



Ordinary Meeting of Council

17 August 2020

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Banyule Scouts Grants Program Guidelines July 2020

Purpose	<p>An annual grants program to assist the local scouting community apply for capped funding assistance from Council for:</p> <ul style="list-style-type: none"> • Minor Capital works projects up to \$20,000 per grant; • Major Capital works projects between \$20,000 and \$50,000 with matched funding required by the applicant; <p>For the purpose of these grants Capital works are defined as: external construction works, e.g. gardens, playgrounds, shade structures; building works, renovations or modifications to existing structures; or equipment installation (equipment that needs to be wired in, plumbed in, built in or permanently fixed)</p>
Key Dates	Funding round offered between February and April each year.
Eligibility	<ul style="list-style-type: none"> • Scout Groups who are based and operate within the City of Banyule and have been operational for a minimum of 12 months; • Be auspiced by the Scouts Association of Australia (Victorian Branch)
Application Process	Applications for the Banyule Scouts Grants Program must be made online through banyule.smartygrants.com.au
Quotes	<ul style="list-style-type: none"> • A minimum of 2 quotes must be included with the application for relevant trade works, building works, equipment purchases and installation; • Quotes must be current and dated within the past 2 months; • Quotes must be from registered trades; • Design plans must be included prepared by a registered trade where projects involve building works or modifications to existing structures;
Financial Information	<ul style="list-style-type: none"> • The matched funding required for major capital works projects cannot be obtained through other Banyule Council or RSL Grants. • Proof of matched funding needs to be demonstrated in the application; • Grants will not cover the cost of building and or planning permits; • Scout groups must have complied with acquittal conditions for previous Council funding.
Assessment & Decision Making	<p>To ensure probity, assessment and decision-making processes will be in line with the current Banyule Grants Program ie council officers will make initial assessments and recommendations and final approvals will be made by the Director and or their delegate. A report on all successful grant applications will be presented at a Council meeting after the end of each grants round.</p> <p>Assessments will be made based on three broad criteria:</p> <p>Priority Need What is the extent of need, priority or urgency?</p> <p>Benefit Are the outcomes of the proposal clearly defined? How well does the proposal address the identified needs?</p> <p>Delivery Is the proposal well planned and developed? Is the budget clear and realistic?</p>
Grant Agreement for	<p>Successful grant applicants will be required to:</p> <ul style="list-style-type: none"> • sign a grant agreement that also specifies reporting requirements and

successful applications	<p>timelines.</p> <ul style="list-style-type: none"> • Submit a tax invoice for payment of the grant. • Where matched funding is involved, a statutory declaration and written evidence of matched funding must be submitted; • Agreed timelines must be strictly adhered to unless otherwise negotiated; • Variations to the agreement must be negotiated and approved by the Director and or their delegate prior to action;
Acquittal	<ul style="list-style-type: none"> • To successfully acquit the grant, applicants will be required to submit receipts accounting for expenditure. • Failure to acquit the grant satisfactorily will be considered a breach. • A breach may result in requests for grant money to be returned to Council and exclude the group from future grant rounds.
Evaluation	<p>Applicants may be asked to participate in evaluation of the grants program including provision of information, participation in surveys and or interviews.</p>
Contact	<p>Banyule City Council is committed to the grants process being open and accessible to everyone. If applicants are facing barriers to applying due to the submission process, please contact Council to discuss how we may be able to support you. For assistance with any aspects of this grant program or completing an application, contact Council's Community Liaison and Support Officer on 9490 4222.</p> <p>If your hearing or speech is impaired you can call us through the National Relay Service on 133 677 (TTY) or 1300 555 727 ordinary handset and ask for 9490 4222.</p>

Attachment 2: Banyule City Council North East Link Project Advocacy List – 3 February 2020

Current Status							
	Not in scope		Considered for scope		In scope		Confirmed inclusion / completed
ADVOCACY LIST		Classification	IAC Support	Current Status			
WATSONIA IMPACTS	Extend the NEL tunnel to the north of Watsonia Station	CORE	Yes				
	Enhanced east-west connectivity across the North East Link: Power line easement shared use path	CORE	Yes				
	Enhanced east-west connectivity across the North East Link: Direct road connection to Watsonia Station and Watsonia Road	CORE	Yes				
	Enhanced east-west connectivity across the North East Link: Simplify the Watsonia Road / Greensborough Road intersection to minimise traffic and provide future land use opportunities	CORE	Yes				
	Upgrade Watsonia Railway Station	COMPLEMENTARY					
	Replace HV pylons with HV monopoles to enable improved urban design outcomes and community amenity Note: Refer back to UDS.	CORE					
	Land Use and Strategic Urban Design Framework Plan for the Watsonia Activity Centre Note: Watsonia PCP, included in UDS.	CORE	Yes				
	Watsonia public space and traffic and infrastructure improvements	COMPLEMENTARY	Yes				
	Watsonia Shopping Centre business support	CORE	Yes				
CYCLING CONNECTIONS	Upgrade Main Yarra Trail: Safe underpass at Banksia Street	COMPLEMENTARY					
	Upgrade Main Yarra Trail: Shared use path between Banksia Street and Burke Road	COMPLEMENTARY					
	Upgrade Main Yarra Trail: Realignment at Banyule Flats	COMPLEMENTARY					
	Upgrade Main Yarra Trail: Upgrade from Chandler Highway to Hoddle Street	CORE	Yes				
	Bridge over the Yarra River to link Banyule to Manningham	CORE	Yes				
	On road bicycle route on Yarra Street, Heidelberg	CORE					
	Shared use path between Heidelberg and Watsonia	EARLY WORKS					
	Shared use path along the rail corridor from Greensborough Station to Eltham Station	EARLY WORKS					
	Improve existing sections of trail in Banyule, including the Plenty River Trail and Main Yarra Trail	COMPLEMENTARY					
	Shared use path connections to the Plenty River Trail and the Diamond Creek Trail	COMPLEMENTARY					

Classification legend	CORE: Should be included in project	COMPLEMENTARY: Separate State funding required	EARLY WORKS: Deliver prior to primary works
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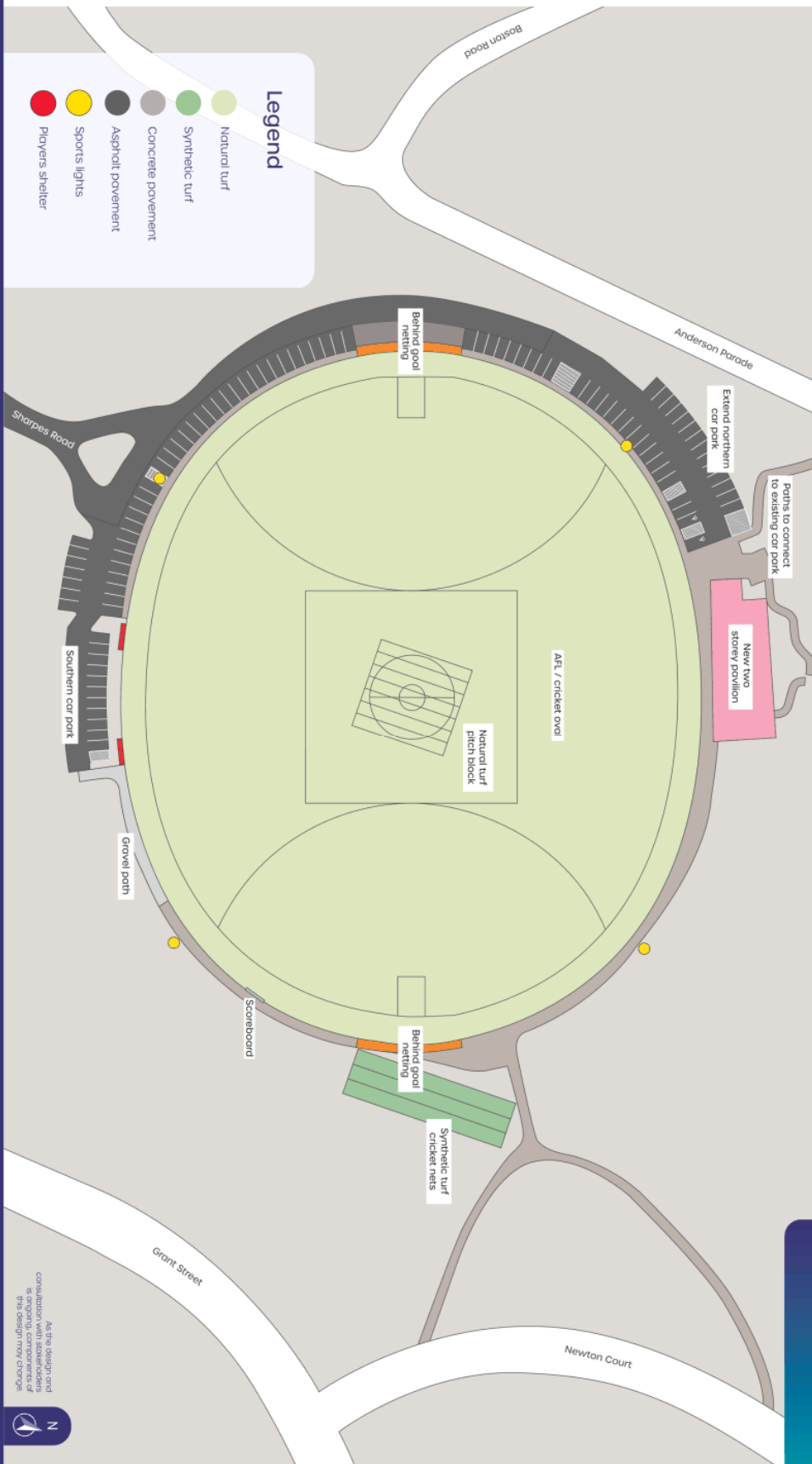
ADVOCACY LIST		Classification	IAC Support	Current Status
ROAD NETWORK	Freeway interchanges (full or limited directionally) at: a) M80 - including local toll free access for all movements b) Grimshaw Street - including public transport priority and local access c) Lower Plenty Road - important access to Latrobe Cluster d) Manningham Road / Banksia Street - important access to Latrobe Cluster e) Eastern Freeway - with primary focus to the east Note: Included in the reference design.	CORE		✓
	Greensborough Highway service road between M80 and Watsonia to cater for local use Note: Included in the reference design.	CORE		✓
	Greensborough Highway / Grimshaw Street intersection improvements Note: Included in the reference design.	CORE		✓
	Enhance the Greensborough road network to improve traffic movement and public transport operations, including: a) Grimshaw Street between Greensborough Highway and Flintoff Street b) The Circuit and Para Road including intersection improvements at The Circuit and Main Street c) Bus priority measures along Grimshaw Street	EARLY WORKS		●
	Addressing safety issues with adverse cross fall at the Lower Plenty Road / Greensborough Highway intersection Note: Included in the reference design.	CORE		✓
	Greensborough Bypass / Diamond Creek Road improvements and grade separation of Civic Drive roundabout	COMPLEMENTARY	Yes	●
	Rosanna Road improvements Note: Currently being pursued by DoT.	COMPLEMENTARY	Yes	●
	Burgundy Street improvements Note: Currently being pursued by DoT.	COMPLEMENTARY		●
	Bell-Banksia Link capacity improvements	COMPLEMENTARY		●
	Improve amenity in residential streets adjacent to NEL	COMPLEMENTARY	Yes	●
COMMUNITY	Provide improved facilities for displaced sporting clubs (consistent with club EES submissions)	CORE	Yes	●
	Improved sports fields across Banyule	COMPLEMENTARY		●
	Temporarily removed community open space facilities should be replaced with improved facilities	CORE	Yes	●
	Arts and cultural development programs	COMPLEMENTARY		●
	Public art opportunities	COMPLEMENTARY		●
	Macleod precinct improvements, A) Macleod Recreation and Fitness Centre, B) Additional netball courts at Nets Stadium	COMPLEMENTARY		●

Classification legend	CORE: Should be included in project	COMPLEMENTARY: Separate State funding required	EARLY WORKS: Deliver prior to primary works
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ADVOCACY LIST		Classification	IAC Support	Current Status
	Community development opportunities	COMPLEMENTARY		●
ENVIRONMENT	Early tree planting	EARLY WORKS	Yes	●
	International threatened bird protection at Banyule Flats	COMPLEMENTARY		●
	Restoration of Banyule Billabong	COMPLEMENTARY		●
	Water Sensitive Urban design treatments at local council reserves	COMPLEMENTARY		●
	Kalparrin Gardens Masterplan delivery	CORE		●
PUBLIC TRANSPORT	Hurstbridge rail duplication stage 2 Note: Project announced.	COMPLEMENTARY		●
	Analyse and improve bus services connectivity and frequency for the North East	CORE		●
	Provide high frequency buses on North East Link e.g. Watsonia and Greensborough to Ringwood and Dandenong	CORE	No	●
	Skybus services from Watsonia Station to Melbourne Airport	COMPLEMENTARY		✓
	Provide high frequency buses on Eastern Freeway to Doncaster and new Park & Ride at Bulleen Road.	CORE	Yes	●
	More frequent and later night and weekend feeder bus services to train stations and bus 'park & ride' locations	COMPLEMENTARY		●
	Future Doncaster Rail planned for and facilitated	COMPLEMENTARY	Not precluded	●
PUBLIC OPEN SPACE	Provide improvements at AK Lines Reserve	CORE	Yes	●
	Provide improvements to Ford Park, Bellfield consistent with the Ford Park Master Plan to offset the impacts on other recreational and sporting facilities	CORE	Yes	●
	Upgrade the public open space at Trist Street Reserve and transfer ownership to Council	COMPLEMENTARY		●
	High quality landscaping and offset planting	CORE	Yes	●
	Increase size and number of land bridges	CORE		●
	Provide alternative regional tennis centre prior to closing Boroondara Tennis Centre	CORE	Yes	●
LAND USE	Relocation of the Watsonia Transmission Station located in Frensham Road	COMPLEMENTARY		●
	Review the Heidelberg Structure Plan and associated Planning Framework	COMPLEMENTARY		●
	Placemaking / Gateway marking entry into Greensborough and Heidelberg	COMPLEMENTARY		●
	Project built assets – Impact on existing assets, design input for new assets, maintenance considerations	CORE	Yes	●
	Consideration for future utility sites for Council after completion of the North East Link	COMPLEMENTARY		●

Classification legend	CORE: Should be included in project	COMPLEMENTARY: Separate State funding required	EARLY WORKS: Deliver prior to primary works
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Binnak Park Master Plan



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 Authorized and published by the Victorian Government, Treasury Place, Melbourne

Banyule
 CITY COUNCIL

VICTORIA'S
 BIG BUILD

VICTORIA
 State Government

As the design and consultation with stakeholders regarding construction of the design is ongoing.

N

Ford Park Master Plan Stage 1 (2020)



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Banyule CITY COUNCIL

VICTORIA'S BIG BUILD

VICTORIA State Government

As the design and construction with stakeholders is ongoing, some details may change.

N

Ford Park Master Plan Stage 2 (2025)



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Authorised and published by the Victorian Government's Treasury Place Melbourne

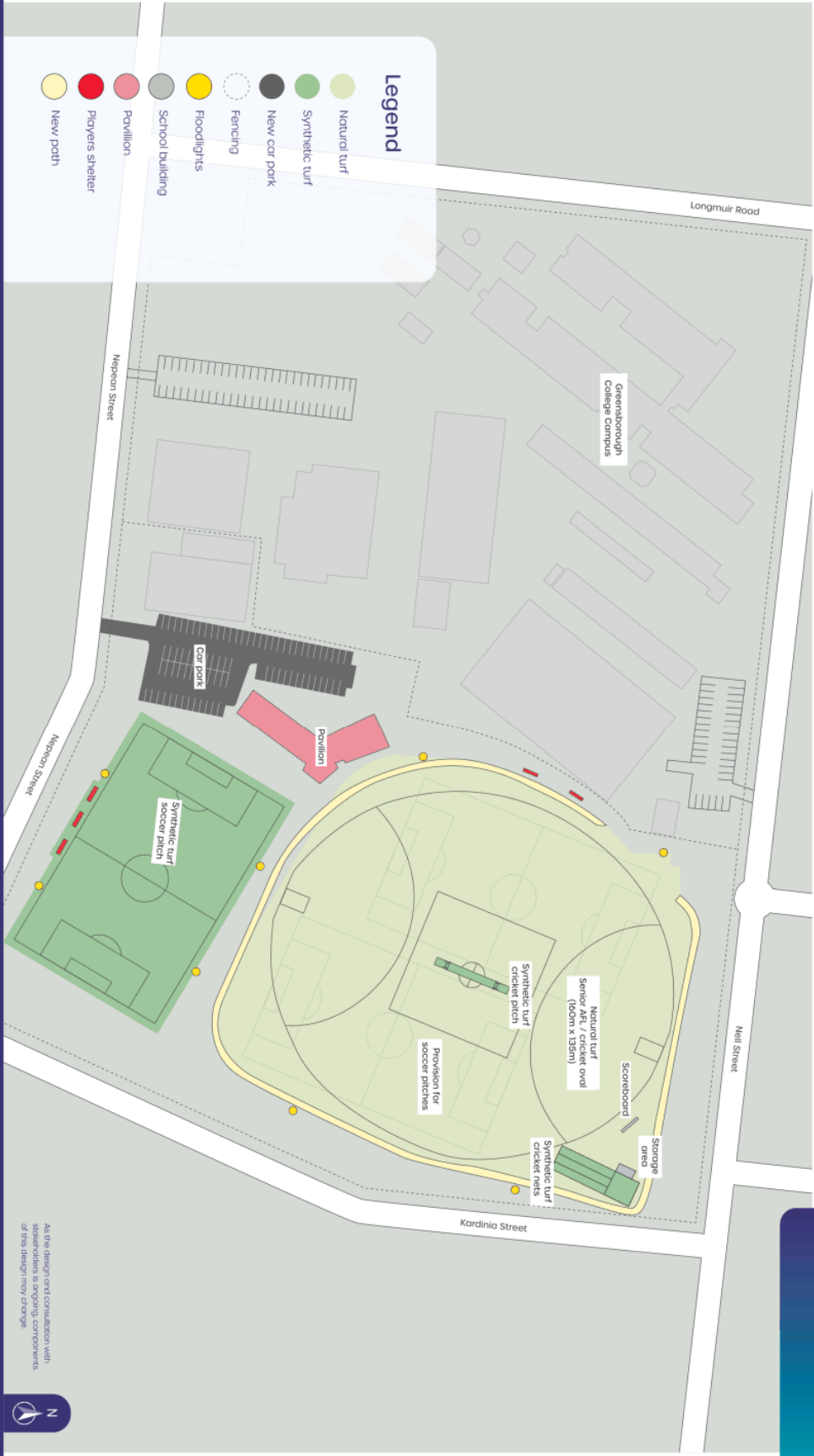
Banyule
CITY COUNCIL

VICTORIA'S
 BIG BUILD

VICTORIA
State Government

As the design and construction with stakeholders is ongoing, components may change

Greensborough College Sports Facilities Master Plan



As the design and consultation with stakeholders is ongoing, components of this design may change.

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Greensborough COLLEGE

Banyule CITY COUNCIL

VICTORIA'S BIG BUILD

VICTORIA State Government

SUMMARY OF CHANGES TO THE COMMUNITY CLIMATE ACTION PLAN (CAP)

THEME/ SECTION	CHANGE / COMMENT	CHANGE
General – strategic context	Clearer description of CERP and diagram of how this and Planet Plans relate.	Existing diagram to be improved via graphics, with greater explanation on what the CERP addresses. Updated text as below: <i>The plan responds to our community's expectation for us to 'lead in planning for, and responding to, climate change', a key direction in the Council Plan 2017-21. Importantly, the plan builds upon Council's Corporate Emission Reduction Plan (CERP), adopted in December 2019. This plan addresses the emissions arising from Council activities and as such covers the key areas of buildings, fleet, street lighting and procurement. Opportunities here capture energy efficiency and renewable energy actions, as well as embedding climate action as a key priority across all departments.</i> <i>(Pull out box) Find out more about Council's Corporate Emissions Reduction Plan and actions to reduce organizational emissions here.</i>
General	Greater focus on electrification needed	Text clarification provided throughout the Plan to highlight the importance of electrification as a key outcome. Note change of priority area from "Increased Energy Efficiency", to "Electrification and Energy Efficiency".
General – grid energy sources	Provide information on the source of grid electricity in Banyule, by ways of strengthening understanding of the need for renewables.	New pull out text added as below: <i>Did you know Australia's national electricity grid is fuelled by different energy sources. Renewable energy like wind, solar and hydro provide 20% of Australia's electricity supply¹. Most of our electricity, particularly within Victoria however, is sourced from the burning of brown coal at large power stations. This is one of the most carbon emission intensive energy sources. By integrating greater renewables into the grid, we can contribute to a cleaner grid.</i>
General – vulnerable communities	Note the need for a greater equity lens on allocation of financial based programs.	Program guidelines to consider how 'vulnerable communities' can be prioritised within programs. Upright clarity on this provided via text as below:

¹ Department of Industry, Science, Energy and Resource, "Energy Supply", accessed online 3.7.20 at Energy.Gov.Au

SUMMARY OF CHANGES TO THE COMMUNITY CLIMATE ACTION PLAN (CAP)

THEME/ SECTION	CHANGE / COMMENT	CHANGE
and individuals		<i>Certain individuals and groups in our community are more vulnerable to the impact of climate change. Some older people, children, people from ethnic communities, people with disabilities, or people from Aboriginal communities, may be affected more than others. When we design climate-change programs for our community, we will take into account the challenges they face. In this way, everyone will be able to take part.</i>
General - COVID opportunities	Consider COVID impacts and opportunities within the Plan.	This to be undertaken via supporting promotional material outside of the Plan, to avoid dating the Plan. Note targets around flexible working arrangements to occur in support of the CERP, not the CAP.
Energy efficiency and Accelerating renewable energy themes	Swap energy efficiency and renewable energy priorities to reflect order to implementation.	Two order of the themes have been swapped.
Green Buildings - Planning	Greater weighting on opportunities for changes in planning scheme.	New Action as below, highlighting Banyule's commitment to participating in any future planning scheme amendment: <i>Participate in opportunities for local government to partner in planning scheme amendments to introduce net zero standards for new commercial and residential buildings.</i>
		Action below strengthened via change from 'trial' to including implementation: <i>Trial and implement ESD inspections to inform an understanding of current compliance levels.</i>
Green Buildings - Planning	Greater clarification included around planning and role of state vs local government.	<i>New text added as below: Actions to reduce zero emission buildings must drive electrification and the uptake of green energy sources, and also ensure standards are translated from planning into built form. Sustainability outcomes for new builds can be best strengthened via the inclusion of sustainability targets at all levels of planning, including:</i>

SUMMARY OF CHANGES TO THE COMMUNITY CLIMATE ACTION PLAN (CAP)

