regional forums along with statutory committees. Some memberships require that a Councillor be appointed to act as a delegate to formally represent Council; typically in a voting capacity. This Agenda item provides an opportunity for Council appointed delegates to present a verbal update on any pertinent matters arising from Council's membership on the following associations.

Association	Appointed Council Delegate
Central Victorian Greenhouse Alliance	Cr Stanton
Community Halls Community Asset Committee	Cr Burt
Loddon Campaspe Group of Councils	Mayor
Municipal Association of Victoria	Cr Collier
Municipal Fire Management Planning Committee (MFMPC)	Cr Link
Murray River Group of Councils (MRGC)	Mayor
Rail Freight Alliance	Cr Stanton
Rural Councils Victoria	Cr Smith
Timber Towns Victoria	Cr Smith

NB: \* Audit and Risk Committee - no delegate report is required as the Audit and Risk Committee formally reports back separately to Council in accord with the Audit and Risk Committee Charter.

**12 CONFIDENTIAL ITEMS**

Nil