THEME/ SECTION	CHANGE / COMMENT	CHANGE
		<p>The strongest sustainable development outcomes are achieved when building and planning are working together across all levels of government. Building regulations and the State Planning Framework are State and Federal Government responsibilities and provide the most efficient means of addressing the environmental performance of buildings. In responding to the climate emergency, these standards need to be updated and improved to achieve more ambitious outcomes.</p> <p>Local governments have continued to work hard to address the current gap and have introduced ESD planning policies in local planning schemes to incorporate sustainability into design. This has been a successful approach for Councils, including Banyule, introducing best practice environmentally sustainable design into the planning process.</p>
Energy efficiency - general	Capitalise on residential sector now being eligible for Environmental Upgrade Fund	<p>New action: <i>Seek to partner with State Government (DELWP) and others to pilot the use of residential EUF as mechanism to support thermal upgrades for households.</i></p>
A climate adaptive and resilient Banyule - general	Concern regarding the extent to which adaptation is addressed within the Plan. Suggestions to strengthen relate to increasing presence of biodiversity related issues including greater planting of understory planting, as well as water, waste and urban cooling work.	<p>Adaptation actions are well covered across key areas of water, waste, parks and open space and emergency management, all of which are cross references in standalone section ‘Complementary Strategies’. Revision to UFSP action to highlight canopy cover focus: <i>Consistent with the Urban Forest Strategic Plan, continue to roll out tree planting program across the municipality; prioritising locations with the lowest canopy cover.</i></p> <p>Inclusion of additional text to highlight the importance of trees in reducing heat loads across the municipality:</p>

SUMMARY OF CHANGES TO THE COMMUNITY CLIMATE ACTION PLAN (CAP)

THEME/ SECTION	CHANGE / COMMENT	CHANGE
		<p>“Significantly, tree canopy cover can help the community cope with extreme heat. Melbourne in recent years has endured just over eight days a year on average above 35 degrees. By 2050, that could rise to between 13 and 21 days of extreme heat. It can feel ten degrees cooler standing under a tree. In a warmer climate tree canopy cover will help us to continue to go about our day to day activities.”</p> <p>New text added to include greater explanation of the Strategic Waste Plan and clarify objective of circular economy: <i>A circular economy moves beyond the standard steps of production, use and disposal to consider how materials can be used (and reused) as much as possible. The thinking supports a reduction in production and in turn waste, as more value is extracted from materials in the first instance.</i></p> <p><i>Banyule’s Towards Zero Waste Management Plan supports the circular economy principles and is based on the waste management hierarchy, which is the basis of waste policies in Australia. This outlines the preference for waste management, where avoiding waste is the most preferred option and disposing waste to landfill is the least preferable.</i></p>
SMART Targets	Note the need for interim SMART targets to understand progress.	<p>Four-year targets introduced for key each of the priority themes, as proposed below. Measurement of these at the end of the first four year will be used to inform revision and strengthening of the Plan.</p> <p>Note also the slight changes in priority theme naming.</p> <ol style="list-style-type: none"> 1. Whole of community engagement: <ul style="list-style-type: none"> o 1,000 numbers of community members engaged annually (as measured via event activity numbers) 2. Electrification and energy efficiency: <ul style="list-style-type: none"> o 80% household report at least a two star improvement after utilizing energy upgrade program

SUMMARY OF CHANGES TO THE COMMUNITY CLIMATE ACTION PLAN (CAP)

THEME/ SECTION	CHANGE / COMMENT	CHANGE
Build and broaden engagement	Leverage / work with local community groups in helping to drive change and/or provide community education.	<p>3. Renewable energy:</p> <ul style="list-style-type: none"> ○ 18% of households with solar (as measured in Banyule's Household Survey) ○ Increase in capacity of commercial solar installations <p>4. Green Buildings:</p> <ul style="list-style-type: none"> ○ Undertake ESD compliance inspections for 20% of completed multi dwelling developments. ○ Provide ESD related training for 100% of planning staff every 12 months <p>5. Zero emissions transport:</p> <ul style="list-style-type: none"> ○ Introduction of public electric vehicle charging stations at four key locations across Banyule; ○ 65km of kilometres of on-road cycling lanes within Banyule <p>6. The circular economy:</p> <ul style="list-style-type: none"> ○ 49% of consumer waste diverted from landfill; <p>7. Adaptation and resilience</p> <ul style="list-style-type: none"> ○ Constrain Council's annual potable water use to less than 300ML; Annually remove 50 tonnes of litter and 130 tonnes of sediment from Council's Water Sensitive Urban Design assets; ○ 95% of streets to be planted with trees that have growth potential to achieve canopy cover targets;
Lowering transport	With promotion of walking/cycling there needs to be consideration of	<p>New action: Support for environment volunteers: Continue to support Community Environment Groups such as Friends groups, Transition Towns, Community Gardens and the Banyule Clean Energy Group to deliver community driven action.</p> <p>New action: Building the intrinsic value of nature Continue to deliver and build local engagement with nature throughout Banyule via stewardship programs.</p> <p>New action added under Zero emission transport theme, as below:</p>

SUMMARY OF CHANGES TO THE COMMUNITY CLIMATE ACTION PLAN (CAP)

THEME/ SECTION	CHANGE / COMMENT	CHANGE
emissions – lighting impacts	lighting and perceived safety/security. Consideration of lightings effect on nocturnal animals needs to be captured.	<i>Ensure the impact of lighting on nocturnal wildlife is considered and minimised when introducing or replacing public lighting.</i>
Lowering transport emissions – Electric community bus	Consider the use of electric community buses.	Inclusion of the Social Support Group bus to highlight initiative and Council work in trialling this. New text to read: <i>Council’s Social Support Groups offers a door to door service for older residents, to ensure their safe arrival to and from home to the social support centres. To support Council’s commitments to improving transport services for older people, and to address climate change, an electric bus has been introduced into the fleet. Its introduction has enabled a more comfortable and efficient pick up service for participants, whilst reducing individual taxi trips.</i>
Circular economy - food	Need for consideration of food miles, comm gardens & urban farming, as part of an approach that encourages local buying.	New action added within Circular Economy: <i>Deliver a ‘Buy Local’ campaign, which supports the revitalisation of smaller activity centres across Banyule.</i> New action added within Circular Economy: <i>Continue and expand programs to increase awareness of food waste and local food production.</i>
Circular economy – food	As above	Include new case study, highlighting exciting new urban farm development at Belfield. New text to read: <i>Farm Raiser is a non-for profit establishing a financially sustainable urban farm on a 1.8 acre parcel of land behind Waratah Special Development School, following the principles of regenerative, organic, low-till farming. Aside from selling vegetables, the farm will provide the students with a learning resource on a specially designed garden.</i>

SUMMARY OF CHANGES TO THE COMMUNITY CLIMATE ACTION PLAN (CAP)

THEME/ SECTION	CHANGE / COMMENT	CHANGE
		<p><i>The farm requires irrigation, and an opportunity to harvest and treat water from the roof of the school was also identified. Banyule City Council committed \$100,000 to Farm Raiser, allowing Farm Raiser to secure an additional \$55,000 of funding from Melbourne Water. The irrigation design and ability of the farm to mitigate the storm water from Darebin Creek, as well as reducing runoff in a drainage area, makes project has a high impact potential for Banyule's WSUD goals.</i></p>
Circular economy – social enterprise support	Consider opportunities to encourage social enterprise to bring recycling services (such as soft plastics) into Banyule.	<p>New action added, crossed referenced with draft Social Enterprise Strategy (currently out for public exhibition):</p> <p><i>Increase the number of social enterprises servicing or operating in Banyule by building business capacity and capability, as outlined within the draft Social Enterprise Strategy.</i></p> <p>Detail of the Social Enterprise Strategy included within the complementary strategies section, as below:</p> <p><i>Social enterprises are defined as businesses that:</i></p> <ul style="list-style-type: none"> • <i>are led by an economic, social, cultural or environmental mission consistent with a public or community benefit</i> • <i>derive a substantial portion of their income from trade</i> • <i>reinvest the majority of their project / surplus in the fulfilment of their mission.</i> <p><i>The Social Enterprise Strategy aims to drive employment participation and inclusion economic growth in Banyule by supporting the growth and sustainability of the social enterprise sector.</i></p>
General - Schools and supporting the curriculum	The CCAP could consider education more closely in terms of working with schools and the school curriculum.	<p>Numerous 'youth' and school aged programs are being delivered from Council, including now with DCMC with change in school wildlife corridor program, as well as the ReThink Centre. Text added to reflect this:</p> <ul style="list-style-type: none"> • <i>Darebin Creek Management Committee: Darebin Creek Management Committee, with its part funded by Banyule City Council, offers free education programs to all School's in Banyule to learn about the ecology of the creek, and importance of the wildlife corridor it supports.</i>

SUMMARY OF CHANGES TO THE COMMUNITY CLIMATE ACTION PLAN (CAP)

THEME/ SECTION	CHANGE / COMMENT	CHANGE
<p>General - Residential focused actions</p>	<p>Suggestions around alternative actions for residents to focus on.</p>	<ul style="list-style-type: none"> • <i>The ReThink Centre in Bellfield offers incursions for Primary and Secondary schools to learn about how their waste is sorted and recycled and how to make better choices as consumers.</i> <p>Change to actions to include the below:</p> <p><i>Replace ageing and inefficient gas or wood burning appliances with highly efficient electrical ones, including induction cooking.</i></p> <p><i>Consider replacing petrol fuelled products with battery powered alternatives, as end of life, including mowers and leaf blowers.</i></p>
<p>General – Case studies</p>	<p>Need to include case studies to highlight ‘success’.</p>	<p>Illustrated case studies for residents, business and schools to be developed as part of highlighting what is best practice (graphics to establish). Text examples also added, as below:</p> <p>Business: Embedding sustainability as Business as Usual</p> <p>Sealane Group is an Australian owned and operated family business since 1982. Located in the Heidelberg West Business Park, they are a distributor of frozen and chilled foods, dry groceries, packaging and cleaning products to restaurants / cafes, healthcare facilities, educational institutions, event and accommodation venues and supermarkets. They also deal direct to public and offer home delivery services.</p> <p>Sustainability and reducing their carbon footprint is a strong focus of Sealane’s everyday operation. Notably, being a cold storage distribution facility, energy efficiency has been a key focus. Actions undertaken to date include:</p> <ul style="list-style-type: none"> • A purpose-built operation building, featuring a south facing office to lessen the requirement for air-conditioning and large rain water tanks, used to wash electric fleet of trucks • Introduction of rapid shutter doors to minimize energy loss from operational movements • Introduction of rooftop solar to meet all energy requirements.

SUMMARY OF CHANGES TO THE COMMUNITY CLIMATE ACTION PLAN (CAP)

THEME/ SECTION	CHANGE / COMMENT	CHANGE
		<p>You can learn more about Sealane on their website.</p> <p>School: Driving sustainability at Banyule Primary At Banyule Primary, every student and staff member is part of a Sustainability Action Team. As a team, goals around the areas of water, waste, biodiversity and energy are set, implemented and regularly reviewed.</p> <p>Using this approach, the school have implemented a range of actions to help create a sustainable space for students & the broader school community. This includes:</p> <ul style="list-style-type: none"> • Installation of louvers in classrooms to help with natural ventilation, lowering their energy usage; • Installation of water tanks to gather rain water and collection of over flow from their drinking taps for garden watering; • Monitoring of biodiversity on campus and establishment of a veggie garden and worm farm; • Introduction of a four-bin waste system in every classroom; • Reuse of food waste to onsite chooks. <p>Through the holistic approach to sustainability, kids at Banyule Primary are gaining a great understanding of sustainability & how to lessen their environmental footprint, whilst contributing to the reduction of emissions within the wider community.</p> <p>Residential: Achieving Excellence in an Older Home The following case study demonstrates how a sustainability focused couple in Banyule achieved 8 Stars for their 60 years old property from the Energy Efficiency Scorecard Assessment.</p> <p>The house: A typical brick veneer home built in the late 50s/early 60s in Heidelberg The owner: A retired couple who are highly engaged with energy efficiency and sustainability Key actions undertaken include:</p> <ul style="list-style-type: none"> • Introduction of floor insulation; • Introduction of additional ceiling insulation to improve overall insulation performance; • Sealing of the old chimney;

SUMMARY OF CHANGES TO THE COMMUNITY CLIMATE ACTION PLAN (CAP)

THEME/ SECTION	CHANGE / COMMENT	CHANGE
Monitoring, Evaluation and Reporting Framework (MERF)	Need for a broad ranging communications plan to ensure widespread understanding of the CAP and active participation from all sectors.	<p>New action added. Communicate: <i>The success of this Plan will be contingent on the ability to bring the community along and secure uptake of actions. We will communicate and partner with the various audiences in the community via a range of avenues and mediums, as outlined within a Communications Plan.</i></p>
		<p>To further improve energy efficiency for their home the residents are also planning to install new Solar PV system.</p> <ul style="list-style-type: none"> • The use of doors and partitions to zone the house and enable efficient heating and cooling; • Upgrade of an old, gas hot water system to a solar system; • Installation of several water tanks supported by a well-insulated pump.

Community Climate Action Plan (CAP)

Working in partnership for a zero net emissions and resilient Banyule

Acknowledgements

Banyule City Council acknowledges the Wurundjeri Woi-wurrung people as traditional custodians of the land on which we work and pay respect to all Aboriginal and Torres Strait Elders, past, present and emerging. We acknowledge their unique relationship with the land, waterways and sea and recognise our shared responsibility to care for Country by solving the climate crisis together.

We continue to learn from Aboriginal and Torres Strait Islander people, who have been caring for Country for tens of thousands of years based on an ethic of shared responsibility and unity with nature. We seek to bring that ethic into our workplace and daily lives so that it guides our decisions and actions.

We extend a heartfelt thank you to the Banyule community who have contributed openly and generously to the development of this plan, and who are crucial to implementing it. We acknowledge our Councillors who have been instrumental in driving our ambitious climate action agenda.

Cr Alison Champion
Mayor Banyule City Council

Preface

As Mayor and CEO of Banyule City Council, we wholeheartedly endorse this plan for a community that is rising to the challenges of a climate emergency, reducing emissions and adapting to climate impacts. The actions outlined here give all of us the opportunity to create a better Banyule - one that is connected, inclusive, generous, creative and resilient. In a word, thriving.

Everyone in Banyule has a part to play in realising this vision. We encourage you to consider the plan as your own: to contribute to its ongoing development, make use of the advice and support provided by Council, and take action wherever you can at work, home and play.

Allison Beckwith
CEO Banyule City Council

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Executive Summary

This plan outlines opportunities for emission reductions across the Banyule municipality. Building upon Council's own Corporate Emissions Reduction Plan, it has been established to:

- Highlight the broader context in which action is occurring;
- Provide guidance and information to key stakeholders (residents, schools and business) in undertaking action;
- Identify priorities for strengthening Banyule's adaptation response; and
- Highlight the actions that Council will take to support and accelerate progress for the municipality.

It is intended as a document for our community to understand what initial steps can be taken and how Council is intending to support you. It also acts as an Action Plan within the Council, to be implemented by each of the relevant departments.

Eight priority themes will inform our approach, reflecting critical areas where change is needed:

1. Whole of community engagement
2. Electrification and energy efficiency
3. Renewable energy
4. Green buildings
5. Zero emissions transport
6. Circular economy
7. Adaptation and resilience
8. Monitor and Report.

This is the first time we have produced a Plan of this kind. We will report on our progress in implementing the actions we have committed to on an annual basis, and seek to revise the Plan every four year, to ensure it remains relevant and effective. This process will be supported by annual budget bids for actions that are currently subject to funding approval.

Ultimately the Plan will provide us with the opportunity to create a thriving and responsive Banyule - one that is connected, inclusive and resilient.

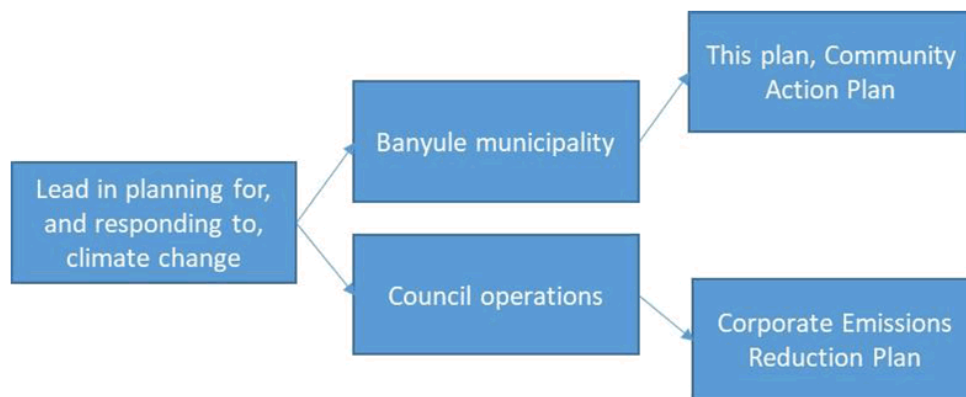
Plan purpose

Across the community, in homes, businesses and schools, Council does not have direct control over emissions like we do when they arise from our own operations. In the municipality, emissions arise from energy used in homes, from the cars travelling within and through Banyule, from industry and businesses, and from the various forms of waste that is generated through our everyday activities.

In declaring a climate emergency, Banyule City Council acknowledges that we all have a role to play in responding to climate change. [This plan outlines how as a Council, Banyule will support our residents, businesses and organisations to reduce emissions and adapt to the impacts of climate change.](#) The actions outlined give us the opportunity to create a thriving and responsive Banyule - one that is connected, inclusive and resilient.

Find out more about Council’s Corporate Emissions Reduction Plan and actions to reduce organisational emissions [here](#).

The plan responds to our community’s expectation for us to ‘lead in planning for, and responding to, climate change’, a key direction in the Council Plan 2017-21. The plan builds upon Council’s Corporate Emission Reduction Plan (CERP), adopted in December 2019. This plan addresses the emissions arising from Council activities and as such covers the key areas of buildings, fleet, street lighting and procurement. Opportunities here capture energy efficiency and renewable energy actions, as well as embedding climate action as a key priority across all departments.



Importantly, the best practice C40 framework has been used to guide our approach. The C40 climate action planning framework supports councils in developing climate action plans that are aligned with the objectives of the Paris Agreement.

C40 developed science-based targets based on what is necessary to remain within a 1.5-degree temperature rise. This underlines how action today is necessary to avoid the worst effects of climate change. These emissions per capita targets are listed in Table 1.

Table 1 C40 target trajectories from 2020

	Emissions per capita for C40 cities (tCO ₂ -e)		
	2020	2030	2050
1.5 degrees	4.9	2.9	0.0
2 degrees	4.8	3.0	0.9

To achieve this scale of change, we know we need to work together with our community. Acknowledging this, Council will fulfil a number of roles through the actions in this Plan:

- a **collaborator**, working in partnership with households, community groups and businesses in Banyule, as well as with the Northern Alliance for Greenhouse Action (NAG)A Councils and other levels of government;
- an **enabler**, facilitating others' action through training, grants and other financial assistance;
- an **educator**, providing information and advice, a trusted, third party that can help inform the choice of services and providers;
- a **broker** between players within and beyond the municipality;
- an **advocate**, to State and Federal governments for changes that are beyond our direct control and mobilising the community for support.

Many of the actions identified in this plan will be implemented within existing resources. In some cases, however, the associated costs will be identified following investigation of the action itself (i.e. such as the action to examine a range of economic levers to support the uptake of energy efficiency measures for residents). Here, implementation budgets will be considered by Council via the budget process.

Why take action?

Our climate is changing dramatically.

While the earth's climate has gradually changed throughout history, scientists agree that the substantial and very rapid changes we've seen over the past hundred years or so are caused by human activities.ⁱ

Human activities such as burning fossil fuels (coal, gas, petrol and diesel) and clearing vegetation are causing global climate change, well above and beyond natural cycles.

Unless we take significant action now, we are on track for a rise in temperature of between 4-6°C. To put this in context, the difference in temperatures between now and the last ice age was around 4°Cⁱⁱ.

Why do a few degrees of warming matter? Already with a temperature increase of just 1.1°C since pre-industrial times, Australia is experiencing:

- Increased frequency and severity of extreme weather events including floods and droughts;
- More frequent, more intense and longer-lasting heatwaves;

ⁱ Climate Council, accessed online December 2019 www.climatecouncil.org.au/resources/what-is-climate-change-what-can-we-do/

ⁱⁱ Ibid.

- Greater risk and severity of bushfires and earlier, longer bushfire seasons – as experienced by many Australian communities in 2019/20
- Sea level rise, leading to more coastal flooding, erosion and saltwater intrusion into freshwater wetlands, such as the World-Heritage listed Kakadu National Park.ⁱⁱⁱ

In Banyule, these changes impact our physical assets, as well as people's health, safety, livelihoods and wellbeing. Banyule's natural environment is also affected including wildlife, vegetation and waterways.

The more action we take now, the less pressure we put on the Earth's vital ecosystems and the better we can adapt to the impacts of climate change.

The United Nations has warned that we have just a decade, until 2030, to keep global temperature rise to a maximum of 1.5 degrees. Warming beyond this will significantly worsen the impacts on ecosystems, as well as the consequences arising from drought, floods, extreme heat and resources deficiency for people everywhere.^{iv}

The good news is, the solutions already exist! Switching to renewable energy and storage technologies is the fastest way to drive down GHG emissions.

On the flip side, taking action creates opportunities to build a better Banyule and a better world. In fact, responding to the climate crisis in inclusive, just and community-minded ways provides the foundations for a thriving, prosperous Banyule into the future. We have a responsibility to take action now for our future generations.

The big picture

Through this plan, Banyule Council and our community join a growing, global movement that is taking action to solve the climate crisis.

In 2015, the international Paris Climate Change Agreement introduced global emission reduction targets to limit global temperature rise to below 2°C by 2050 and to pursue efforts to limit it to 1.5°C above pre-industrial levels. The landmark agreement has seen 195 countries committing to delivering national emission reductions and global action on climate change.

The C40 Cities Climate Action Planning Framework ('C40') was developed to guide cities around the world to establish action plans capable of achieving these targets. Banyule City Council is using this framework to guide the municipality's response to climate change and ensure our approach aligns with that of other cities around the globe. This means we are required to:

- Consider climate mitigation and adaptation in an integrated way, identifying interdependencies to maximise efficiencies and minimise risks – in other words, 'get best bang for buck';
- Develop a SMART action plan;

ⁱⁱⁱ Ibid.

^{iv} Intergovernmental Panel on Climate Change (2018) Special Report: www.ipcc.ch/sr15/

- Establish a transparent process to monitor and communicate progress on the plan.

At the national level, Australia ratified the Paris Agreement in 2016, setting a national target to reduce emissions by 26-28% below 2005 levels by 2030. To help reach this target, the Federal Government established several funds and plans aimed at energy efficiency and incentivising small and large scale renewable energy generation. With the inclusion of these initiatives, around 23.5% of Australia's electricity generation in 2020 will be sourced from renewable sources like solar, wind and water (hydroelectricity).

At a state level, the *Climate Change Act 2017* sets the long-term target for Victoria as zero net emissions by 2050. The State government has also established incremental renewable energy targets of 25% by 2020, 40% by 2025 and 50% by 2030. Its Take2 pledge program has a range of guides and resources to support action by households, community groups and businesses. Victoria's strategic priorities for adaptation are set out in the *Climate Change Adaptation Plan 2017-2020*.

At a regional level, Banyule together with eight other Councils in Melbourne's north are members of the Northern Alliance for Greenhouse Action (NAGA). NAGA trial, support and share learnings from emission reduction and adaptation activities in the region.

What we heard: 'How have you experienced the effects of climate change?'

Participants of the community engagement activities were asked, 'how have you experienced the effects of climate change?'

Here people commonly referenced health impacts, both mental and physical. People expressed anxiety about the future, for themselves and their children, as well as concern in relation to physical health impacts such as asthma and hay fever, alongside social isolation.

Main emission sources and trajectory

By understanding where emissions are coming from, we can make informed decisions about where to prioritise our attention and future resources.

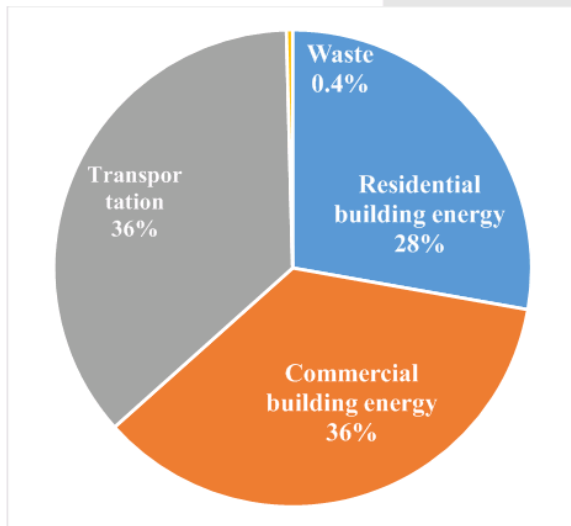
The main sources of emissions in the Banyule municipality (Figure 1) are:

- Transport
- Commercial building energy, and
- Residential building energy.

Emissions from municipal waste are unusually low in Banyule (0.4%), thanks to landfill methane capture technology at the Wollert landfill site.

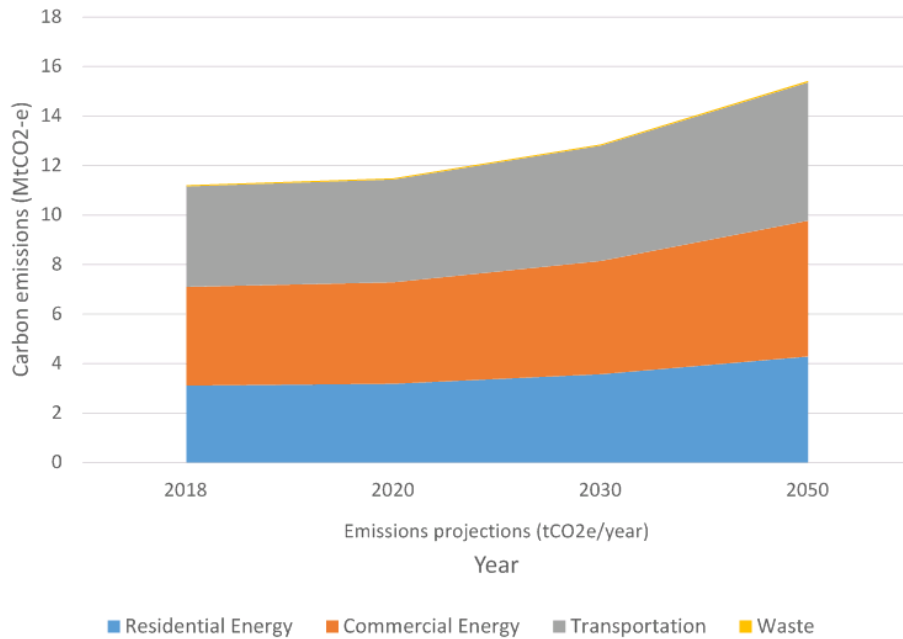
Figure 1: Main sources of emissions in the Banyule municipality (2018)

Did you know Australia's national electricity grid is fuelled by different energy sources? Renewable energy like wind, solar and hydro provide 20% of Australia's electricity supply¹. Most of our electricity, particularly within Victoria however, is sourced from the burning of brown coal at large power stations. This is one of the most carbon emission intensive energy sources. By integrating greater renewables into the grid, we can contribute to a cleaner grid.



Without further action, total emissions from these sources are expected to increase substantially (38% by 2050), driven largely by population growth (Figure 2).

Figure 2: Business as usual projection of emissions from major sources

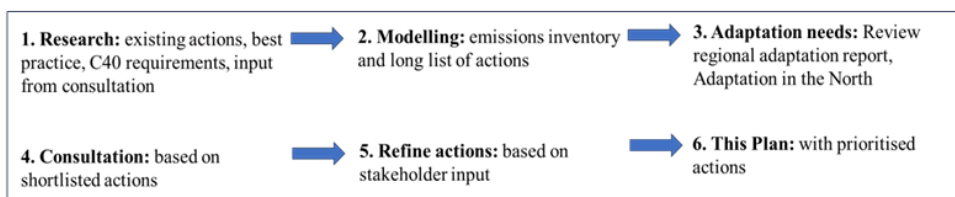


In light of these trajectories, long term targets were established to guide the development of our own actions. These reflect how energy is currently used within each key area– i.e. through heating and cooling, hot water systems and lighting - and the extent to which it needs to change.

If achieved, we can expect to realize an 85% reduction in our business-as-usual emissions, resulting in 1.3 tCO₂-e per capita by 2050 (down significantly from 8.6 tCO₂-e per capita).

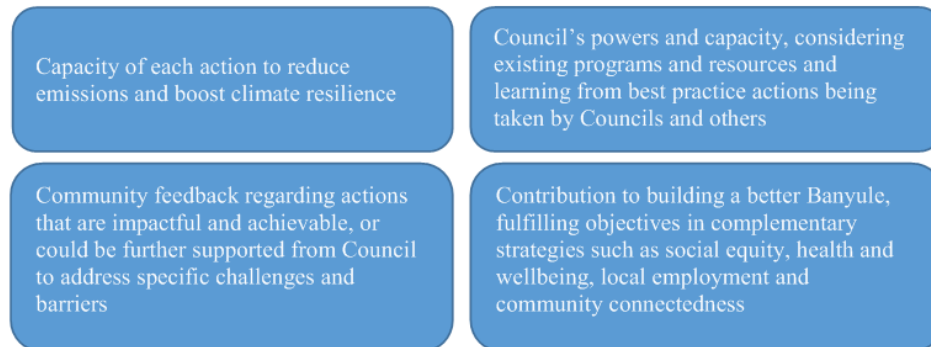
How we developed this plan

Working closely with our community, we followed a process of identifying, refining and prioritising actions



Across several forums in 2019, we consulted with business, government and the broader community in Banyule about potential actions, barriers and Council support.^v We gathered community input through an online survey, two focus groups, a workshop with environmental group members, and community pop-up information stalls.

The actions presented in this Plan have been prioritised based on the following criteria:



TAKING ACTION

The following sections are designed to be read by the various audiences:

- Residents
- Schools / youth
- Businesses

The sections are intended as a 'toolkit' for each of these groups, highlighting *just some* of the key actions available. A sample of actions that Council are proposing to take to support our residents, businesses and schools are also highlighted.

Small case studies have been included throughout, highlighting best practice examples. This is an important part of sharing ideas and ensuring climate action is part of our day to day.

A full list of Council actions is available at the end of this document.

^v Businesses included Austin and Mercy Health, AusNet Services and Jemena. State government agencies were Sustainability Victoria, Public Transport Victoria and Department of Environment, Land Water and Planning.

ACTIONS FOR RESIDENTS

Placeholder: *Graphic representation of best practice home (electrified)*

Everyone can act to reduce their contribution to climate change. The first step is to understand where your household emissions are coming from and how daily choices can positively impact these. We can group household emission profile into three main categories; emissions from household energy use, transport and waste. The extent to which emissions arise from these categories will depend on number of people in your household, type of housing, your selection of appliances, as well as lifestyle.

Small action, big impact

The actions you take matter. When you take action you play a part by influencing your peers to take on similar practices creating a bigger impact.

Taking action against climate change, can feel overwhelming at times. It's not unusual to feel a sense of helplessness when you hear about the extent of the problem and the action required. It's important to remember that all our solutions to bring about change are at hand and much can be done on an individual and community level. Taking these steps highlights that together we can all make a positive difference through the conscious decisions we make.

If certain change feels overwhelming, focus on doing whatever is doable and actionable right now. Take one constructive action today and then another tomorrow. The key is to start from where you are, with what you have and feel comfortable knowing that what you're doing is making a difference.

Banyule is home to a large number of community gardening, Transition Town and Friends Of groups. These volunteer-led organisations are leading a whole host of actions, and reaching out to others in the community to build a stronger social movement for meaningful change.

A range of Banyule specific services and programs are available to support you:

- Free household energy audits, to identify fit-for-purpose opportunities that will reduce your energy (and bills) in the home;
- Free access to our Community Energy Officer, to talk you through all things related to energy efficiency and solar;
- Clear information on household energy and affordability via our website, highlighting your rights in obtaining a better energy offer from your energy retailer and assistance available for those having payment difficulties;
- Access to Banyule's Solar Savers Program, a bulk buy program which provides you with access to reputable solar installers and products.

<p>SWITCH TO A GREEN ENERGY COMPANY</p> <ul style="list-style-type: none"> • Electricity suppliers vary significantly in their environmental offerings and performance • The Green Electricity Guide ranks providers according to emissions from their power sources, their investments in and policy positions on renewable energy and fossil fuels and other attributes. <p>ADVOCATE FOR BIGGER CHANGE</p> <ul style="list-style-type: none"> • Call or meet with your elected state and federal representatives. Together they have the power to influence increases in renewables, improve building standards and provide better public transport. <p>BETTER TOGETHER: JOIN A GROUP</p> <ul style="list-style-type: none"> • Friends of Groups, community gardens and Transition Town groups across Banyule are always open to new members. Activities include replanting days, repair events and advocacy. <p>REDUCE YOUR MEAT</p> <ul style="list-style-type: none"> • Try a month of vegetarianism, or Meat Free Monday with new and delicious recipes to introduce sustainable meat consumption and support GHG emissions reduction associated with living stock farming and food process operations. <p>HAVE THE CONVERSATIONS</p> <ul style="list-style-type: none"> • Conversations amongst your peers are powerful in changing social norms. Check out material to support these conversations at the Climate Council 	<p>BE SMART WITH YOUR ENERGY</p> <ul style="list-style-type: none"> • Apply for a home energy audit to identify how you can reduce your household energy consumption. <p>COMPOST YOUR FOOD SCRAPS</p> <ul style="list-style-type: none"> • As well as reducing household waste, compost does wonders for your garden. <p>GROW YOUR OWN FOOD</p> <ul style="list-style-type: none"> • Herbs provide an easy entrance into growing your own food and reducing the need to buy herbs often housed in plastic. <p>MONEY FOR GOOD</p> <ul style="list-style-type: none"> • Your selection of superannuation and mortgage providers is one of the biggest opportunities to support investment of renewable energy – check with your provider to see what they invest in. <p>MOVE TO 100% ELECTRIC</p> <ul style="list-style-type: none"> • Replace ageing and inefficient gas or wood burning appliances with highly efficient electrical ones, including induction cooking. • Consider replacing your gas heating with heat pumps for heating and hot water needs. • Consider replacing petrol fueled products with battery powered alternatives, as end of life, including mowers and leaf blowers.
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To further support you, Council will:

- Investigate opportunities to gain access to greenpower via Power Purchasing Agreements (PPAs).
- Support non-environment groups such as Rotary Clubs and youth groups, to engage members in taking climate action.

- Encourage and support community-led energy solutions, through Banyule's Environment Grants Program and facilitation of networking opportunities with experts.

You can read through all the actions Council has committed to in the next section.

Achieving Excellence in an Older Home

The following case study demonstrates how a sustainability focused couple in Banyule achieved 8 Stars for their 60 years old property from the Energy Efficiency Scorecard Assessment.

The house: A typical brick veneer home built in the late 50s/early 60s in Heidelberg

The owner: A retired couple who are highly engaged with energy efficiency and sustainability

Key actions undertaken include:

- Introduction of floor insulation;
- Introduction of additional ceiling insulation to improve overall insulation performance;
- Sealing of the old chimney;
- The use of doors and partitions to zone the house and enable efficient heating and cooling;
- Upgrade of an old, gas hot water system to a solar system;
- Installation of several water tanks supported by a well-insulated pump.

To further improve energy efficiency for their home the residents are also planning to install new Solar PV system.

ACTION FOR SCHOOLS

Placeholder: *Graphic representation of best practice school*

Within schools, energy consumption is driven by the energy needs of:

- Lighting
- Heating and cooling, and
- Computers.^{vi}

Outside of this, waste and transport practices also contribute notably to overall emissions.

Resource Smart is a great source of information for schools. The Sustainability Victoria (SV) program provides guidance, toolkits and access to networks on key areas of sustainability: waste, biodiversity, energy, water.

The Energy module will walk you through the three key ways in which you can implement climate action:

1. Workplace/operational (i.e. retrofitting, maintenance and technology actions)
2. Learning and teaching (i.e. curriculum-based actions)
3. Whole school community engagement (including the broader school community).

A number of additional resources are available for schools within Banyule:

- **The Teachers Environment Network (TEN);** a partnership program between Nillumbik and Banyule Councils. Monthly meetings are held for teachers during the term, highlighting new environmental curriculum ideas, as well as providing an avenue for sharing lessons learnt;
- **Environmental Grants:** An annual pool of grant funding is available for various environmental activities. The grants include a Youth Climate Action Funding stream, designed to encourage young people of primary and secondary school age to come up with projects that will make a difference for their community or school and contribute to our goals to reduce community emissions, strengthen biodiversity, conserve resources or reduce waste to landfill;
- **Darebin Creek Management Committee:** Darebin Creek Management Committee, with is part funded by Banyule City Council, offers free education programs to all School's in Banyule to learn about the ecology of the creek, and importance of the wildlife corridor it supports.
- **The ReThink Centre** in Bellfeild offers incursions for Primary and Secondary schools to learn about how their waste is sorted and recycled and how to make better choices as consumers.

Below are just some initial steps that will place you well on your way to becoming a low carbon school.

^{vi} Sustainability Victoria (2016) Resource Smart Schools, "Energy: a 'how to' guide", accessed online via sustainability.vic.gov.au.

<p>SCHOOL WIDE ENERGY EFFICIENCY</p> <ul style="list-style-type: none"> Track energy usage and use information to build a school wide energy profile. Conduct an on-site energy audit to identify how energy is used in its facilities and what could be improved. Check for Federal and State funding opportunities for the installation of solar panels, and other energy and water conservation measures including solar hot water systems, water tanks, external window shading and energy efficient lighting. <p>TURN OUT THE LIGHTS</p> <ul style="list-style-type: none"> Install occupancy sensors that will automatically turn off the lights when no one is in the room. Replace lighting with Light Emitting Diode (LED) bulbs to reduce energy use around the school. Allocate a student Energy Monitor to help make sure lights and computers are turned off in breaks, and before and after class/school. <p>REPUTABLE SUPPLIERS</p> <ul style="list-style-type: none"> Consider utilising the sustainability service panel set up by the Department of Education and Training. Listed companies provide advice on how to improve the sustainability of your school and importantly have already been screened for qualifications, value for money and experience. Access the panel through the school maintenance system and choose Asset operations/Panel service providers <p>LOWER YOUR TRANSPORT USE</p> <ul style="list-style-type: none"> Work with local government and community leaders to create more pedestrian and bike friendly routes to your school. Lead by example and take public transport, carpool, ride or walk to school. 	<p>MANAGING WASTE</p> <ul style="list-style-type: none"> Appoint a student action waste team to monitor contamination of bins and consumption patterns. Divert organic food waste into a school wide composting program including food scraps from the canteen and school kitchens. Have a regular 'Nude Food lunch day' for students and staff. <p>INCREASING BIODIVERSITY & ENVIRONMENTAL STEWARDSHIP</p> <ul style="list-style-type: none"> Create and manage worm farms, bee hotels and native nesting boxes to build biodiversity and conservation knowledge from an early age. Plant a carbon-absorbing forest for shade, lessons and playtime. Support and raise funds for a wildlife conservation project or organisation. Have staff join and attend the Teachers Environmental Network meetings, to share environmental education opportunities. Pursue citizen science projects and share indigenous historical and science knowledge. <p>ADVOCATE FOR BIGGER CHANGE</p> <ul style="list-style-type: none"> Create a student environment club or green team to assist in planning, implementing and managing sustainability and environmental initiatives. Apply for Banyule City Council's Youth Climate Action Grant to access funding up to \$3K to transform ideas into action. <p>PUBLICISE YOUR RESULTS</p> <ul style="list-style-type: none"> Use office communication (email, newsletters and staff meetings) to highlight school ideas, policy updates, and achievements.
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<ul style="list-style-type: none"> • Start a Walk to School Campaign with VicHealth to encourage active and low carbon travel. 	<ul style="list-style-type: none"> • Publicize energy, water and waste costs and savings for students and staff to understand the benefits of extra efforts. • Recognise your school environmental achievements via the ResourceSmart School Awards.
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Some of the new ways Council will support schools are by:

- Facilitating peer to peer learning, connecting sustainability educators together to gain new ideas and share knowledge;
- Encouraging and supporting community-led energy solutions via Banyule's Environment Grants Program and facilitation of networking opportunities with experts;
- Implement priority actions around walking and cycling including provision of infrastructure;
- Support schools to develop and implement sustainable travel behavioural change programs.

You can read through all the actions Council has committed to in the next section.

Driving sustainability at Banyule Primary

At Banyule Primary, every student and staff member is part of a Sustainability Action Team. As a team, goals around the areas of water, waste, biodiversity and energy are set, implemented and regularly reviewed.

Using this approach, the school have implemented a range of actions to help create a sustainable space for students & the broader school community. This includes:

- Installation of louvers in classrooms to help with natural ventilation, lowering their energy usage;
- Installation of water tanks to gather rain water and collection of over flow from their drinking taps for garden watering;
- Monitoring of biodiversity on campus and establishment of a veggie garden and worm farm;
- Introduction of a four-bin waste system in every classroom;
- Reuse of food waste to onsite chooks.

Through the holistic approach to sustainability, kids at Banyule Primary are gaining a great understanding of sustainability & how to lessen their environmental footprint, whilst contributing to the reduction of municipal emissions.

The Take2 Pledge

In 2016, Banyule joined other organisations and individuals to sign the Take2 Pledge. TAKE2, is a Sustainability Victoria program, whereby business, local councils, community, educational institutions and individuals pledge to take collective voluntary action on climate change to help Victoria reach net zero greenhouse gas emissions by 2050.

A large number of Banyule's residents and businesses have committed to reduce emissions under the pledge including Banyule's primary and secondary schools, as well as large organisations such as Austin Health.

You, as an individual, school or business can also pledge to make change! Visit the website [here](#).

ACTION FOR BUSINESS

Placeholder: *Graphic representation of best practice business*

Sustainable business practices will reduce your operational emissions, whilst realizing greater cost reductions. The emissions profile of businesses will vary significantly depending on your service. For example:

- **Manufacturers:** emissions are likely to be dominated by energy consumption during the production process and material transportation;
- **Hospitals:** emissions profile likely to be dominated by significant heating, cooling and lighting demands;
- **Cafes/restaurants:** equipment operation and food waste processing will largely contribute to their emission profile;
- **Retail stores:** packaging and store energy consumption will often determine overall energy performance.

These varying emission profiles represents different opportunities and need for actions. Council will continue to support and collaborate with the business community in the uptake of the emission reduction practices and advocate the Federal and State government on sustainable business properties.

SAVE MONEY, REDUCE EMISSIONS

- Go for a 100% green power energy supplier or contribute with a green power surcharge with your current supplier to invest in the green power development.
- The Green Electricity Guide ranks providers according to emissions from their power sources, their investments in and policy positions on renewable energy and fossil fuels and other attributes.

SUSTAINABLE PACKAGING AND LESS WASTE

- Commit to minimal packaging and utilise recyclable material.
- Purchase from local supplies to support the local economy and reduce emissions from deliveries.
- Food businesses can compost waste by partnering with local community gardens to transfer your food waster into rich soils for your community.

BETTER UNDERSTANDING OF YOUR BUSINESS ENERGY NEEDS

- Apply for a [small business grant \(runs biannually\)](#) for a business energy efficiency audit to identify how you can reduce your operational energy consumption
- Apply for the Federal government [Energy Efficient Community funding](#) to implement appliances upgrades for better businesses energy performance and future proof your business with advanced energy efficient products.

TRAVEL GREEN

- Implement bicycle friendly end of trip facilities, such as shower rooms and secure bike-storage to support active travel to work.
- Reserve dedicated parking spots for carpooling.
- Negotiate discounted MYKI for staff travel on PT.
- Participate in local purchasing opportunities to reduce product

<p>MONEY FOR GOOD</p> <ul style="list-style-type: none"> Your selection of superannuation and mortgage providers is one of the biggest opportunities to support investment of renewable energy – check with your provider to see what they invest in. <p>SHARE AND LEARN</p> <ul style="list-style-type: none"> Join industry groups and business associations to share your experience in environmentally friendly business practice and get new ideas to support sustainable business operations. Participate in council-initiated energy efficiency upgrade program such as the Greening Macleod LED upgrade project. Check https://banyulebusiness.com.au/ regularly for sustainability seminars and new project information. 	<p>transportation emissions and have more reliable local deliveries.</p> <p>ADVOCATE FOR BIGGER CHANGE</p> <ul style="list-style-type: none"> Call or meet with your elected state and federal representatives. Together they have the power to influence increases in renewables, improve building standards and provide better public transport. Conversations amongst your peers are powerful in changing social norms.
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Some of the ways Council will support businesses in Banyule:

- Investigate opportunities to broker power purchasing agreements (PPAs) for Banyule businesses, providing access to long term prices for GreenPower;
- Support high energy usage commercial building owners to improve the efficiency of their buildings through facilitating access to low cost financing via Environmental Upgrade Finance (EUF) and expert information sources;
- Investigate the provision of recycling service and collection at businesses.

What are Power Purchasing Agreements (PPAs)?

PPAs provide just one means to achieve a green electricity source. They are essentially agreements between an independent power generator (ie electricity provider) and a buyer for the sale of energy.

PPAs can be used to secure large amounts of renewable energy, enabling support of the renewable energy sector whilst locking in an energy price over an extended period.

Sealane Group – Embedding Sustainability as Business as Usual

Sealane Group is an Australian owned and operated family business since 1982. Located in the Heidelberg West Business Park, they are a distributor of frozen and chilled foods, dry groceries, packaging and cleaning products to restaurants / cafes, healthcare facilities, educational institutions, event and accommodation venues and supermarkets. They also deal direct to public and offer home delivery services.

Sustainability and reducing their carbon footprint is a strong focus of Sealane's everyday operation. Notably, being a cold storage distribution facility, energy efficiency has been a key focus. Actions undertaken to date include:

- A purpose-built operation building, featuring a south facing office to lessen the requirement for air-conditioning and large rain water tanks, used to wash a fleet of energy efficient trucks;*
- Fully insulated PIR panels on all external walls to maintain a constant low temperature inside all year round;*
- Introduction of rapid shutter doors to minimize energy loss from operational movements;*
- Introduction of rooftop solar to meet all energy requirements.*

You can read through all the actions Council has committed to at the back of this document.

Council Priority Actions

Actions across the following eight key themes will place the Banyule municipality on a pathway to zero net emissions. Interim targets for 2024 are also identified and will be used to inform tracking of performance and revision of the Plan.

1. Whole of community engagement	<i>2024 Target:</i> 1,000 numbers of community members engaged annually (as measured via event activity numbers);	5. Zero emissions transport	<i>2024 Target:</i> I. Introduction of public electric vehicle charging stations at four key locations across Banyule; II. 65km of kilometres of on-road cycling lanes within Banyule;
2. Electrification and energy efficiency	<i>2024 Target:</i> 80% household report at least a two star improvement after utilizing energy upgrade program	6. Circular economy	<i>2024 Target:</i> 49% of consumer waste diverted from landfill;
3. Renewable energy	<i>2024 Target:</i> I. 18% of households with solar (as measured in Banyule's Household Survey); II. Increase in capacity of commercial solar installations;	7. Adaptation and resilience	<i>2024 Target:</i> I. Constrain Council's annual potable water use to less than 300ML; Annually remove 50 tonnes of litter and 130 tonnes of sediment from Council's Water Sensitive Urban Design assets; II. 95% of streets to be planted with trees that have growth potential to achieve canopy cover targets;
4. Green buildings	<i>2024 Target:</i> I. Undertake ESD compliance inspections for 20% of completed multi dwelling developments. II. Provide ESD related training for 100% of planning staff every 12 months	8. Monitor and Report	

These actions are based on the 'powers' available to Council, considering opportunities within our control, together with opportunities outside our control where our role is to advocate, educate and influence.

We will adopt a staged approach to supporting a zero net emissions municipality, beginning with actions that can be undertaken within the current budget, and planning for the actions that require further budget for additional staffing, research and infrastructure.

For each action we have indicated the investment implication and timeframe for implementation, as below. It is noted that there is strong environmental and financial return that will be realized through these actions.

Investment	Implication
Existing	Council can adopt these actions within the current proposed budgets. They can be integrated into existing programs or investigated without additional staff or infrastructure requirements.
\$	<\$10k. Low cost action.
\$\$	\$10k - \$100k Council should plan for budget beyond the current proposed budget. Investment in additional research, infrastructure, staffing or funding is required to realise the action.
\$\$\$	>\$100k Council will require significant additional budget to realise the action, due to the need for new infrastructure, additional staff or introduction of regulations and / or requirements.

Timeframe	Period
Existing	
Short term	1 – 4 years
Medium	5 – 8 years
Long term	9 – 20 years

1. Whole of Community Engagement

This set of actions stems from our understanding that becoming a zero net emissions municipality is both a cultural and technical task. We know that responding to the climate emergency means that we need to bring along more people with us on the journey. We also recognise that many outcomes in this plan depend on action by the State and Federal governments and that advocacy is likely to be more effective coming from a broad cross-section of the community.

By participating in training under Council’s Green Training Fund, many of our environmental volunteers have boosted their abilities and confidence in areas such as bicycle mechanics, permaculture design and built strong networks via attendance at the annual Climate Emergency Conference.

Banyule has a strong base of environmental community groups and engaged individuals who have been instrumental in shaping Banyule’s response to climate action. These groups will continue to play a big part in achieving the goals of this plan. The task now is to broaden and grow this level of engagement to include people from all walks of life.

Expanding on the good work already happening, we will:

#	Action	Description	Timeframe	Investment
1.1	Support for environment volunteers	Continue to support Community Environment Groups such as Friends groups, Transition Towns, Community Gardens and Banyule Clean Energy Group to deliver community led action.	Short Term	\$ - \$\$
1.2	Face-to-face models to broaden engagement	Support existing non-environment groups such as Rotary, sporting clubs and youth groups, to engage members in taking climate action.	Short term	\$\$
1.3	Facilitate peer learning	Investigate different models that are able to support peer learning and engagement.	Short term	\$
1.4	Building the intrinsic value of nature	Continue to build local engagement with nature via Banyule’s stewardship programs.	Short Term	\$\$

2. Electrification and energy efficiency

Households and businesses can achieve notable energy (and cost) reductions through energy efficiency measures. This essentially means using less energy to do the same activity – such as lighting your business, or keeping your home at a comfortable temperature.

Energy efficiency can be achieved by retrofitting actions such as opting for more efficient appliances at the end of life. Making clean energy choices when upgrading is an essential step. This means shifting off gas (electrification) for your space heating and hot water supply, as well as cooking needs.

We heard:
You feel overwhelmed by the amount of information available and are uncertain of the benefits of efficiency focused action.

To support uptake, Council will:

#	Action	Description	Timeframe	Investment
2.1	Financial incentives	Examine a range of economic levers to support the uptake of electrification and energy efficiency measures for residents and business owners. This could include facilitated low cost loans, product subsidies (i.e. free LED globe installation), bulk purchase programs across all target areas (lighting, water and space heaters, common high energy user appliances).	Medium term	\$\$-\$\$\$
2.2	Residential energy efficiency campaign	Establish a community focused electrification and energy efficiency program to promote financial and energy efficiency, providing clear information campaigns that promote financial savings, payback periods and environmental benefits.	Now	Existing
2.3	Residential Environmental Upgrade Finance (EUF)	Seek to partner with State Government (DELWP) and others to pilot the use of residential EUF as mechanism to support thermal upgrades for households.	Short term	\$\$
2.4	Environmental Upgrade Finance (EUF) for commercial owners	Support high energy commercial building owners to encourage electrification and improve the efficiency of their buildings through facilitating access to low cost financing through the EUF program and expert information sources.	Medium	\$\$

3. Accelerate opportunities for renewable energy

Reducing carbon emissions in the municipality relies on the uptake of zero-carbon renewable energy by households, businesses and organisations. One of the greatest challenges for households and businesses in this space is the upfront cost of solar PV installation. For larger organisations, technical guidance would assist in determining financial feasibility and how to optimise renewable energy generation onsite.

Local governments are perceived as trusted sources of information and Banyule can use this to provide information on available schemes, subsidies and relevant certification bodies that can ensure a quality installation.

Council will:

#	Action	Description	Timeframe	Investment
3.1	Solar at leased facilities	Work with preschool, sporting clubs and other community users to upgrade energy performance and install solar PV on facilities leased from Council.	Short term	\$\$\$
3.2	Residential/Commercial PPA	Investigate opportunities to broker power purchasing agreements (PPAs) for Banyule businesses and households. Implement viable models.	Short term Medium term	\$\$
3.3	Community-led power	Encourage and support community-led energy solutions and facilitation of networking opportunities with experts.	Short term	\$\$
3.4	Bulk purchase programs	Continue to participate in bulk purchasing programs, such as Solar Savers, to enable residential and business access to quality solar PV systems and installers.	Now	\$\$
3.5	Education	Provide clear information and support to residents in relation to solar PV, facilitating improved understanding of value, cost and technical considerations.	Now	Existing

4. Green buildings

Actions to realize zero emission buildings must drive electrification and the uptake of green energy sources, and also ensure standards are translated from planning into built form.

Sustainability outcomes for new builds can be best strengthened via the inclusion of sustainability targets at all levels of planning, including:

- State planning policy frameworks
- Local policy planning frameworks and planning scheme requirements
- Updated Building Regulations
- Councils' strategic plans.

The strongest sustainable development outcomes are achieved when building and planning are working together across all levels of government. Building regulations and the State Planning Framework are State and Federal Government responsibilities and provide the most effective means of addressing the environmental performance of buildings. In responding to the climate emergency, these standards need to be updated and improved to achieve more ambitious outcomes.

Local governments have continued to work hard to address the current gap and have introduced ESD planning policies in local planning schemes to incorporate sustainability into

design. This has been a successful approach for Councils, including Banyule, introducing best practice environmentally sustainable design into the planning process.

Pushing for greater outcomes, Council will:

#	Action	Description	Timeframe	Investment
4.1	Environmentally Sustainable Design (ESD) Planning Opportunities	Continue to participate in opportunities to improve ESD standards through the planning process and ultimately achieve zero net and climate resilient buildings. Participate in opportunities for local government to partner in planning scheme amendments to introduce net zero standards for new commercial and residential buildings.	Now Ongoing	Existing \$\$
4.2	The Built Environment Sustainability Scorecard (BESS)	Continue to be a BESS subscriber and Council Alliance for a Sustainable Built Environment (CASBE) member, to ensure our developers can use BESS. Provide a resource to seek BESS Governance Board membership to advocate for improved ESD outcomes.	Short term	Existing
4.3	Environmentally Sustainable Design (ESD) Compliance and Triggers	Embed Sustainable Design Assessment in the Planning Process By: <ul style="list-style-type: none"> improving the technical capacity of the Development Planning to implement ESD in planning outcomes supporting ESD related planning policy amendments and the development of planning guidelines. 	Short term	\$\$
4.4	Environmentally Sustainable Design (ESD) Compliance	Trial, implement and report on ESD inspections to inform an understanding of current compliance levels.	Short term	\$\$
4.5	New build advocacy	Collaborate with Local Governments, consortiums (including Council Alliance for a Sustainable Built Environment (CASBE)) and other market leaders to advocate State and federal government to lift the minimum standards in the NCC, with specific reference to climate change (i.e. cover adaptation and mitigation).	Short term	Existing

5. Zero emission transport

Transitioning to zero emissions transport will require a major shift to active and public transport, as well as widespread uptake of electric vehicles charged by renewable energy and other emerging technologies. This shift relies on behavioural changes that will only occur through actions that enhance the usability, convenience and safety of zero or lower emissions transport options.

Banyule's Integrated Transport Plan (2015 – 2035) articulates a comprehensive approach to delivering much of this work, with a number of objectives that ultimately support a zero emissions goal, including the following:

- Improve accessibility and transport choice to destinations within and beyond Banyule for people of all abilities and reduce our reliance on private cars
- Support sustainable transport and reduce the distance travelled via land use and development activity
- Raise and promote awareness of transport issues faced by the community and continue to advocate to State and Federal Governments for funding and action.

Council's Social Support Groups offers a door to door service for older residents, to ensure their safe arrival to and from home to the social support centres. To support Council's commitments to improving transport services for older people, and to address climate change, an electric bus has been introduced into the fleet. Its introduction has enabled a more comfortable and efficient pick up service for participants, whilst reducing individual taxi trips.

High priority actions in the Transport Plan have been included within this plan to enable accelerated uptake:

#	Action	Description	Timeframe	Investment
5.1	the Integrated Transport Plan	Continue to implement priority actions around walking and cycling, public transport and land use and development, as outlined within Banyule's Integrated Transport Plan.	Now – Long term	Existing
5.2	Electric charging stations	Pursue electric vehicle charging stations in partnership with businesses, State Government and private charging infrastructure provider(s) at key locations.	Short term	\$\$
5.3	Carshare programs	Collaborate with private providers of carshare system to realise opportunities for the roll out of a carshare program across the municipality.	Short term	\$\$
5.4	Transport advocacy	Collaborate with Local Governments and consortiums to advocate State and Federal government to achieve a greener transport sector.	Short term	Existing

#	Action	Description	Timeframe	Investment
5.5	Incentivise alternative, green, transport modes	Explore ways (education, best practice models) to incentivise the use of zero or low emission transport modes, including walking, public transport and electric vehicles.	Short term	\$\$\$

6. Circular economy

A circular economy moves beyond the standard steps of production, use and disposal to consider how materials can be used (and reused) as much as possible. The thinking supports a reduction in production and in turn waste, as more value is extracted from materials in the first instance.

The Waste Management Hierarchy:

1. Avoid
2. Reduce
3. Reuse
4. Recycle
5. Recover
6. Treat
7. Dispose

Banyule's *Towards Zero Waste Management Plan* supports the circular economy principles and is based on the waste management hierarchy, which is the basis of waste policies in Australia. This outlines the preference for waste management, where avoiding waste is the most preferred option and disposing waste to landfill is the least preferable.

Council can positively influence waste reduction outcomes through:

- Continuing to deliver education program;
- Leading by example;
- Providing enabling infrastructure; and
- Advocating other levels of government and industry to respond.

#	Action	Description	Timeframe	Investment
6.1	Food Organics and Green Organics (FOGO)	Implement a FOGO system for the municipality.	Short term	\$\$\$
6.2	Buy Local	Deliver a 'Buy Local' campaign, which supports the revitalisation of smaller activity centres across Banyule.	Now	\$
6.3	Food production and waste	Continue and expand programs to increase awareness of food waste and local food production.	Now	\$
6.4	Enable recycling at leased facilities	Investigate opportunity for the provision of recycling service for council owned and leased facilities (i.e. footy/tennis clubs).	Short term	\$\$

#	Action	Description	Timeframe	Investment
6.5		Provide green cone and supporting education at all leased facilities.	Short term	\$\$
6.6	Enabling recycling in activity centres	Investigate the feasibility of introducing public place recycling into activity centres.	Short term	\$\$
6.7	Business, multiunit and apartment recycling	Investigate the provision of recycling service and collection at businesses, multiunit and apartment developments	Short term	\$\$
6.8	Social enterprise	Increase the number of social enterprises servicing or operating in Banyule by building business capacity and capability, as outlined within the draft Social Enterprise Strategy	Short term	\$\$
6.9	Waste advocacy	Collaborate with Local Governments and consortiums to advocate State and Federal government to improve waste standards, specifically for: <ul style="list-style-type: none"> investment in waste management infrastructure that supports more circular approaches to the Australian economy, including advanced organic processing and product recycling. Increase what is included within the Product Stewardship Act 2011 to include more mandatory products. 	Ongoing	\$

Farm Raiser is a non-for profit entity, establishing a urban farm on a 1.8 acre parcel of land behind Waratah Special Development School. Following the principles of regenerative, organic, low-till farming, the vegetable producing farm will provide the local students with a learning resource on a specially designed garden.

The farm requires irrigation, as well as an opportunity to harvest and treat water from the roof of the school. Banyule City Council committed \$100,000 to Farm Raiser, allowing Farm Raiser to secure an additional \$55,000 of funding from Melbourne Water. The irrigation design and ability of the farm to mitigate the storm water from Darebin Creek, as well as reducing runoff in a drainage area, means the project has a high impact potential for Banyule's WSUD goals.

7. Adaptation and Resilience

We are experiencing the impacts of climate change today and will continue to do so. We have seen this in numerous ways, including, for example, with the flooding that occurred across the municipality in 2016, and widespread fires across Australia in 2019.

Adaptation is a key component of our efforts to withstand and manage the frequency and intensity of climatic extremes. It refers to practical actions and adjustments that are taken to reduce vulnerability and increase the resilience of individuals, communities, organisations and natural systems to deal with the consequences, pressures and shocks of climate change.

To build and maintain a better Banyule, our adaptation efforts will capture a wide range of policies, actions and choices incorporating local knowledge and long term thinking. Everyone has a role to play in adaptation; factoring current and future climate risks into decisions, supporting those who are more vulnerable, applying the best available science, involving those affected in decision making and regularly reviewing actions to look for flexible choices and opportunities.

As a Council we must continually be agile in the way that we do things and integrate this concept of resilience within our everyday work and strategic planning. Much of this is already evident across complementary areas and strategies (Appendix C).

To further strengthen our response, we will:

#	Action	Description	Timeframe	Investment
7.1	the Urban Forest Strategic Plan	In line with the Urban Forest Strategic Plan, continue to roll out tree planting program across the municipality, prioritising locations with the lowest canopy cover.	Short term	Existing
7.2	Regional adaptation	Review and implement key actions outlined within the regional, 'Adaptation in the North' Report around human services, infrastructure, emergency management, industry, natural ecosystems and planning.	Short – Medium term	\$\$-\$\$\$
7.3	Vulnerability assessment	Undertake a community and council infrastructure vulnerability assessment to understand the risk of these assets to climate change and prioritise actions to enhance resilience, with attention given to supporting vulnerable groups within the municipality.	Short term	\$\$\$
7.4	Energy security for relief centers	Build the energy security of relief centers across Banyule to enable resilience in the face of projected climate impacts, including grid outages.	Short term	\$\$\$

#	Action	Description	Timeframe	Investment
7.5	Lighting effect on nocturnal animals	Ensure the impact of lighting on nocturnal wildlife is considered and minimised when introducing or replacing public lighting.	Now	Existing
7.6	Embedding resilient thinking	Embed the thinking behind this document and climate adaptation into all strategic documents, as revisions are undertaken.	Short term	Existing

ADAPTATION & OUR URBAN FOREST

What is an Urban Forest?

An urban forest is a managed population of trees, both planted and naturally occurring, which provide economic, social, environmental and ecological benefits to communities within an urban setting. In Banyule, these trees are located within streets, parks, sports reserves, private property, along railway verges and waterways. Additionally, the urban forest can incorporate green roofs, vertical walls, and community gardens.

Significantly, tree canopy cover can help the community cope with extreme heat. Melbourne in recent years has endured just over eight days a year on average above 35 degrees. By 2050, that could rise to between 13 and 21 days of extreme heat^{vii}. It can feel ten degrees cooler standing under a tree^{viii}. In a warmer climate tree canopy cover will help us to continue to go about our day to day activities.

Benefits of an Urban Forest

Economic

Urban trees shade both people and hard infrastructure such as roads and buildings from direct sun and UV rays during summer. This has the significant positive impact of reducing energy use in buildings by lowering mechanical cooling requirements and therefore avoiding further carbon emissions. This shading also protects and prolongs the life of asphalt paths and roads.

Environmental

Through their natural processes, urban trees are an essential part of providing ecosystem services in urban areas. Urban trees filter particulate matter and pollutants from the air and stormwater, they reduce the flow and amount of stormwater by intercepting and storing rainfall and they improve groundwater flows. Urban trees also provide shelter, habitat and food for wildlife, encouraging biodiversity.

Social

^{vii} Department of Environment, Land, Water and Planning (2019) "Climate Science Report 2019: Evidence is the strongest base for decisions about the future", accessed online at <https://www.climatechange.vic.gov.au/climate-science-report-2019>

^{viii} Coutts, A, Loughnan, M, Tapper, N, White, E, Thom, J, Broadbent, A, Harris, R 2014, 'The impacts of WSUD solutions on human thermal comfort. Green Cities and Micro-climate - B3.1 -2-2014' Cooperative Research Centre for Water Sensitive Cities, Monash University, December 2014.

Urban trees are a key component in facilitating a sense of place, community, neighbourhood character and social interaction. Tree lined streets and parks can profoundly increase property value and encourage physical activity. Access to green spaces has also been shown to improve mental health and speed up recovery from medical care.

Our Tree Care Team are continually undertaking programs to ensure our tree stock remains healthy, diverse and resilient to the impacts of climate change. Find out more by searching 'Urban Forest' on our website.

Next steps: get involved, monitor and report

To ensure we understand how we are progressing – what is working (and what is not), we will need to continually monitor the impact and effectiveness of the actions committed to in this Plan. We will publicly report on this via our website and our annual State of the Environment Report.

Beyond our own programs we will also keep abreast of broader policy and technological changes that we can take advantage of, or that create new needs or areas of advocacy focus. We will revise this Plan in the next four years, to ensure it remains relevant and effective.

#	Action	Description	Timeframe	Investment
8.1	Establish framework	Develop a Monitoring, Evaluating, Reporting and Improvement (MERI) framework for the plan.	Year 1-4	Existing
8.2	Monitor, evaluate, report and improve (MERI)	Monitor, evaluate progress. Identify areas for improvement. Report on key progress on the anniversary of the climate action resolution (mid December of each year).	Year 1-4	Existing
8.3	Communicate	The success of this Plan will be contingent on the ability to bring the community along and secure uptake of actions. We will communicate and partner with the various audiences in the community via a range of avenues and mediums, as outlined within a Communications Plan established in Year 1.	Ongoing	Existing

Implementing this plan is going to be a journey and we strive to bring everyone along through ongoing engagement with our community. We encourage you to stay in touch and sign up for updates through our quarterly environment newsletter:

<https://www.banyule.vic.gov.au/Waste-environment/Environment-sustainability/More-environment-sustainability-topics/Greenwrap-newsletter-subscription>

You can also stay up to date through our website here:

<https://www.banyule.vic.gov.au/ClimateAction>

We encourage you to take the lead in your household, neighbourhood, workplace and social circles - to have climate conversations and share learnings about the actions you are taking.

APPENDIX A: Council Action Plan: Summary

#	Council role	Action	Description	Timeframe	Investment	Lead Department
1.1	Collaborator	Support for environment volunteers	Continue to support Community Environment Groups such as Friends groups, Transition Towns and Community Gardens to deliver community led action	Short term	\$ - \$\$	Environment
1.2	Enabler	Face-to-face models to broaden engagement	Support existing non-environment groups such as Rotary Clubs and youth groups, to engage members in taking climate action.	Short term	\$\$	Environment
1.3	Educator	Facilitate peer learning	Investigate different models that are able to support peer learning and engagement.	Short term	\$	Environment
1.4	Educator	Building the intrinsic value of nature	Continue to build local engagement with nature via Banyule's stewardship programs.	Short term	\$\$	Environment
2.1	Broker	Financial incentives	Examine a range of economic levers to support the uptake of energy efficiency measures for residents and business owners. This could include facilitated low cost loans, product subsidies (i.e. free LED globe installation), bulk purchase programs across all target areas (lighting, water and space heaters, common high energy user appliances).	Short term	\$\$ - \$\$\$	Environment
2.2	Educator	Residential energy efficiency campaign	Establish a community focused energy efficiency program to promote electrification and energy efficiency actions.	Now	Existing	Environment
2.3	Broker	Residential Environmental	Seek to partner with State Government (DELWP) and others to pilot the use of residential EUF as mechanism to support thermal upgrades for households.	Short term	\$\$	Environment

		Upgrade Finance (EUF)					
2.4	Broker	Environmental Upgrade Finance (EUF) for commercial owners	Support high energy commercial building owners to improve the efficiency of their buildings through facilitating access to low cost financing via the EUF program and expert information sources.	Medium	\$\$\$	Economic Development	
3.1	Collaborator	Solar program at leased facilities	Work with preschool, sporting clubs and other community users to upgrade energy performance and install solar PV on facilities leased from Council.	Short term	\$\$\$	Environment	
3.2	Broker	Residential/Commercial PPA	Investigate opportunities to broker power purchasing agreements (PPAs) for Banyule businesses and households. Implement viable models.	Short term Medium term	\$	Environment	
3.3	Enabler	Community-led power	Encourage and support community-led energy solutions, and facilitation of networking opportunities with experts.	Short term	\$	Environment	
3.4	Enabler	Bulk purchase programs	Continue to participate in bulk purchasing programs, such as Solar Savers, to enable residents and business access to quality solar PV systems and installers.	Now	\$	Environment	
3.5	Educator	Education	Provide clear information and support to residents in relation to solar PV, facilitating improved understanding of value, cost and technical considerations.	Now	Existing	Environment	
4.1	Collaborator	Environmentally Sustainable Design (ESD)	Continue to participate in opportunities to improve ESD standards through the planning process and	Now	Existing	Planning	

		Planning Opportunities	ultimately achieve zero net and climate resilient buildings. Participate in opportunities for local government to partner in planning scheme amendments to introduce net zero standards for new commercial and residential buildings.	Ongoing	\$\$	Planning
4.2	Enabler	The Built Environment Sustainability Scorecard (BESS)	Continue to be a BESS subscriber and Council Alliance for a Sustainable Built Environment (CASBE) member, to ensure our developers can use BESS. Provide a resource to seek BESS Governance Board membership to advocate for improved ESD outcomes.	Short term	Existing	Planning
4.3	Enabler	Environmentally Sustainable Design (ESD) Compliance and Triggers	Embed Sustainable Design Assessment in the Planning Process By: <ul style="list-style-type: none"> improving the technical capacity of the Development Planning to implement ESD in planning outcomes supporting ESD related planning policy amendments and the development of planning guidelines. 	Short term	\$\$	Planning
4.4	Educator	Environmentally Sustainable Design (ESD) Compliance	Trial and implement ESD inspections to inform an understanding of current compliance levels.	Short term	\$\$	Planning
4.5	Advocate	New build advocacy	Collaborate with Local Governments and consortiums (including Council Alliance for a Sustainable Built Environment (CASBE)) to advocate State and federal government to lift the minimum standards in the NCC,	Short term	Existing	Planning

			with specific reference to climate change (i.e. cover adaptation and mitigation).				
5.1	Enabler	the Integrated Transport Plan	Continue to implement priority actions around walking and cycling, public transport and land use & development, as outlined within Banyule's Integrated Transport Plan.	Now – Long term	Existing	Transport	
5.2	Collaborator	Electric charging stations	Pursue electric vehicle charging stations in partnership with businesses, State Government and private charging infrastructure provider(s) at key locations.	Short term	\$\$	Transport	
5.3	Collaborator	Carshare programs	Collaborate with private providers of carshare system to realise opportunities for the roll out of a carshare program across the municipality.	Short term	\$	Transport	
5.4	Advocate	Transport advocacy	Collaborate with Local Governments and consortiums to advocate State and Federal governments to achieve a greener transport sector.	Short term	Existing	Transport	
5.5	Educator/ Enabler	Incentivise alternative, green, transport modes	Explore ways (education, best practice models) to incentivize the use of zero or low emission transport modes, including walking, public transport and electric vehicles.	Short term	\$\$\$	Transport	
6.1	Enabler	Food Organics and Green Organics (FOGO)	Implement a FOGO system for the municipality.	Short term	\$\$\$	Waste Management	
6.2	Educator	Buy local	Deliver a 'Buy Local' campaign, which supports the revitalisation of smaller activity centres across Banyule.	Short Term	\$	Economic Development	

6.3	Educator	Local food production & waste	Continue and expand programs to increase awareness of food waste and local food production.	Short Term	\$	Environment / Waste Management
6.4	Enabler	Enable recycling at leased facilities	Investigate opportunity for the provision of waste and recycling service for council owned and leased facilities (i.e. footy/tennis clubs).	Short term	\$\$\$	Waste Management
6.5	Enabler / Educator		Provide green cone and supporting education at all leased facilities.	Short term	\$\$	Waste Management
6.6	Enabler	Enabling recycling in activity centres	Investigate the feasibility of introducing public place recycling into activity centres.	Short term	\$\$	Waste Management
6.7	Collaborator	Business, multiunit and apartment recycling	Investigate the provision of recycling service and collection at businesses, multiunit and apartment developments.	Short term	\$\$	Waste Management
6.8	Enabler	Social enterprise	Increase the number of environmental social enterprises servicing or operating in Banyule by building business capacity and capability, as outlined within the draft Social Enterprise Strategy	Short term	\$\$	Social Enterprise
6.9	Advocate	Waste advocacy	Collaborate with Local Governments and consortiums to advocate State and Federal government to improve waste standards, specifically for: <ul style="list-style-type: none"> Investment in waste management infrastructure that supports more circular approaches to the Australian economy, including advanced organic processing and product recycling. Increase what is included within the Product Stewardship Act 2011 to include more mandatory products. 	Short term	\$	Waste Management

7.1	Enabler	the Urban Forest Strategic Plan	In line with the Urban Forest Strategic Plan, continue to roll out tree planting program across the municipality, prioritising locations with the lowest canopy cover.	Short term	Existing	Parks and Gardens
7.2	Enabler	Regional adaptation	Review and implement regionally focused actions outlined within the <i>Adaptation in the North Report</i> around human services, infrastructure, emergency management, industry, natural ecosystems and planning.	Medium term	\$\$-\$\$\$	Environment
7.3	Enabler	Vulnerability assessment	Undertake a detailed community and council infrastructure vulnerability assessment to understand the risk of these assets to climate change and prioritise actions to enhance resilience, with attention given to supporting vulnerable groups within the municipality.	Short term	\$\$	Environment
7.4	Enabler	Energy security for relief centers	Build the energy security of relief centers across Banyule to enable resilience in the face of projected climate impacts, including grid outages.	Short term	\$\$\$	Emergency Management / Environment
7.5	Enabler	Lighting effect on nocturnal animals	Ensure the impact of lighting on nocturnal wildlife is considered and minimised when introducing or replacing public lighting.	Now	Existing	Environment
7.6	Educator / Enabler	Embedding resilient thinking	Embed the thinking behind this document and climate adaptation into all strategic documents, as revisions are undertaken.	Short term	Existing	All
8.1	Enabler	Establish framework	Develop MERI framework for the plan, including supporting annual action plan.	Year 1-4	Existing	Environment
8.2	Enabler	Monitor, evaluate,	Monitor, evaluate progress. Identify areas for improvement.	Year 1-4	Existing	Environment

		report and improve	Report on key progress on the anniversary of the climate action resolution (mid December of each year).			
8.3	Enabler	Communicate	We will communicate and partner with the various audiences in the community via a range of avenues and mediums, as outlined within a Communications Plan established in Year 1.	Ongoing	Existing	Environment

APPENDIX B: Glossary

Adaptation	Changing behaviours, increasing resilience and upgrading assets to better respond to the impacts of climate change such as extreme weather events. Regardless of how successful we are in mitigating climate change, we will continue to experience impacts to which we need to adapt.
Carbon neutral	See 'zero net emissions'
Climate change	Changes to the Earth's climate caused by human activity including burning fossil fuels (coal, gas, petrol and diesel) and clearing vegetation. Impacts include a global temperature increase as well as local droughts, floods, extreme hot and cold spells, and more intense rainfall.
CO₂-e	Carbon Dioxide-equivalent. A measure used to compare emissions from greenhouse gases based upon their global warming potential, the amount they contribute to climate change.
Energy efficient	An appliance or vehicle that is energy efficient generates 'more output per input': more light, heat, movement or other desired output, per input of energy.
Greenhouse gases	Carbon dioxide, methane, nitrous oxide and other gases that build up in our atmosphere.
LEDs	Light Emitting Diodes. Energy efficient lighting.
Mitigation	Reducing emissions of greenhouse gases that cause climate change.
MERI	Monitoring, evaluation, reporting and improvement of our plan.
Northern Alliance for Greenhouse Action (NAGA)	Nine councils in Melbourne's north, including Banyule, working together to trial, support and share learnings from emission reduction and adaptation activities in the region.
Offsets, carbon offsets	Projects that compensate for emissions at one source by either investing in emissions avoidance elsewhere, such as through renewable energy generation, or removing carbon from the atmosphere through reforestation. With enough purchase of offsets, net emissions from an organisation's activities could be reduced to zero (zero net emissions).
Power Purchasing Agreement (PPA)	An agreement between an electricity provider and a buyer for the sale of energy. They can be used to secure a large amount of renewable energy at an agreed price over an extended period, and ensure money exchanged for power is only invested in the development of renewable energy sources
Renewable energy	Energy generated by renewable sources such as the sun, wind and movement of water.
Zero Net Emissions	Once emissions have been reduced as much as practically possible, there will still be some unavoidable residual emissions. Net emissions are zero when carbon offsets are bought, or renewable energy is installed which reduces emissions by the same amount as the residual. Another term with the same meaning is Carbon Neutral.

APPENDIX C: Complementary Council strategies

For many of the action themes, existing plans are already in operation to address complementary objectives of resilience and environmental sustainability.

These key documents are listed below:

BIODIVERSITY PLAN, 2019 - 2022	The Biodiversity Plan provides an overview of Banyule's biodiversity assets and lists actions and indicators to direct and monitor our management of biodiversity within the municipality.
CORPORATE EMISSIONS REDUCTION PLAN, 2020 - 2023	This four year Plan outlines nine priority themes and 30 key actions that collectively will place Council in a strong position to achieve its target of carbon neutrality by 2028 for Council operations.
INTEGRATED TRANSPORT PLAN, 2015-2035	<p>The ITP delivers on one of Council's Place objectives of the City Plan 2013-2017, providing long-term direction in transport and land use decisions in Banyule, with a vision where Banyule is a city with accessible, sustainable and active communities, with good access to jobs, education, shopping and community opportunities within a safe transport network.</p> <p>The plan identifies six objectives that reflect the aspirations and principles developed to assist Council achieve an integrated and sustainable transport network, and improve the overall liveability of our municipality.</p>
MUNICIPAL EMERGENCY MANAGEMENT PLAN	<p>A requirement of the State Government, this Plan articulates Banyule's approach to:</p> <ul style="list-style-type: none"> • the prevention of, • response to, and • the recovery from emergencies affecting the community.
STEWARDSHIP PLAN, 2019 - 2022	<p>The Stewardship Plan articulates Council's program of works to respond to the objective of being and building environmental stewards across the municipality. Specifically it looks to focus on the following:</p> <ul style="list-style-type: none"> • Supporting and education the community to protect, enhance and experience the environment, working together with local friends groups and environmental organisations, and <p>Managing recreation and open spaces in an environmental sustainable way.</p>
(draft) SOCIAL ENTERPRISE	<p>Social enterprises are defined as businesses that:</p> <ul style="list-style-type: none"> • are led by an economic, social, cultural or environmental mission consistent with a public or community benefit

STRATEGY 2020 – 2025	<ul style="list-style-type: none"> • derive a substantial portion of their income from trade • reinvest the majority of their project / surplus in the fulfilment of their mission. <p>The Social Enterprise Strategy aims to drive employment participation and inclusion economic growth in Banyule by supporting the growth and sustainability of the social enterprise sector.</p>
TOWARDS ZERO WASTE MANAGEMENT PLAN, 2019 - 2023	<p>This Plan is based on the waste management hierarchy, in which avoidance is the most preferable option and disposal to landfill the least preferable. The plan has four strategic directions.</p> <ol style="list-style-type: none"> 1. Avoid waste generation. 2. Build, support and strengthen a community culture that is striving to be zero waste. 3. Deliver environmentally responsible and cost-effective recycling and waste services. 4. Advocate to other levels of government to avoid waste, reduce waste to landfill and increase recycling.
URBAN FOREST STRATEGIC PLAN, 2014	<p>This Strategic Plan provides the foundation for building policy and programs to ensure Council effectively plans, manages and maintains our highly valued urban forest.</p>
WATER STRATEGIC PLAN, 2019 - 2023	<p>The Water Plan builds on our strong experience in managing water sustainably, while improving our ability to plan for and respond to significant events like the water shortages of the Millennium drought, and the major floods that we have experienced in the last several years.</p> <p>The Plan sets us up to ensure that water is available for the environment in a sustainable way, and to continue to enjoy all of the benefits that water provides to the community</p>

BANYULE CITY COUNCIL

Draft Governance Rules

GOVERNANCE RULES

Introduction

1. Nature of Rules

These are the Governance Rules of **Banyule City Council**, made in accordance with section 60 of the *Local Government Act 2020*.

2. Date of Commencement

These Governance Rules commence on 1 September 2020.

3. Contents

These Governance Rules are divided into the following Chapters:

Chapter	Name
Chapter 1	Governance Framework
Chapter 2	Meeting Procedure for Council Meetings
Chapter 3	Meeting Procedure for Delegated Committees
Chapter 4	Meeting Procedure for Community Asset Committees
Chapter 5	Disclosure of Conflicts Of Interest
Chapter 6	Miscellaneous
Chapter 7	Election Period Policy

4. Definitions

In these Governance Rules, unless the context suggests otherwise the following words and phrases mean:

<i>Act</i>	means the <i>Local Government Act 2020</i> .
<i>Chief Executive Officer</i>	includes an Acting Chief Executive Officer.
<i>Community Asset Committee</i>	means a Community Asset Committee established under section 65 of the Act.
<i>Council</i>	means Banyule City Council .
<i>Councillor</i>	means a person who is an elected member of the Council.
<i>Council meeting</i>	has the same meaning as in the Act.
<i>Delegated Committee</i>	means a Delegated Committee established under section 63 of the Act.
<i>Mayor</i>	means the Mayor of Council.
<i>these Rules</i>	means these Governance Rules.

Chapter 1 – Governance Framework

1. Context

These Rules should be read in the context of and in conjunction with:

- (a) the overarching governance principles specified in section 9(2) of the *Act*; and
- (b) the following documents adopted or approved by *Council*:
 - Governance Local Law
 - Councillor Code of Conduct
 - Staff Code of Conduct

2. Council Meetings

Council Meetings are held regularly to conduct the ongoing business of the Council and unscheduled Meetings may be held from time to time.

It is important that the community is made aware of the times, dates and locations of Council and Delegated Committee meetings and the matters Council will consider. The timing of this notice should give the community adequate time to make arrangements to attend the meeting or view via the livestream.

An agenda for each Council Meeting must be provided to Councillors in advance so that they can prepare adequately for the Council Meeting. The Agenda contains the order of business and the professional advice of the organisation, with a recommendation for Council to consider.

The agenda is made available to the public via Council's website and at Customer Service Centres.

3. Decision Making

- (a) In any matter in which a decision must be made by *Council* (including persons acting with the delegated authority of *Council*), *Council* must consider the matter and make a decision:
 - i) fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
 - ii) on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations
- (b) Council must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring 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).
- (c) Without limiting anything in paragraph (b) of this sub-Rule:
 - i) before making a decision that will directly affect the rights of a person, Council (including any person acting with the delegated authority of Council) must identify the person or persons whose rights will be directly affected, give notice of the decision which Council must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made;

- ii) if a report to be considered at a Council meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered;
 - iii) if a report to be considered at a Delegated Committee meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered; and
 - iv) if a member of Council staff proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the member of Council staff must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such person or persons were provided with an opportunity to communicate their views and their interests considered.
- v)

Chapter 2 – Meeting Procedure for Council Meetings

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Part A - Introduction

1. Title

This Chapter will be known as the "Meeting Procedures Code".

2. Purpose of this Chapter

The purpose of this Chapter is to:

- provide for the election of the Mayor and any Deputy Mayor;
- provide for the appointment of any Acting Mayor; and
- provide for the procedures governing the conduct of *Council meetings*.

3. Definitions and Notes

(1) The following words have the meaning indicated:

"*agenda*" means the notice of a meeting setting out the business to be transacted at the meeting;

"*Chair*" means the Chairperson of a meeting and includes a Councillor who is appointed by resolution to chair a meeting under section 61(3) of the *Act*;

"*minute book*" means the collective record of proceedings of *Council*;

"*municipal district*" means the municipal district of *Council*;

"*notice of motion*" means a notice setting out the text of a motion, which it is proposed to move at the next relevant meeting;

"*notice of rescission*" means a *notice of motion* to rescind a resolution made by *Council*; and

"*written*" includes duplicated, lithographed, photocopied, printed and typed, and extends to both hard copy and soft copy form, and *writing* has a corresponding meaning.

(2) Introductions to Parts, headings and notes are explanatory notes and do not form part of this Chapter. They are provided to assist understanding.

Part B – Election of Mayor

Introduction

This Part is concerned with the annual election of the *Mayor*. It describes how the *Mayor* is to be elected.

The role and functions of the Mayor are provided in the Act. The holder of this significant office is the Chairperson at Council Meetings, is the leader of the Councillors, acts as the principal spokesperson for Council and carries out civic and ceremonial duties.

4. Election of the Mayor

The *Chief Executive Officer* must facilitate the election of the *Mayor* in accordance with the provisions of the *Act*.

Notes LGA Section 25 - Election of Mayor

The Act has specific provisions governing the election of the Mayor and the term of office for the Mayor:

Section 25 - Election of Mayor

25 Election of Mayor

- (1) At a Council meeting that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.
- (2) Subject to section 167, any Councillor is eligible for election or re-election to the office of Mayor.
- (3) The election of the Mayor must—
 - (a) be chaired by the Chief Executive Officer; and
 - (b) subject to this section, be conducted in accordance with the Governance Rules.
- (4) Subject to subsections (5) and (6), the Mayor must be elected by an absolute majority of the Councillors.
- (5) If an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.
- (6) If only one Councillor is a candidate for Mayor, the meeting must declare that Councillor to be duly elected as Mayor.
- (7) In this section, absolute majority means the number of Councillors which is greater than half the total number of the Councillors of a Council.

Section 26 – When is a Mayor to be elected

- (1) A Mayor is to be elected no later than one month after the date of a general election.
- ...
- (3) Before the election of the Mayor, a Council, other than the Greater Geelong City Council, must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.
- (4) If the Mayor is elected for a 1 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 1 year term as is reasonably practicable.
- (5) If the Mayor is to be elected for a 2 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 2 year term as is reasonably practicable.
- (6) A Mayor is to be elected within one month after any vacancy in the office of Mayor occurs.
- (7) The election of a Mayor after the period specified in this section does not invalidate the election.
- (8) A Councillor elected to fill a vacancy in the office of Mayor caused other than by the expiration of a one year or a 2 year term serves the remaining period of the previous

5. Role and Election of Deputy Mayor

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

6. Method of Voting

The election of the *Mayor* must be carried out by a show of hands or following a resolution made in accordance with Division 9, an electronic method that enables those observing (in attendance and those watching a livestream broadcast) to see who a Councillor has voted for at the time the vote is taken.

7. Determining the Election of Mayor / Deputy Mayor

- (1) The Chief Executive Officer will preside during the election of the Mayor.
- (2) The Chief Executive Officer must invite nominations for the office of Mayor and confirm acceptance of the nomination with the nominee.
- (3) Where in an election for the Mayor:
 - (a) only one candidate has been nominated, that candidate must be declared elected;
 - (b) two candidates have been nominated, a vote must be taken and the candidate who receives the number of votes equal to or greater than half the Councillors of the Council must be declared elected;
 - (c) two candidates have been nominated and no candidate receives the number of votes equal to half the Councillors of the Council, a second vote will be conducted.
 - (d) where, after a second vote, where two candidates have been nominated and no candidate receives the number of votes equal to half the Councillors of the Council the Chief Executive Officer will seek the meeting to resolve to conduct a new election at a meeting to be held at 6 pm the following day;
 - (e) more than two candidates have been nominated and no candidate receives a the number of votes equal to or greater than half the Councillors of the Council:
 - I. the candidate with the fewest number of votes cast must be eliminated;
 - II. the names of the remaining candidates must be put to the vote again; and
 - III. the procedure in (i) and (ii) above must be continued until there remain only two candidates, at which point the candidate to be declared elected is to be determined by the procedures outlined in sub-clause (b) of this Clause.

IV. in the event of two or more candidates having an equality of votes and one of them having to be declared a defeated candidate (where there are three or more candidates with equal votes);

- (f) The Chief Executive Officer will conduct a vote for one candidate to be defeated.
- (g) If Council resolves to have the office of *Deputy Mayor*, the provisions of sub- rules (2) and (3) apply to the election of the *Deputy Mayor* with all necessary modifications and adaptations.

8. Ceremonial Mayoral Speech

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

9. Appointment of Acting Mayor

If *Council* has not established an office of Deputy Mayor and it becomes required to appoint an Acting Mayor, it can do so by:

- (1) resolving that a specified Councillor be so appointed; or
- (2) following the procedure set out in Rules 6 and 7 (inclusive) of this Chapter, at its discretion.

Part C – Meetings Procedure

Introduction

This Part is divided into a number of Divisions. Each Division addresses a distinct aspect of the holding of a meeting. Collectively, the Divisions describe how and when a meeting is convened, when and how business may be transacted at a meeting.

In accordance with Section 61 and 63 of the Act, the Mayor must take the Chair at all Council Meetings at which the Mayor is present. If the Mayor is absent, the Deputy Mayor (if any) must take the Chair and if both are absent, Council must elect one of the Councillors as Chairperson of the meeting.

The way in which Council and Committee Meetings are conducted makes a significant contribution to good governance. The Chairperson plays a crucial role in facilitating an orderly, respectful, transparent and constructive meeting by ensuring all Councillors and members of Delegated Committees and advisory committees have the opportunity to be heard, matters are adequately discussed, meeting procedures are followed appropriately, and statutory requirements are adhered to.

The Chairperson is an independent leader of meetings and generally does not participate in debate or move or second motions.

The Act provides for the Mayor to appoint a Councillor as the Chair of a Delegated Committee and any such appointment prevails over any appointment made by Council. While there are no limitations on exercising that power, the Mayor must always act in a way that is consistent with the adopted Councillor Code of Conduct and transparency commitments of the Council.

Additionally, each member of the meeting has an obligation to participate in good decision-making. Specific duties and discretions of the Chairperson are outlined throughout these Governance Rules

Division 1 -Notices of Meetings and Delivery of Agendas

10. Dates and Times of Meetings Fixed by Council

Subject to Rule 8, *Council* must from time to time fix the date, time and place of all *Council meetings*.

11. Council May Alter Meeting Dates

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

12. Unscheduled Meetings

- (1) Council may by resolution call an unscheduled Meeting of the Council.
- (2) The Mayor, or three Councillors may by written notice call an unscheduled Meeting of the Council.
- (3) The CEO, following consultation with the Mayor, may call an unscheduled meeting.
- (4) A written notice to call an unscheduled Meeting must:
 - (a) Specify the business to be transacted;
 - (b) be delivered to the Chief Executive Officer or Delegate in sufficient time to enable notice to be given in accordance with clause 9 below.

13. Notice Of Meeting

13.1 Council Meetings

- (1) A notice of a Meeting, that is not an unscheduled Meeting, incorporating or accompanied by an Agenda of the business to be dealt with, must be sent electronically to every Councillor for all Council Meetings, at least 5 business days before the Meeting. A period of less than 5 business days may be justified if exceptional circumstances exist.
- (2) An *Agenda* for each *Council Meeting*, that is not an unscheduled Meeting, will be made available on *Council's* website no less than 36 hours before the *Council Meeting*.
- (3) A schedule of *Council Meetings* must be prepared and published that ensures 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.

13.2 Unscheduled meetings

- (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 must be made available electronically to every Councillor at least 48 hours before the meeting. A period of less than 48 hours may be justified if exceptional circumstances exist.
- (6) An Agenda for an unscheduled Council Meeting will be made available on Council's website no less than 24 hours before the Council meeting.

14. Adjourned Meetings

- (1) Council may adjourn any meeting to another date or time but cannot in the absence of disorder or a threat to the safety of any Councillor or member of Council staff adjourn a meeting in session to another place.
- (2) The Chief Executive Officer must give written notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.
- (3) If it is impracticable for the notice given under clause 14(2) to be in writing, the Chief Executive Officer must give notice to each Councillor by telephone or in person.

15. Cancellation or Postponement of a Meeting

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

Division 2 - Quorums

16. Inability To Obtain A Quorum

If a quorum is not present within 30 minutes of the time appointed for the commencement of a Council Meeting:

- (1) the *Mayor* must convene another *Council meeting*, the *agenda* for which will be identical to the *agenda* for the lapsed meeting; and
- (2) the *Chief Executive Officer* must give all Councillors *written* notice of the meeting convened by the *Mayor*.

17. Inability To Maintain A Quorum

- (1) If a quorum ceases to be present at any time during a Council Meeting then no business can be legally transacted until a quorum is again formed. The meeting may be adjourned.
- (2) 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.
- (3) If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of Councillors, Council will:
 - (a) Determine the matter will be considered in separate parts, if a quorum can be maintained for each separate part; or
 - (b) Determine to make decisions on separate parts of the matter at a meeting where quorum can be maintained, before making a decision on the whole matter at a meeting for which quorum can be maintained.
- (4) If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of Councillors, and the matter cannot be separated into component parts or prior decisions made, Council will delegate the decision to be made:
 - (a) By the Chief Executive Officer; or
 - (b) By a Delegated Committee, established for the purpose of determining the matter, comprised of all the Councillors who have not disclosed a conflict of interest and any other person(s) the Council considers suitable.
- (5) 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.

<i>Quorum Calculation</i>	
<i>Number of Councillors/ Committee Members</i>	<i>Number required for Quorum</i>
9	5

8	5
7	4

Division 3 - Business of Meetings

18. Agenda and the Order Of Business

- (1) The agenda for and the order of business for a Council meeting is to be determined by the Chief Executive Officer so as to facilitate and maintain open, efficient and effective processes of government.
- (2) Once an agenda has been sent to Councillors, the order of business for that Council meeting may be altered with the consent of Council.
- (3) The Chief Executive Officer, may prepare a written supplementary report on any item of business that has arisen since the preparation of the Agenda. Councillors must receive a copy of any supplementary report at least 24 hours before the time fixed for holding the Meeting.

19. Urgent Business

- (1) If the Agenda for a Meeting makes provision for urgent business, business cannot be admitted as Urgent Business other than by resolution of Council and only then if:
 - (a) 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) involves a matter of urgent community concern; or
 - (d) cannot be safely or conveniently deferred until the next ordinary meeting.
 - (e) the item involves a matter of urgency as determined by the Chief Executive Officer; and
 - (f) it cannot be addressed through an operational service request process.
 - (g) 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 3 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.
- (4) Prior to the consideration of the urgent business item, Council must first determine to accept the urgent business item and will require a mover and seconder and put the motion to the vote of the Council. The mover shall explain why the item has been classified as urgent business without speaking to it and then move it without speaking to it.

Division 4 - Motions and Debate

20. Notice Of Motion

- (1) A Councillor can submit to the Chief Executive Officer a Notice of Motion for inclusion in the Agenda for a Meeting.
- (2) A notice of motion must be in writing signed by the Councillor (including by electronic means) and be lodged with the Chief Executive Officer at least fourteen (14) clear days before the Council Meeting at which it is intended to be considered to ensure its inclusion in the Agenda.
- (3) The Chief Executive Officer must then inform the Councillor about the legal and cost implications of any proposed notice of motion. The Chief Executive Officer may suggest revised wording to the draft notice of motion to facilitate compliance with the requirements for Notice of Motions under these Rules.
- (4) A Notice of Motion must relate to the objectives, role and functions of Council as outlined in the Act.
- (5) A Notice of Motion must call for a Council report if the Notice of Motion:
 - (a) affects the levels of Council service;
 - (b) if it is inconsistent with the strategic objectives of the Council as outlined in the Council Plan
 - (c) commits Council to expenditure not included in the adopted Council Budget;
 - (d) establishes, amends or extends Council policy;
 - (e) proposes to impact the rights of any person who has not had the opportunity to contribute their views;
 - (f) commits Council to any contractual arrangement; or
 - (g) concerns any litigation in respect of which Council is a party.
- (6) The Chief Executive Officer must reject any notice of motion which:
 - (1) is too vague;
 - (2) is identical or substantially similar to a notice of motion or other motion that has been considered by Council in the preceding six (6) months;
 - (3) is defamatory;
 - (4) may be prejudicial to any person or Council;
 - (5) is objectionable in language or nature;
 - (6) is outside the powers of Council; or
 - (7) is submitted during Election Period.
- (7) The Chief Executive Officer may reject any notice of motion:
 - (1) relates to a matter that can be addressed through the operational service request process; or
 - (2) relates to a matter that has been previously resolved by Council or is acted upon.
- (8) If rejecting a notice of motion, the Chief Executive Officer must:
 - (a) give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and
 - (b) if the notice of motion cannot be amended to the satisfaction of the Chief Executive Officer, notify, in writing, the Councillor who lodged it of the rejection and the reasons for the rejection.

- (9) The Chief Executive Officer may designate a notice of motion to be confidential in accordance with the relevant grounds as contained in the Act, in which case the notice of motion will be considered in a session of a Council Meeting that is closed to members of the public.
- (10) The full text of any notice of motion accepted by the Chief Executive Officer must be included in the agenda and outline the policy, financial and resourcing implications if the Notice of Motion is passed.
- (11) The Chief Executive Officer may arrange for comments of members of Council staff to be provided to Councillors prior to the Notice of Motion being published in the Agenda for the relevant Council Meeting.
- (12) The Motion moved must not be substantially different to the motion published in the Agenda, however, may be amended by resolution of the Council.
- (13) If a Councillor who has lodged a Notice of Motion is absent from the Meeting or fails to move the Motion when called upon by the Chairperson to do so, any other Councillor may move the Motion.
- (14) The Chair, having lodged a notice of motion in accordance with clause 5(2), must vacate the Chair of the Council Meeting to move the notice of motion and:
 - the Deputy Mayor will assume the Chair; or
 - if the Deputy Mayor is not in attendance or there is no Deputy Mayor, Council must appoint a temporary Chair for the consideration of that item.
- (15) Unless 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 Council for at least three months from the date it was last lost.

21. Chair's Duty

The *Chair* must not accept any *Motion* which:

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

22. Introducing a Report

- (1) Before a *written* report is considered by *Council* and any motion moved in relation to such report, a member of Council staff may introduce the report by indicating in not more than 2 minutes:
 - (a) its background; or
 - (b) the reasons for any recommendation which appears.

- (2) Unless Council resolves otherwise, a member of Council staff need not read any written report to Council in full.

23. Introducing A Motion or an Amendment

The procedure for moving any *Motion* is:

- (1) the mover must outline the *Motion* without speaking in support of it;
- (2) the Motion must be seconded by a Councillor other than the mover;
- (3) if a Motion is not seconded, the Motion lapses for want of a seconder;
- (4) if there is a seconder, then the Chairperson must call on the mover to speak to the Motion;
- (5) after the mover has spoken to the Motion, the seconder may also speak to the Motion;
- (6) after the seconder has spoken to the Motion (or after the mover has spoken to the Motion if the seconder does not speak to the Motion), the Chairperson must call on any Councillor who wishes to speak against the Motion, then on any Councillor who wishes to speak for the Motion, after waiting until all Councillors wishing to speak to the Motion have spoken; and
- (7) if no Councillor wishes to speak against the Motion, then the Chairperson may put the Motion or call on any other Member to speak.

Notes

A Councillor may move any motion related to an item included in the agenda. In the interest of transparency and informed decision making, motions or amendments should not introduce new matters to a debate that have not been the subject of the report or background of the motion being considered by Council. Motions are required to be submitted in writing so they can be displayed to the meeting.

As a resolution must be able to be acted upon, a motion must clearly state what is intended and what its effect will be if it becomes the decision. This provides clarity for the implementation of Council decisions.

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

24. Right Of Reply

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

25. Moving An Amendment

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

If a proposed amendment is ruled to be the negative of, or substantially contrary to, the motion, it should be treated as an alternative motion to be considered only in the event that the motion before the Chair is lost – see Foreshadowing Motions.

26. Foreshadowing Motions

- (11) At any time during debate a Councillor may foreshadow a motion so as to inform *Council* of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- (12) A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the *Chair* being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- (13) A Motion foreshadowed has no procedural standing and is merely a means to assist the flow of the Meeting
- (14) The Minutes of the Meeting will not include foreshadowed Motions unless the foreshadowed Motion is subsequently formally moved as a Motion
- (15) The *Chair* is not obliged to accept foreshadowed motions.

27. Withdrawal Of Motions

- (1) Before any motion is put to the vote, it may be withdrawn by the mover and seconder with the leave of *Council*.

- (2) If the majority of Councillors objects to the withdrawal of the motion, it may not be withdrawn.

28. Separation Of Motions

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

29. Motions moved in a block

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

30. Motions In Writing

- (1) All Motions, except procedural Motions, must be submitted in writing.
- (2) Where motions are raised and considered during the meeting without having been put in writing in advance of the meeting, the Chairperson must seek the advice of the Chief Executive Officer regarding any legal, cost or other implications of the proposed motions.
- (3) The Chairperson may adjourn a Meeting while a Motion is being written or may request Council to defer the matter until the Motion has been written, allowing the Meeting to proceed uninterrupted.

31. Repeating Motion and/or Amendment

- (16) Before any matter is put to the vote, a Councillor may require that the question, motion or amendment be read again.
- (17) The Chairperson without being so requested may direct the Chief Executive Officer (or other person authorised by the Chief Executive Officer) to read the question, motion or amendment to the meeting before the vote is taken.

32. Debate Must Be Relevant To The Motion

- (18) Debate must always be relevant to the motion before the Chair, and, if not, the Chair must request the speaker to confine debate to the motion.
- (19) If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chair may direct the speaker to be seated and not speak further in respect of the motion then before the Chair.
- (20) A speaker to whom a direction has been given must comply with that direction.

33. Adequate and sufficient debate

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

34. Speaking Times

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

35. Right to Ask Questions

- (1) A Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the Chair.
- (2) The Chair has the right to limit questions and direct that debate be commenced or resumed.

Division 5 - Procedural Motions**36. Procedural Motions**

- (1) Unless otherwise prohibited, and subject to sub-rule (3), a procedural Motion may be moved at any time and must be dealt with immediately by the Chairperson.
- (2) Procedural Motions require a seconder.
- (3) The Chairperson may reject a procedural Motion if he or she believes the Motion on which it is proposed has not been adequately or sufficiently debated.
- (4) Regardless of any other provision in this Local Law, a procedural Motion must be dealt with in accordance with the table at sub-rule (8).
- (5) A Procedural Motion may not be moved or seconded by the Chairperson.
- (6) Unless otherwise provided, debate on a procedural Motion is not permitted and the mover does not have a right of reply.
- (7) Unless otherwise provided, a procedural Motion must not be amended.
- (8) Procedural Motions table:

PROCEDURAL MOTIONS TABLE

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or *date	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking; (c) When the matter is one in respect of which a call of the <i>Council</i> has been made for that meeting in accordance with section 85 of the <i>Act</i> ; or (d) When the motion would have the effect of causing <i>Council</i> to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected	Yes
The closure (debate)	That the motion be now put	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	During nominations for <i>Chair</i>	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	Debate continues unaffected	No
Laying a motion on the table (pausing debate)	'That the motion be laid on the table'	A Councillor who has not spoken for/against the motion	During the election of the Mayor/Deputy Mayor	Motion not further discussed or voted on until Council resolves to take the question from the table at the same meeting	Debate continues unaffected	No

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Take a motion from the table (resume debate on a matter)	'That the motion in relation to xx be taken from the table'	Any Councillor	When no motion is on the table	Debate of the item resumes	Debate of the item remains paused	No
Alter the order of business	'That the item listed at xx on the agenda be considered before/after the item listed as xy'	Any Councillor	(a) At a Meeting to elect the Mayor; or (b) During any debate	Alters the order of business for the meeting	Items are considered in the order as listed in the <i>Agenda</i>	No
Consideration of confidential matter(s) (Close the meeting to members of the public)	That, in accordance with section 66(2)(a) of the <i>Local Government Act 2020</i> the meeting be closed to members of the public for the consideration of item xx <i>is confidential as it relates to [insert reason]</i>	Any Councillor	During the election of the Mayor/Deputy Mayor	The meeting is closed to members of the public	The meeting Continues to be open to the public	Yes
Reopen the meeting	'That the meeting be reopened to members of the public'	Any Councillor		The Meeting is reopened to the public	The meeting remains closed to the public	No

Division 6 - Rescission Motions

37. Notice of Rescission

- (1) A Councillor may propose a motion to amend or rescind a previous resolution of Council provided:
 - a) the resolution has not been acted upon; and
 - b) the Notice of Motion is in writing and signed by the Councillor (Primary Councillor) and two other Councillors; and
 - c) the Notice of Motion is delivered to the Chief Executive Officer no later than 48 hours following the meeting of the Council at which the motion proposed to be rescinded or altered was adopted.

- (2) A resolution will be deemed to have been acted upon if:
 - a) its contents have or substance has been formally communicated to a person whose interests are materially affected by it;
 - b) a statutory process has been commenced so as to vest enforceable rights in or obligations on Council or any other person.

- (3) A Notice of Motion to rescind or alter previous resolution of Council:
 - a) is to be listed by the Chief Executive Officer for consideration at the next ordinary meeting of Council, unless an *Unscheduled* meeting of Council is called to consider the notice of motion prior to the next ordinary meeting of Council;
 - b) may be moved by any Councillor present at the meeting if the Primary Councillor is not present at the meeting;
 - c) shall be deemed to have been withdrawn if not moved at the meeting for which it is listed.

- (4) The Chief Executive Officer or an appropriate member of Council staff must defer implementing a resolution which:
 - (1) has not been acted on; and
 - (2) is the subject of a *notice of rescission* which has been delivered to the *Chief Executive Officer* in accordance with sub-Rule 37(1)(c),

unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

38. If Lost

If a motion for rescission is lost, a similar motion may not be put before *Council* for at least three months from the date it was last lost, unless *Council* resolves that the *notice of motion* be re-listed at a future meeting.

39. If Not Moved

If a motion for rescission is not moved at the meeting at which it is listed, it lapses.

40. May Be Moved By Any Councillor

A motion for rescission listed on an agenda may be moved by any Councillor present but may not be amended.

41. When Not Required

- (1) Unless sub-Rule 41(2) applies, a motion for rescission is not required where Council wishes to change policy.
- (2) The following standards apply if Council wishes to change policy:
 - (a) if the policy has been in force in its original or amended form for less than 12 months, a *notice of rescission* must be presented to *Council*; and
 - (b) any intention to change a *Council* policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

Division 7 - Points of Order**Introduction**

A point of order is taken when a Councillor draws the attention of the Chairperson to an alleged irregularity in the proceedings. Valid points of order, the process for raising and ruling on a point of order, and the procedure if there is dissent on the Chair's ruling are described in this section.

42. Chair to decide

- (1) A Councillor raising a Point of Order must state:
 - (a) the Point of Order; and
 - (b) any section, Clause, paragraph or provision relevant to the Point of Order.
- (2) The *Chair* must decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the Point of Order raised, without entering into any discussion or comment.
- (3) The Chair may adjourn the Meeting to consider a Point of Order; otherwise he or she must rule on it as soon as it is raised.
- (4) All other matters before Council are suspended until the Point of Order is decided.

43. Dissent From Chair's ruling

- (1) A Councillor may move that the meeting disagree with the *Chair's* ruling on a point of order, by moving:

"That the *Chair's* ruling [setting out that ruling or part of that ruling] be dissented from".
- (2) When a motion in accordance with this Rule is moved and seconded, the *Chair* must leave the Chair and the Deputy Mayor (or, if there is no Deputy Mayor or the Deputy Mayor is not present, temporary *Chair* elected by the meeting) must take his or her place.
- (3) The Deputy Mayor or temporary *Chair* must invite the mover to state the reasons for his or her dissent and the *Chair* may then reply.
- (4) The Deputy Mayor or temporary *Chair* must put the motion in the following form:

"That the *Chair's* ruling be dissented from."

- (5) If the vote is in the negative, the *Chair* resumes the Chair and the meeting proceeds.
- (6) If the vote is in the affirmative, the *Chair* must then resume the Chair, reverse or vary (as the case may be) his or her previous ruling and proceed.
- (7) The defeat of the *Chair's* ruling is in no way a motion of censure or non-confidence in the *Chair*, and should not be so regarded by the meeting.
- (8) The Chairperson must then resume the Chair for the remainder of the Meeting.

44. Valid points of order

- (1) A Point of Order may be raised in relation to:
 - (a) a Motion which has not be accepted by the Chairperson;
 - (b) a question of procedure;
 - (c) a Councillor who is not conducting themselves in accordance with the Councillor Code of Conduct;
 - (d) debate that is irrelevant to the matter under consideration;
 - (e) a matter that is outside the powers of Council; or
 - (f) any act of Disorder.

45. Contradiction or opinion

- (1) Rising to express a mere difference of opinion or to contradict a speaker is not a Point of Order.

Division 8 - Petitions and Joint Letters

46. Petitions and Joint Letters

- (1) Every petition submitted to Council must:
 - (a) be in legible and in permanent writing;
 - (b) is clear and on each page the matter and action sought from council is stated
 - (c) not be derogatory, defamatory or objectionable in language or nature;
 - (d) not relate to matters outside the powers of Council; and
 - (e) include the names, addresses and original signatures of at least 10 people
- (2) Where a petition has been signed by less than 10 people, it will be treated as a joint letter and forwarded directly to the appropriate member of Council staff for action as an operational item.
- (3) Any Councillor presenting a petition is responsible for ensuring that:
 - (a) he or she is familiar with the contents and purpose of the petition; and
 - (b) the petition is not derogatory, defamatory or objectionable in language or nature.
- (4) Unless sub-clauses (5) or (6) apply, the only Motions that may be considered by Council on any petition are:
 - (a) that the petition be received; and
 - (b) that the petition be referred to the relevant department for consideration and response; or
 - (c) that the petition be referred to the relevant department for a report to a future Council Meeting.
- (5) If a petition relates to an item listed on the Agenda for the Meeting at which it is submitted, the petition may be dealt with in conjunction with the item.
- (6) If a petition relates to a 'statutory matter' which is the subject of a public submissions process in accordance with the relevant legislation the petition will be treated as a joint submission in relation to the 'planning matter' or the 'statutory matter' (as the case may be).
- (7) The Chief Executive Officer may determine that an electronic or online petition will be submitted to a Council Meeting. An online or electronic petition may be submitted to a Council meeting.
- (8) The number of signatories to an online or electronic petition will be taken to be the number of signatories at the time the petition is provided to Council for submission to a Council meeting.
- (9) An online or electronic petition will not be presented to a Council meeting if it contains signatures that are false or misleading.

Division 9 - Voting

Introduction

At the conclusion of debate on a matter before the meeting, the Chairperson must put the question, motion or amendment to the vote. Each Councillor is entitled to one vote and voting must be able to be seen by those participating in the meeting and those observing the meeting. The vote is determined by a majority of the Councillors present at the meeting at the time the vote is taken voting in favour of the motion.

If a vote is tied, the Chairperson generally has a casting vote.

Sometimes a Councillor may want his or her vote is recorded – this is provided for in this section, along with the procedure when a Councillor calls for a division on a vote which is when how each Councillor voted is recorded.

Provision is made for the introduction of an electronic voting system as long as Council has resolved to implement the system and all participants in the meeting and those observing a meeting are able to see which way Councillor has voted on a matter at the time the vote is taken.

47. How Motion Determined

- (1) To determine a Motion at a Meeting, the Chairperson must first call for those in favour of the Motion and then those opposed to the Motion and must then declare the result to the Meeting.
- (2) In the event of a tied vote, the Chairperson must, unless the Act provides otherwise, exercise the casting vote.

48. Voting must be seen

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

49. When a division is permitted

- (1) A division may be requested by any Councillor on any vote.
- (2) The request must be made to the Chairperson either immediately prior to, or immediately after, the vote has been taken, and may not be made after the Meeting has moved to the next item of business.
- (3) When a division is called for the Chairperson must:
 - (a) first ask each Councillor wishing to vote in favour of the Motion to indicate their vote and the Chairperson must then state the names of those Councillors to be recorded in the Minutes;
 - (b) then ask each Councillor wishing to vote against the Motion to indicate their vote and the Chairperson must then state the names of those Councillors to be recorded in the Minutes;

- (c) next, ask each Councillor abstaining from voting to indicate their vote and the Chairperson must then state the names of those Councillors to be recorded in the Minutes; and
 - (d) finally, declare the result of the division.
- (4) Where a division is requested after the original vote has been taken, the *Motion* is decided on the division and the fact that there may be a difference between the result obtained when the original vote was taken and the result obtained on the division must be disregarded.

50. No discussion once a vote has been declared

- (1) Once a vote on a Motion has been declared carried or lost by the Chairperson, no further discussion relating to the Motion is allowed, unless the discussion:
- (a) involves a Councillor requesting that his or her opposition to a resolution be recorded in the Minutes or calling for a division in accordance with Rule 49; or
 - (b) is a Councillor foreshadowing a notice of rescission where a resolution has just been made, or a positive Motion where a resolution has just been rescinded.

Section 59 of the Act provides:

(5) A question before a Council meeting is to be determined as follows—

- (a) each Councillor present at a Council meeting who is entitled to vote is entitled to one vote;
- (b) voting at a meeting must not be in secret, but if the meeting is closed to the public, a Councillor is not required to divulge their vote to the public;
- (c) the question is determined in the affirmative by a majority of the Councillors present at a meeting at the time the vote is taken voting in favour of the question;
- (d) subject to subsection (6), if the number of votes in favour of the question is half the number of Councillors present at the meeting at the time the vote is taken, the chairperson has a second vote;
- (e) for the purpose of determining the result of a vote, a Councillor present at the meeting who does not vote is to be taken to have voted against the question.

The Chairperson does not have a casting vote in the election of Mayor or Deputy Mayor as these positions must be elected by an absolute Majority of Councillors.

Division 10 - Minutes

Introduction

The Minutes of a meeting must contain details of the proceedings and resolutions made, be clearly expressed, be self-explanatory and incorporate relevant reports or a summary of the relevant reports considered in the decision-making process. The Minutes of a Council Meeting must be submitted to the next appropriate Council Meeting for confirmation.

51. Keeping of Minutes

- (1) The Chief Executive Officer or Delegate is responsible for the keeping of Minutes on behalf of Council. Those Minutes must record:
 - (a) the date, place, time and nature of the Council Meeting;
 - (b) the names of Councillors and whether they are present, an apology, on leave of absence, etc.;
 - (c) the titles of the members of Council staff present who are not part of the gallery;
 - (d) the disclosure of a conflict of interest made by a Councillor in accordance with the Act;
 - (e) the arrivals and departures of Councillors, during the course of the Meeting (including any temporary departures or arrivals);
 - (f) every Motion and amendment moved (including procedural Motions),
 - (g) the outcome of every Motion moved;
 - (h) where a division is called, the names of every Councillor and the way their vote was cast (and if they abstained);
 - (i) when requested by a Councillor, a record of their support of, opposition to, or abstention from voting on any Motion, noting that under s61(5) that a Councillor present at the meeting who does not vote is taken to have voted against the question;
 - (j) procedural motions;
 - (k) details of any failure to achieve or maintain a quorum;
 - (l) the time and reason for any adjournment of the Meeting or suspension of standing orders;
 - (m) the time the Council Meeting was opened and closed, including any part of the Council Meeting that was closed to members of the public;
 - (n) any other matter, which the Chief Executive Officer or Delegate thinks should be recorded to clarify the intention of the Meeting or assist in the reading of the Minutes.

52. 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 3 business days;

- (b) members of the public, by publishing them on Council's website, within 4 business days
 - (c) of the Council Meeting they relate to.
- (2) No debate or discussion is permitted on the confirmation of Minutes except as to their accuracy as a record of the proceedings of the Council Meeting to which they relate;
- (3) Once the Minutes are confirmed in their original or amended form, the Minutes must, if practicable, be signed by the Chairperson of the Meeting at which they have been confirmed.
- (4) the Minutes must be held in accordance with the Public Records of Victoria standards.

53. Objection to Confirmation of Minutes

- (1) If a Councillor is dissatisfied with the accuracy of the minutes, then he or she must:
 - (a) state the item or items with which he or she is dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (2) If there is no seconder to the motion to the item or items, Council shall be deemed to have confirmed the item or items.

54. Deferral Of Confirmation Of Minutes

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

Division 11 - Public Participation

Introduction

Council Meetings are held for Council to make its decisions. Members of the public do not have a right to address Council, however provisions are made for Council to respond to questions from the community, and in particular circumstances.

At each Ordinary Meeting there is an opportunity for members of the public to ask questions of the Council or speak to an item on the Agenda, participation includes:

- requesting to speak
- talking about a public submission
- submitting a question to public question time
- presenting a petition.

Guidelines for these processes are available on Councils website.

Members of the community may also seek to inform individual Councillors of their views by contacting them directly in advance of a Council Meeting.

55. Public Addressing The Meeting

- (1) At an ordinary meeting of Council, time may be allocated in accordance with Council Policy to enable any person to address Council on a matter included on the Agenda.
- (2) Sub-clause (1) does not apply during any period when Council has resolved to close the meeting in respect of a matter under section 66 of the Act.
- (3) Comments should be confined to the matter under consideration and directed to the Chairperson.
- (4) Council may decide to defer discussion to a later date and the views of the person addressing Council should be sought concerning that other date.

~~1. Members of the public do not have a right to address Council and may only do so with the consent of the Chair or by prior arrangement.~~

- (5) Any member of the public addressing Council must extend due courtesy and respect to Council and the processes under which it operates and must take direction from the Chair whenever called on to do so.
- (6) A member of the public present at a Council meeting must not disrupt the meeting.
- (7) Silence must be preserved in the gallery at all times.

56. Chair May Remove

The *Chair* may order and cause the removal of any person, other than a Councillor, who disrupts any meeting or fails to comply with a direction given under sub-Rule 55(5).

It is intended that this power be exercisable by the Chair, without the need for any Council resolution. The Chair may choose to order the removal of a person whose actions immediately threaten the stability of the meeting or wrongly threatens his or her authority in chairing the meeting.

Division 12 - Disorderly Conduct

The conduct of Councillors and Members at meetings is governed by the *Act*, these Rules and the Councillor Code of Conduct.

57. Chairperson may adjourn disorderly Meeting

- (1) The Chairperson may call a break in a Meeting for either a short time, or to resume another day if:
 - (a) the behaviour at the Council table or in the gallery is significantly disrupting the Meeting; or
 - (b) when a Meeting has been in progress for longer than 2 hours.
- (2) The break referred to in sub-clause (1) is an adjournment.
- (3) Where a Councillor engages in improper or disorderly conduct, or acts in a way that otherwise disrupts the Meeting, and prevents the conduct of Council business:
 - (a) Council may, by resolution, suspend that Councillor from a portion of the Meeting or from the balance of the Meeting where the Chairperson has warned the Councillor to cease that behaviour; or
 - (b) The Mayor, under section 19 of the *Act*, at a Council meeting, having previously warned the Councillor to cease that behaviour, may direct a Councillor to leave the meeting for a period of time or the balance of the Meeting.
- (4) If the Chair is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the Council meeting, he or she may adjourn the meeting to a later time on the same day or to some later day as he or she thinks proper. In that event, the provisions of sub-Rule 14 apply.

The *Act* (section 19(1)(b)) provides the power to the Mayor to direct a Councillor, subject to any procedures or limitations specified in the Governance Rules, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business.

58. Removal from Chamber

The *Chair*, or *Council* in the case of a suspension, may ask the *Chief Executive Officer* or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Chapter and whom the *Chair* has ordered to be removed from the gallery under Rule 59.

Division 13 - Additional Duties of Chair

59. The Chair's Duties And Discretions

In addition to the duties and discretions provided in this Chapter, the *Chair*:

- (1) must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community; and
- (2) must call to order any person who is disruptive or unruly during any meeting.

Division 14 - Suspension of Standing Orders

60. Suspension of Standing Orders

- (1) To expedite the business of a meeting, *Council* may suspend standing orders.

The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.

Its purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.

- (2) The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of *Council*. An appropriate motion would be:

"That standing order be suspended to enable discussion on....."

- (3) No motion can be accepted by the *Chair* or lawfully be dealt with during any suspension of standing orders.
- (4) Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:

"That standing orders be resumed."

Division 15 - Miscellaneous

61. Meetings Conducted Remotely

If:

- (1) by law a meeting may be conducted electronically; and
- (2) *Council* decides that a meeting is to be conducted electronically,

the *Chair* may, with the consent of the meeting, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the meeting.

62. Procedure not provided in this Chapter

In all cases not specifically provided for by this Chapter, resort must be had to the Standing Orders and Rules of Practice of the Upper House of the Victorian Parliament (so far as the same are capable of being applied to *Council* proceedings).

63. Criticism of members of Council staff

- (1) The *Chief Executive Officer* may make a brief statement at a *Council meeting* in respect of any statement by a Councillor made at the *Council meeting* criticising him or her or any member of Council staff.
- (2) A statement under sub-Rule 63(1) must be made by the *Chief Executive Officer*, through the *Chair*, as soon as it practicable after the Councillor who made the statement has resumed his or her seat.

Chapter 3 – Meeting Procedure for Delegated Committees

Introduction

Council may establish Delegated Committees and Advisory Committees as part of its governance framework. Delegated Committees can comprise Councillors, members of Council staff and others and must be chaired by a Councillor. As Council may delegate specific powers, duties and functions to Committees, their meeting procedures need to be formal.

If Council establishes a Delegated Committee, these Rules will apply to the Delegated Committee Meetings with any necessary modifications.

- (1) For the purpose of sub- rule (1):
 - (a) a Council meeting is to be read as a reference to a Delegated Committee Meeting;
 - (b) a Councillor is to be read as a reference to a Member of the Delegated Committee; and
 - (c) a reference to the Mayor is to be read as a reference to the Chairperson of the Delegated Committee.
- (2) If Council establishes a Delegated Committee, Council may resolve that a provision of this governance rules do not apply to that Committee.

Chapter 4 – Meeting Procedure for Community Asset Committees

Introduction

The Act provides for Council to establish a Community Asset Committee for the management of a community asset such as a hall. Council may appoint members of the community to the committee and delegate to it powers, duties or functions. The powers delegated to a community asset committee must be limited in the amount and purpose of any financial delegation.

- (1) The Governance Rules may apply to any Community Asset Committee established by Council.
- (2) Council may resolve, in establishing a Community Asset Committee which chapters of the Governance Rules apply.
- (3) A Community Asset Committee must report the minutes of all Committee Meetings to the next practicable Council meeting.
- (4) A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference adopted by Council.

Chapter 5 – Disclosure of Conflicts of Interest

Introduction

The Act defines general and material conflicts of interest and provides exemptions for remoteness and interests in common with a substantial proportion of ratepayers along with other specific circumstances.

The Act also provides Council must include in its Governance Rules procedures for disclosures of Conflicts of interest, including at meetings conducted under the auspices of Council that are not Council meetings. Meetings conducted under the auspices of Council include those meetings arranged or hosted by Council.

These Rules provide the procedures for disclosures of conflicts of interest.

1 Obligations with regard to conflict of interest:

- (1) Councillors, members of Delegated Committees and Council staff are required to:
 - Avoid - all situations which may give rise to conflicts of interest;
 - Identify - any conflicts of interest; and
 - Disclose – or declare all conflicts of interest;

2 Councillors and Members of Delegated Committees

- (1) May not participate in discussion or decision-making on a matter in which they have a conflict of interest.
- (2) When disclosing a conflict of interest, Councillors must clearly state their connection to the matter.
- (3) All disclosures of conflicts of interest will be recorded in the minutes of a Council or Delegated Committee Meeting.
- (4) Council will maintain a Conflict of Interest Register which will be made available on Council's website.

3 Procedure of a Conflict of Interest at a Council Meeting

A Councillor who has a conflict of interest being considered at a Council Meeting at which he or she:

- (1) is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Council meeting* immediately before the matter is considered; or
- (2) intends to be present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Council meeting* commences a written notice:
 - (a) advising of the conflict of interest;
 - (b) explaining the nature of the conflict of interest; and
 - (c) detailing, if the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person, the:
 - i. name of the other person;
 - ii. nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
 - iii. nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The Councillor must, in either event, leave the *Council meeting* immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

4 Disclosure of Conflict of Interest at a Delegated Committee Meeting

A member of a *Delegated Committee* who has a conflict of interest in a matter being considered at a *Delegated Committee* meeting at which he or she:

- (1) is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Delegated Committee* meeting immediately before the matter is considered; or
- (2) intends to present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the Delegated Committee meeting commences a written notice:
 - (a) advising of the conflict of interest;
 - (b) explaining the nature of the conflict of interest; and
 - (c) detailing, if the nature of the conflict of interest involves a member of a *Delegated Committee's* relationship with or a gift from another person the:
 - I. name of the other person;
 - II. nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
 - (d) nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The member of a *Delegated Committee* must, in either event, leave the *Delegated Committee* meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

5 Disclosure of a Conflict of Interest at a Community Asset Committee Meeting

A Councillor who has a conflict of interest in a matter being considered at a *Community Asset Committee* meeting at which he or she:

- (1) is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Community Asset Committee meeting immediately before the matter is considered; or

- (2) intends to present must disclose that conflict of interest by providing to the Chief Executive Officer before the Community Asset Committee meeting commences a written notice:
- (a) advising of the conflict of interest;
 - (b) explaining the nature of the conflict of interest; and
 - (c) detailing, if the nature of the conflict of interest involves a member of a Councillor's relationship with or a gift from another person the:
 - I. name of the other person;
 - II. nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
 - (d) nature of that other person's interest in the matter,
- and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The Councillor must, in either event, leave the *Committee Asset Committee* meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

6 Procedure at other meetings organised, hosted or supported by Council

- (1) A Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.
- (2) At the time indicated on the Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest and the matter in which the conflict of interest arises.
- (3) If there is no Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest as soon the matter arises.
- (4) At the time for discussion of that item, the Councillor will leave the discussion and not communicate with any members of the meeting for the duration of the discussion.
- (5) The existence of a conflict of interest will be recorded in the minutes of the meeting.
- (6) If there are no minutes kept of the meeting, the conflict of interest will be recorded in a meeting record and provided to the Governance team for recording in the register of Conflicts of Interest.
- (7) The meeting minutes or record will also record the duration of the discussion and whether the Councillor left the meeting.
- (8) Meeting records and reports will be presented to Council for noting and inclusion on the public record.

7 Council staff

- (1) Must act in accordance with the Employee Code of Conduct.
- (2) Must not exercise a delegation or make a decision on any matter where they have a conflict of interest.
- (3) May be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions at Rule 9 and the Employee Code of Conduct.

8 Procedure for disclosures of conflicts of interest by Council Staff

- (1) Council staff must disclose the existence of all conflicts of interest in writing and in the form determined by the Chief Executive Officer.
- (2) All conflicts of interest disclosed by Council staff will be provided to the Governance team for recording in the register of Conflicts of Interest.
- (3) A Council staff member who has disclosed a conflict of interest may provide advice to Council or another staff member acting under delegation if:
 - (a) The number and qualifications of other people providing advice regarding the same matter is equal or greater; or
 - (b) The staff member who has disclosed the conflict of interest is the only staff member with expertise in the area; and
 - (c) The staff member's Director determines that the conflict of interest has not influenced the advice provided; and
 - (d) The existence of the conflict of interest is documented in all advice provided by that staff member, and in the case of verbal advice, is documented by the decision maker.

9 Disclosure by Members of Council Staff Preparing Reports for Meetings

- (1) A member of Council staff who, in his or her capacity as a member of Council staff, has a conflict of interest in a matter in respect of which he or she is preparing or contributing to the preparation of a Report for the consideration of a:
 - (a) Council meeting;
 - (b) Delegated Committee meeting;
 - (c) Community Asset Committee meeting

must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* disclosing the conflict of interest and explaining the nature of the conflict of interest.

- (2) The Chief Executive Officer must ensure that the Report referred to in sub-Rule 10(1) records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.
- (3) If the member of Council staff referred to in sub-Rule 10(1) is the Chief Executive Officer:
 - (a) the written notice referred to in sub-Rule 10(1) must be given to the *Mayor*, and
 - (b) the obligation imposed by sub-Rule 10(2) may be discharged by any other member of Council staff responsible for the preparation of the Report.

10 Disclosure of Conflict of Interest by Members of Council Staff in the Exercise of Delegated Power

- (1) A member of Council staff who has a conflict of interest in a matter requiring a decision to be made by the member of Council staff as delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* explaining the nature of the conflict of interest.
- (2) If the member of Council staff referred to in sub-Rule 10(1) is the *Chief Executive Officer* the written notice must be given to the *Mayor*.

11 Disclosure by a Member of Council Staff in the Exercise of a Statutory Function

- (1) A member of Council staff who has a conflict of interest in a matter requiring a statutory function to be performed under an Act by the member of Council staff must, upon becoming aware of the conflict of interest, immediately provide a written notice to the *Chief Executive Officer* explaining the nature of the conflict of interest.
- (2) If the member of Council staff referred to in sub-Rule 11(1) is the *Chief Executive Officer* the written notice must be given to the *Mayor*.

Chapter 6 – Miscellaneous

1. Informal Meetings of Councillors

If there is a meeting of Councillors that:

- (1) is scheduled or planned for the purpose of discussing the business of *Council* or briefing Councillors;
- (2) is attended by at least one member of Council staff; and
- (3) is not a *Council meeting*, *Delegated Committee* meeting or *Community Asset Committee* meeting

the *Chief Executive Officer* must ensure that a summary of the matters discussed at the meeting are:

- (a) tabled at the next convenient *Council meeting*; and
- (b) recorded in the minutes of that *Council meeting*.

2. Confidential Information

- (1) If, after the repeal of section 77(2)(c) of the *Local Government Act 1989*, the *Chief Executive Officer* is of the opinion that information relating to a meeting is confidential information within the meaning of the *Act*, he or she may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.
- (2) Information which has been designated by the *Chief Executive Officer* as confidential information within the meaning of the *Act*, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.

3. Joint council meetings

Introduction

Regional collaboration provides benefits through collective procurement, increased advocacy and alignment for major projects. While on some matters that are worked on in partnership it's possible for the participating Councils to make their own decisions and determinations, in some circumstances, it may be beneficial to hold Joint Council Meetings as are provided for in the Act.

- (1) Council may resolve to participate in a Joint Council meeting to consider:
 - (a) Matters subject to discussion of the [insert existing alliance]
 - (b) Collaborative projects
 - (c) Collaborative procurement
 - (d) Emergency Response
- (2) If Council has resolved to participate in a Joint Council meeting, the Chief Executive Officer (or delegate) will agree on governance rules with the participating Councils.

- (3) Where [your council] is the lead Council on a matter to be brought for consideration at a Joint Council meeting, the Mayor will be nominated to Chair the Joint Council meeting
- (4) At a majority of Councillors will be appointed to represent Council at a Joint Council meeting.
- (5) Consistent information will be provided to Councillors prior to any Joint Meeting and every endeavour will be made by the Chief Executive Officer to facilitate a joint briefing.
- (6) A joint briefing arranged in accordance with sub-rule (5) may be held electronically.

Section 62 Joint meetings of Councils - LGA

- (1) Two or more Councils may determine to hold a joint meeting.
- (2) A joint meeting is a Council meeting of each Council for the purposes of this Act and the provisions of this Act, except section 61(3), (4) and (5)(d), apply accordingly.
- (3) A joint meeting is to be constituted by the Councillors of the Councils holding the joint meeting consisting of—
 - (a) the total number of Councillors determined by the Councils holding the joint meeting; and
 - (b) at least 3 Councillors from each of the Councils holding the joint meeting.
- (4) A quorum at a joint meeting is constituted by the number of Councillors that is equal to at least a majority of the Councillors from each of the Councils holding the joint meeting.
- (5) Subject to subsections (2) and (6), the procedures for conducting a joint meeting are to be determined by the Councils holding the joint meeting.
- (6) A joint meeting must comply with any requirements prescribed by the regulations

Chapter 7 – Election Period Policy



Election Period Policy

1.

Election Period Policy

Council Plan Reference

The Election Period Policy links to the following Objective contained within the Council Plan 2017-2021.

'Performance' is about managing our resources wisely, providing organisational support services, strategic planning and risk management, in particular key direction 5.4:

'Provide good governance and be accountable.'

Application period

Date policy/strategy approved: 7 October 2019

Date policy/strategy amended: to be updated when adopted in August

Date policy/strategy due for review: 1 July 2023.

Legislative Context

An Election Period Policy must be included in a Council's Governance Rules as per section 69(1) of the Local Government Act 2020 and should prohibit certain decisions during an election period.

Sections 69 and 304 place certain limits on decisions being made, Council resources and publications.

Section 76D of the Local Government Act 1989, imposes serious penalties on a Councillor who misuses his or her position for private benefit, identified improper use of public resources as a misuse of position.

Victorian Charter of Human Rights and Responsibilities Act

In developing this procedure, the subject matter has been considered to determine if it raises any human rights issues. In particular, whether the scope of any human right established under the Victorian Charter of Human Rights and Responsibilities Act 2006 is in any way limited, restricted or interfered with by the contents of this policy.

A Human rights assessment has been undertaken and it is considered that the Election Period Policy is consistent with, and in some instances advances rights outlined in the Charter.

The human rights most relevant to this policy are:

- Your right to recognition and equality before the law (section 8)
- Right to privacy and reputation (section 13)
- Your right to taking part in public life (section 18)

Other Relevant Documentation

- 06176 Councillor Code of Conduct
- 09580 Cr Resource and Expense Entitlements Policy 2012
- 15753 Staff Code of Conduct
- 16674 & 16675 Councillor and Staff Interaction Protocol

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Definitions and key terms used this Policy

Election Period	<p>The statutory caretaker requirements apply during the “election period”. Local Government Act 2020 defines the election period to be the 32 day period that starts on the last day of nominations and ends at 6 p.m. on the Election Day. For the 2020 Council elections, this means that the mandatory election period will be:</p> <p style="padding-left: 40px;">From midnight on 22 September 2020 until 6 p.m. on 24 October 2020.</p>
Prohibited Decisions	<p>Section 69(2) of the Local Government Act 2020 (2020 Act) outlines the types of decisions that an Election Period Policy must prohibit during an election period. These are decisions that:</p> <ul style="list-style-type: none"> • relates to the appointment or remuneration of the Chief Executive Officer • commits the Council to expenditure exceeding one per cent of the Council's income • could be reasonably deferred until after the election <p>Section 69(3) prohibits any Council decision that would enable the use of Council resources that is intended to or would likely influence voting at the election.</p> <p>Note that this prohibition also applies to delegated decisions by committees or Council Staff</p>
Significant decisions	<p>Significant decisions that may irrevocably commit the incoming Council to substantial expenditure or to other significant actions; and decisions that may have an irrevocable and/or significant impact on the municipality or a significant section of the community</p>
Council resources	<p>Section 304(1) of the 2020 Act prohibits the use of Council resources in a way that is intended to or is likely to affect the result of an election.</p> <p>Council resources include Council funded/purchased items including:</p> <ul style="list-style-type: none"> • Councillor and Corporate letterhead • Staff • Assets (Including Council vehicles) • Photos • Hospitality • Services • Property • Equipment • Stationery
Electoral material	<p>Under section 304(2) a Councillor or member of Council staff must not use Council resources to print, publish or distribute or cause, permit or authorise to be printed, published or distributed any electoral material during the election period on behalf of the Council</p> <p>Electoral material is any matter that is “intended or likely to affect voting in an election” (excluding material produced by the returning officer for the purpose of conducting the election).</p>

	<ul style="list-style-type: none">• Publicises the strengths or weaknesses of a candidate• Advocates the policies of the Council or of a candidate• Responds to claims made by a candidate• Publicises the achievements of the elected Council• Publicises matters that have already been the subject of public debate• About matters that are known to be contentious in the community and likely to be the subject of election debate• Referring to Councillors or candidates by name or by implicit reference. <p>This include Council publications that are produced for the purpose of communicating with people in the community, including:</p> <ul style="list-style-type: none">• Council newsletters• Advertisements and notices• Media releases• Leaflets and brochures• Mailouts to multiple addressees• The publication of such material on the internet.
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2.

Policy Scope

This policy applies to all Councillors, officers and contractors of Banyule City Council.

3. Policy Purpose

The Election Period Policy has been developed in order to ensure that general elections for Banyule City Council are conducted in a responsible, fair, equitable and transparent manner, and in accordance with statutory requirements and established “caretaker”.

The Policy covers the following:

- Decision making
- Misuse of resources
- Public consultation & events
- Equitable access to council information
- Council prohibition on publications or distributing material likely to influence voting

4. Policy

4.1 Decision Making

To ensure that Council does not make inappropriate decisions (as defined by Section 69(2) and (3) of the 2020 Act) during the election period, the following will apply:

**Council will not schedule or conduct a Council Meeting in the election period.
A person acting under delegation must not make a major policy decision.**

If exceptional circumstances arise, an Unscheduled Council meeting may be called for urgent items only that cannot be held over until the end of the election period. Council cannot make any *inappropriate decisions* that would affect voting in an election or decisions that can be reasonably made after the election and include *Major* and *Significant decisions*.

An unscheduled Council meeting (called in accordance with the Governance Rules) may only be called in the following circumstances:

- the matter is urgent
- the decision is significant and cannot be reasonably deferred without major negative repercussions
- is required for operational purposes
- pursuant to a statutory requirement
- a decision cannot wait until after the election

As Council will not be holding an ordinary Council Meeting during the election period, the following headings under “Prohibited Decisions and Significant Decisions” only apply to reports for an Unscheduled Council Meeting.

The CEO will be responsible for determining if a matter is significant or urgent.

4.1.1 Prohibited Decisions

During the election period, Section 69(2) and (3) of the 2020 Act **prohibits** Council making any decision during the election period for a general election that:

- (a) relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or
- (b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
- (c) the Council considers could be reasonably deferred until the next Council is in place; or
- (d) the Council considers should not be made during an election period.

4.1.2 Significant Decisions

In addition to the decisions specified in section 69 of the 2020 Act, a Council is prohibited in making decisions during the election period that are of a significant nature and which would unnecessarily bind an incoming council. These include:

- adopting any new Policy, Strategy or Local Law
- major planning scheme amendment
- allocating community grants or other direct funding to community organisations
- changes to strategic objectives and strategies in the council plan.

Note that this prohibition also applies to delegated decisions by committees or Council Staff.

4.1.3 Caretaker Statement - Unscheduled Council Meeting Reports

During the election period, the Chief Executive Officer (CEO) will ensure that an "Election Period Statement" is included in every report submitted to an Unscheduled Council meeting (if required) for a decision.

The "Election Period statement" will specify one of the following:

Not a prohibited or significant decision	The recommendation will include "it is not a "Prohibited Decision", as defined in section 69(2) and (3) of the Local Government Act 2020, or a "Significant Decision" within the meaning of Council's Election Period Policy."
Not a prohibited but a significant decision	The recommendation will include "is not a "Prohibited Decision" within the context of Local Government Act 2020. The recommended decision is a "Significant Decision" within the meaning of Council's Election Period Policy, but an exception should be made for the following reasons [insert reasons for making an exemption]".
Seek an exemption from the Minister	The recommendation will include "That Council seek an exemption from the Minister because the matter requires a Prohibited Decision" within the meaning of section 69(2) and (3) of the Local Government Act 2020".

During the election period, the Council will not make a decision on any matter or report that does not include one of these election period statements.

4.2 Council Resources

Council resources must be used exclusively for normal Council business during the election period and must not be used in connection with any election campaign or related activity.

4.2.1 Misuse of Position

Council resources are not to be used for campaigning by sitting councillors to increase advantage over other candidates or to influence voters.

Councillors cannot use their current (or former) position as a councillor to gain access to information or resources that would otherwise not be available. Councillors that are not candidates cannot use information or resources to assist another candidate.

Section 76D of the 1989 Act, imposes serious penalties on a Councillor who misuses his or her position for private benefit.

Notes

Section 76D Misuse of Position

(1) A person who is, or has been, a Councillor or member of a special committee must not misuse his or her position—

- (a) to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or
- (b) to cause, or attempt to cause, detriment to the Council or another person.

Penalty: 600 penalty units or imprisonment for 5 years or both

(2) For the purposes of this section, circumstances involving the misuse of a position by a person who is, or has been, a Councillor or member of a special committee include—

- (a) making improper use of information acquired as a result of the position he or she held or holds; or
- (b) disclosing information that is confidential information within the meaning of section 77(2); or
- (c) directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff in contravention of section 76E; or
- (d) exercising or performing, or purporting to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform; or
- (e) using public funds or resources in a manner that is improper or unauthorised; or
- (f) failing to disclose a conflict of interest as required under this Division.

4.2.2 Mayor and Councillor Support

The Councillor support staff, Governance staff, or any other staff member, will not be asked to undertake any tasks connected directly or indirectly with the election campaign of a Councillor standing for re-election.

4.2.3 Use of Council Equipment by Councillors

Councillors must not use Council issued equipment (including mobile phones, tablets, laptops, computers and/or printers) as a resource to assist with election campaigns. Councillors can return equipment if they choose, during the election period.

Councillors may continue to use any Council equipment provided to them to facilitate their performance of normal Council duties, subject to existing protocols and terms of use.

The allocated Mayoral motor vehicle must only be used for normal Mayoral activities during the election period and not to assist, or give the perception of assisting, an election campaign.

4.2.4 Councillors' Entitlement to Reimbursement

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

4.2.5 Travel and Accommodation

During the election period Councillors shall not participate in any interstate or overseas travel in their capacity as a Councillor. In circumstances where it is imperative that the Mayor (or nominee) represent Council on a delegation or forum, Council may, by resolution, approve such attendance. If consideration by Council is impractical, the Chief Executive Office may determine the issue.

4.2.6 Council Branding

No Council events, logos, letterheads, business cards, postage, uniforms or other Council identifying items, or other material such as photographs sourced or created by Council or other Banyule branding should be used for, or linked in any way to, a candidate's election campaign.

Councillor candidates are to be mindful of reproducing Council information on personal websites and social media as they are subject to copyright.

Councillor candidates should not create the perception that Council in any way endorses their views or supports their election campaign presented on personal websites or social media by misrepresenting Council branding during campaigning and the Election Period. Council remains at all times impartial and unbiased.

4.2.7 Data-bases and mailing lists

The databases and mailing lists held by the organisation remain the property of the Council and are subject to the requirements of the Privacy & Data Protection Act 2014, and are therefore not available to members of the public, candidates or to councillors.

4.2.8 Further Advice

In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, advice will be sought from the CEO.

4.3 Public Consultation & Events

Public consultations and events must be avoided during the election period.

4.3.1 Public Consultations

Council will not commence public consultation during the election period.

Where public consultation activities are necessary during the election period to facilitate the day to day business of Council and ensure matters continue to be proactively managed, any such public consultations will avoid express or implicit links to the election. Such consultation must be assessed on whether it is a contentious or politically sensitive matter.

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 to postpone a matter if the issue is likely to affect voting.

4.3.2 Council Events/functions

Where Council organised events and functions cannot be held before or after the Election Period they will be reduced to only those essential to the operation of the Council. These include annual State wide events such as Children's Week and Seniors week.

Where the public event is totally unavoidable they will require the express permission of the CEO.

Speeches & Invitations

Councillors must not give speeches at council events.

Invitations will be issued by the Banyule City Council and not under the name of the Mayor or Councillors.

Events

Under no circumstances may candidates use Council events to campaign.

No political or campaign signage or material is permitted to be displayed or distributed at Council events.

4.3.3 Non Council Events

Councillors may from time to time be invited to attend non-council events from external groups. Councillors may attend non-Council events during the election care taker period. Should Councillors make a speech at such events they should disclose they are doing so in their own private capacity and not as a member of the Council.

Criteria for CEO approval

Where the CEO is required to determine if a consultation, function or event is to be conducted during the election period, the CEO should consider:

- whether the content of the event is likely to be controversial
- whether the event could have significant consequences
- whether the event could wait until after the election
- the financial implications if the event was held during the election period or deferred until after the election
- the best interests of the Council
- whether the event is an ongoing yearly event therefore considered normal practice to continue i.e. children's week

4.4 Access to Information

Factual information on existing Council programs, policies and/or projects will be available to all candidates. Council recognises that all election candidates have rights to information from the Council administration. Councillor Candidates will be treated in the same way as other candidates with respect to access to Council held information.

It is important that sitting Councillors continue to receive information that is necessary to fulfil their elected roles. Neither Councillors nor candidates will receive information or advice from Council staff that might be perceived to support election campaigns. There shall be complete transparency in the provision of all information and advice during the election period.

4.4.1 Assistance to Councillors

Councillors will be able to obtain relevant information that is needed to perform their roles as Councillors. Councillors will not be able to obtain information that can be used for electioneering purposes.

Where Councillors are seeking to obtain Council information to use as part of their election campaigns the procedures as outlined in 4.4.2 Assistance to Candidates will apply.

Information and briefing material prepared by staff for Councillors during the election period will relate to factual matters or to existing Council services to assist Councillors in conducting normal day to day activities.

Should Councillors be approached by residents requiring information during the election period, Councillors must direct the residents to contact the administration.

Should a Councillor request information during the election period, it will be provided, subject to the Councillor demonstrating that the information relates to a current issue (ie. an issue that has previously been raised with the Council) and cannot be dealt with after the election period.

All requests by Councillors must be directed to the CEO, any request deemed outside of normal business will be declared on the information register as outlined in 4.4.3.

4.4.2 Assistance to Candidates

During the election period all candidates for the Council election will be treated equally. All election related enquiries from candidates, whether Councillors or not, will be directed to the Returning Officer, or where the matter is outside the responsibilities of the Returning Officer, to the CEO or a designated member of Council staff.

Any assistance and advice to be provided to candidates as part of the conduct of the Council election will be provided equally to all candidates.

When contacting Council, candidates are to advise that they are acting as a candidate or prospective candidate.

Candidates may be approached from time to time while campaigning by residents with service requests or complaints. Candidates must not seek to act as an intermediary between the resident and Council in these matters. Council will not liaise with candidates in relation to resolving the service issue or complaint of a third party, they will only deal directly with the affected party.

4.4.3 Information Register

1. An Information Request Register will be maintained by the Governance Department commencing on the opening of nominations on Thursday 17 September 2020. This Register will be a public document published on Council's website that records all requests for information of a non-election nature **by all candidates**, and the responses given to those requests.
2. Responses to candidate's requests – as per clause 1. - will be provided by Managers, Directors or the CEO.

The request for information will have regard to the following:

- Whether the request is reasonable request ie are not voluminous
- Commercial in confidence
- Privacy legislation
- Confidential matters
- Freedom of Information legislation

■

4.4.4 Staff Involvement

Council staff must not campaign either directly or indirectly for any candidate in the Banyule City Council election.

Any staff member that becomes aware that a candidate for the election is a friend, relative or associate, should declare this to their Manager and the CEO in writing.

4.5 Council Publications & Communications

The recommended practice – in line with State and Federal Governments – is where possible to avoid all publication activity during the election period except where it is essential for the conduct of Council operations.

Council communications are a legitimate way to promote Council activities and services and should not be used in any way that might influence the outcome of a Council election. Where a publicity campaign is deemed necessary for a Council service or function, the CEO must approve it.

4.5.1 Prohibited Material

Under section 304(2) a [Councillor](#) or [member of Council staff](#) must not use [Council](#) resources to intentionally or recklessly print, [publish](#) or distribute or cause, permit or authorise to be printed, [published](#) or distributed any [electoral material](#) during the [election period](#) on behalf of the [Council](#).

This is to ensure the Council does not publish material with public funds that may influence, or be seen to influence, people's voting decisions.

The Act contains offences for breaches of section 304. A breach may be prosecuted in Court and, if a person is found guilty, he or she may be convicted and fined up to 60 penalty units.

This includes:

A Councillor or member of Council staff who intentionally or recklessly authorises, prints, published or distributes an uncertified publication containing electoral matter

Notes

Prohibition on Councillor or member of Council staff

(1) A Councillor or member of Council staff must not use Council resources in a way that—

- (a) is intended to; or**
- (b) is likely to—**

affect the result of an election under this Act.

Penalty: 60 penalty units.

(2) A Councillor or member of Council staff must not use Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any electoral material during the election period on behalf of, or purporting to be on behalf of, the Council unless the electoral material only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.

Penalty: 60 penalty units. (3) Despite section 98(2), the Chief Executive Officer must not delegate the power to certify any advertisement, handbill, pamphlet or notice under this section to a member of Council staff.

(4) A Councillor or member of Council staff must not intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed an electoral advertisement, handbill, pamphlet or notice during the election period on behalf of, or in the name of, the Council or on behalf of, or in the name of, a Councillor using Council resources if the electoral advertisement, handbill, pamphlet or notice has not been certified by the Chief Executive Officer under this section.

Penalty: 60 penalty units.

4.5.3 Information, Publications, Media during election period

Social Media

Any publication on Council's social media sites such as Facebook, Instagram and Twitter during the election period must be certified by the CEO.

The Mayoral Facebook page will be suspended during the election period.

Staff responsible for administering individual social media sites will monitor their respective sites during the election period and use moderation features where available to ensure no electoral matter is posted and all social media activity during the election period is to conform with the following:-

- Facebook, Instagram and Twitter posts to be kept to minimum, normal day-to-day activities only.
- No launches or announcements of any new projects, policy initiatives, or programs.
- No matter is permitted that may be construed as **electoral matter** – sites should be reviewed to ensure there is none.
- No hosting or responding to political content at all is permitted.
- Any election related comments/posts by the public should be deleted as soon as possible.
- The only information regarding the election that can be posted and responded to is regarding the location of voting booths.

Personal Councillor Social Media Accounts

Personal Councillor and candidate social media accounts should be used in accordance with sections 4.2.1, 4.2.3 and 4.2.6 of the Election Period Policy.

Any candidate using material which is linked to Council on personal social media accounts should include a statement that they act as an individual and not a member of Council.

Council Publications including Councillor Information

Any reference to Councillors standing for re-election in Council publications printed, published or distributed during the election period must not include promotional text.

Annual Report

Council is required under sections 131 and 133 of the 1989 Act to produce and put on public display a copy of its Annual Report. The 2019-2020 Annual Report may be published during the election period. The Annual Report will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors.

Website

Material published on Council's website in advance of the election period is not subject to certification, however existing material that is prominently displayed will be reviewed and consideration given to the removal of any such material that would be considered electoral matter, were it to be published during the caretaker period. Any new pages or new material to be updated on the website during the election period will require certification.

Councillor contact information will remain available on the Councillor profile pages but will be limited to names, contact details, date elected and membership of committees. Councillor profile photographs, profiles or policy statements will be removed.

Any reference to the election on the website will be restricted to process only.

If a Councillor maintains a private website, the Councillor should place a disclaimer on the website to the effect that no Council resources are being used to communicate political material.

Media

Media releases will not mention or quote any Councillor(s) during the election period. The CEO is the spokesperson for the Council during this period.

During the election period, no Council officer may make any public statement that relates to an election issue unless prior approval has been obtained by the CEO or his or her delegate.

The Banner and Councillor Ward newsletter

The Banner and Councillor Ward newsletter will not be published or distributed during the election period. The CEO will determine an appropriate cut off period for distribution of any publications that contain Councillor material, such as the ward newsletters, to ensure none are in circulation during the election period.

Other publications and bulk mailouts

There are to be no bulk mailouts to the community or to ratepayers.

Correspondence

Responses to correspondence will be signed by the relevant Director, Manager or CEO.

Criteria for CEO approval

The CEO will not grant approval for a publication that refers to:

- the election (other than about the election process);
- election candidates, including current councillors; or to
- issues which may be before the voters in an election.

The CEO may grant approval to a publication that contains information:

- about the election process; or
- about Council's services, but does not refer to a current councillor.

All publications will require vetting by the Governance department prior to CEO certification.

Campaign Material

Councillors producing their own campaigning publications should not mislead or give the impression the content has been produced or endorsed by Council.

Material as detailed in 4.2.6 should not be used in personal campaign publications to be sure not to mislead the public of the intent or origin of the publication.

HUMAN RIGHTS CHARTER – ASSESSMENT OF COMPATIBILITY

APPENDIX A

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, this statement of compatibility is made with respect to the **Governance Rules**.

Objectives

- To ensure transparency and accountability strengthen governance and accountability
- To provide confidence to the community in the way Council operates
- To provide access to information and documents
- To ensure information is accessible and clear

Human Rights Assessment

What human rights are impacted? List each right - refer to Appendix A – Your Rights Explained for a detailed explanation of rights.	Are human rights supported?	Will any person feel their rights are limited and why? Refer to 'Limiting Rights' on page 2 of the Human Rights Guidelines for advice.	What are the interests you have to balance? List any other interests of the community that need to be considered.	Is the limitation reasonable? Against each right limited, state why the limitation is reasonable.
Right to recognition and equality before the law (section 8)	Yes - Councils must not knowingly be in breach of the Charter of Human Rights and Responsibilities and must always consider them when they create laws, develop policies and deliver services. Council reports which form part of the business considered at Council meetings must consider these rights. At Banyule, a section on Human Rights forms part of the Report template. Reasonable adjustments are made for all people wanting to participate.			

What human rights are impacted? List each right - refer to Appendix A – Your Rights Explained for a detailed explanation of rights.	Are human rights supported?	Will any person feel their rights are limited and why? Refer to 'Limiting Rights' on page 2 of the Human Rights Guidelines for advice.	What are the interests you have to balance? List any other interests of the community that need to be considered.	Is the limitation reasonable? Against each right limited, state why the limitation is reasonable.
Right to privacy and reputation (section 13)	Yes - Council's public participation policies requires names and addresses. Only the person's name and suburb are mentioned in the meeting. Submitters are advised of this including whether they would like to pass on any details to the local media. It is an opt in process. The request to speak and public question time provides guidelines on the types of things that cannot be made defamatory, derogatory or comments that may embarrass others.	All Council participants must not divulge (Councillor, staff & members of the public) moderation may be required at time to remove personal information which impacts the other rights on expression of interest and right to participate in public life.	The right to privacy and reputation are important rights, in particular with public records and information on websites and recordings effectively remaining in the public realm forever. Once the information is made public is difficult to retract.	Yes, Members of the public are advised what information will form part of the public records.
Right to freedom of expression (section 15)	Yes, guidance is provided	A Councillor/Visitor has the ability to participate in a respectful manner and contribute to the Good Governance of the Council meeting. Council's Guidelines for request to speak and public questions are consistent with state government requirements and supports other rights to be balanced against this right.	Rules on Councillor conduct and public participation support other rights such as 'the right to privacy and reputation' and 'Peaceful assembly and freedom of association (section 16)' and 'Right to take part in public life (section 18)'	Yes, the guidelines on participation are made available and are consistent with State Government moderation rules to protect others and their rights. Limitations apply both to Councillors and visitors to support orderly conduct of meetings.

What human rights are impacted? List each right - refer to Appendix A – Your Rights Explained for a detailed explanation of rights.	Are human rights supported?	Will any person feel their rights are limited and why? Refer to 'Limiting Rights' on page 2 of the Human Rights Guidelines for advice.	What are the interests you have to balance? List any other interests of the community that need to be considered.	Is the limitation reasonable? Against each right limited, state why the limitation is reasonable.
Peaceful assembly and freedom of association (section 16)	Yes, provisions in the Rules provide for orderly conduct	Council must preserve the objective of setting the rules of behaviour for those participating in or present at Council meetings. By ensuring that visitors must not interject or take part in the debate protects the integrity of the formal meeting proceedings and protects the rights of all to a respectful meeting. Similar rules apply to Councillors and the Mayor has the ability to request a stop to certain behaviour.	Council meetings exist for Council to make decisions. The right to take part in public life is provided in many forms and the rules of engagement apply for assist in peaceful and orderly meetings.	It is considered reasonable to preserve the public order of Council meetings. The Rules provide for the Mayor to ask the behaviour to be stopped and where the behaviour continues the Mayor may request the person to leave the chamber.
Right to take part in public life (section 18)	Yes	While the Draft Governance Rules imposes procedural limitations, it does so in a manner which is considered proportionate to its purpose and objectives, taking into account the need to provide notice of business to be conducted at a meeting and the efficient and orderly conduct of meetings.	The need to run effective meetings and responsibilities of employers for the health and safety of all participants. Rules for speaking times and conduct apply to both Councillors and members of the public. Council meetings are not the only avenue for members of the public to participate and	The limitation for the public is reasonable and a limitation on speaking times is also applicable to Councillors to allow for the orderly conduct of meetings. (The speaking times for the public do not form part of the draft rules)

What human rights are impacted? List each right - refer to Appendix A – Your Rights Explained for a detailed explanation of rights.	Are human rights supported?	Will any person feel their rights are limited and why? Refer to 'Limiting Rights' on page 2 of the Human Rights Guidelines for advice.	What are the interests you have to balance? List any other interests of the community that need to be considered.	Is the limitation reasonable? Against each right limited, state why the limitation is reasonable.
			have their views heard. The rules need to apply the whole Banyule community and this means equal access to the Councillors and Executive via normal methods of contact and not just council meetings.	
Right to a fair hearing (section 24)	Yes	Rights supported by providing Councillors an opportunity to speak. Members of the public are provided with opportunities to address the Council.	Speakers will not be interrupted or written statements amended where they comply with the rules of participation. This applies to both Councillors and members of the public.	It is considered reasonable to preserve the public order of Council meetings and provide access equally to the community.

Draft Governance Rules – Public Exhibition Period - Submissions**Submitter One**

Do you support our draft Governance Rules? - No

Please provide comment to support your answer

BRAG© supports the push to give effect to new governance principles as part of Council meeting their obligations under the Local Government Act 2020 (The Act), including the principles of transparency and community engagement.

We cannot support this policy without amendments because the Council's new policy doesn't accord with the Victorian Human Rights Charter (VHRC).

Council officers have been negligent in the preparation of the section of the report "Human rights charter". Council officers need to gain a better understanding of Acts, Regulations and Policies including their interpretation.

The Victorian Ombudsman, says that a Resident prevented from speaking at a public meeting is not compatible with the VHRC. The Ombudsman ruled the VHRC supersedes Council policy.

This independently proves that section 47 (1) of the Council policy is ultra vires (acting beyond one's legal power or authority). It's also concerning that censorship is occurring in the community's statements to Council meetings.

Community engagement is not about Council picking and choosing what it wants to hear or what it wants to allow other people to hear. This is a denial of freedom of expression.

BRAG© recently submitted a complaint to Council that many of its community members' contributions were censored during previous Council meetings and not read verbatim.

This is echoed by Good Governance Banyule.

It is ultra vires for Officers to edit or censor speeches as they must accord with current policies and The Act and the VHRC.

BRAG© believes that this needs to be made crystal clear under Public Participation in this policy that the full and frank opinions of the residents of Banyule must be respected and allowed to be contributed in full, without any censorship. It goes without saying that 47(1) must be modified to accord with the VHRC.

We recommend changes to 47 (1) to state: Members of the public have a right to address Council and may do so by prior arrangement.

And an addition of 47 (5) to state: Members of the public have a right to freedom of expression and opinion and no contribution will be interrupted or censored by Council if it accords with the law.

These amendments are supported by BRAG© & Good Governance Banyule and will show Council are protecting the human right of freedom of expression.

What do you believe is the optimal duration for a council meeting? – 3 hours

The current speaking times for councillors, is five (5) minutes for the councillor who introduces the motion and three (3) minutes for councillors speaking to the motion, is this:

Too long	Too short	Perfect	Other
		✓	

Would you like livestreaming of council meetings to continue into the future? - Yes

During a council meeting, would you like to hear from a senior officer who would provide an overview of the report presented to council? No

Are the council reports easy to understand? no

If no, what would make council reports easier to understand? (e.g. shorter length, less attachments etc)

Reports need to provide an independent view of the issue at hand and must not be political in nature. In our experience of consuming reports there are occasions where pertinent information such as financials or key policy changes are buried in the attachments. A clear summary of financials and policy changes should be provided in the report for the public and councillors to review.

Is there anything missing from our draft Governance Rules? Please comment

Amendments provided above.

Any other comments you'd like to make in relation to our draft Governance Rules

It is understandable if someone is disparaging an individual or breaches privacy with sensitive information to be censored. But if its just because the election is close and the Council wants to control the narrative, this is extremely disappointing.

The residents of Banyule are allowed to have a difference of opinion with the Council officers or Councillors and this is allowed to be public.

The only reason that Council should have the right to stop people from speaking at Council is if they are a banned person. This is a unique situation where the individual has had to be taken away by police from a meeting. If it's just the Mayor's discretion that they are stopped from having their right to freedom of expression because they don't like what the person will say, this violates Human Rights.

Submitter Two**Do you support our draft Governance Rules? - No****Please provide comment to support your answer**

I have made a number of submissions to the Banyule city council over the years regarding the Group I represent , that being Good Governance Banyule. We have met with council on one occasion to discuss our concerns . Firstly we object to section 47.1 of the draft Governance rules . Banyule council must be seen to be open and inviting not exclusive as the draft 47.1 is proposed . We believe there must be an added clause here in this section as well . This section must say that all submissions , if they are spoken or written must not be altered or censored in any way . As long as they comply with the Local Government Act 2020 and Banyule City Council rules.

We are willing to meet with Banyule City Council to discuss this matter fully as we have done in the past. We believe that the Council must be inclusive not exclusive as has been in the past.

We also believe that Banyule City council should invite local experts to talk to council about matters that are raised from time to time , issues like planning matters. Issues like social housing , issues like social employment programmes and there are many more issues that council could invite local experts to give their opinions about matters, so as to inform the community and council about. This invitation could be part of the council meeting but say takes 5 minutes for the local expert to talk. Its a different way to look at this but its an inviting way to gain information , it being inclusive.

We believe that Banyule council MUST return to the public forum concept which was held prior to council meetings . Good Governance Banyule believes that this type of forum is the very heart of our beliefs , that of being inclusive not exclusive.

I hope that this submission will be read in the light of change.

What do you believe is the optimal duration for a council meeting? – 3 hours

The current speaking times for councillors, is five (5) minutes for the councillor who introduces the motion and three (3) minutes for councillors speaking to the motion, is this:

Too long	Too short	Perfect	Other
		✓	

Would you like livestreaming of council meetings to continue into the future? - Yes**During a council meeting, would you like to hear from a senior officer who would provide an overview of the report presented to council? - Yes****Are the council reports easy to understand? - Yes****If no, what would make council reports easier to understand? (e.g. shorter length, less attachments etc)****Is there anything missing from our draft Governance Rules? Please comment**

Live streaming, inviting local experts to discuss matters before council.

Any other comments you'd like to make in relation to our draft Governance Rules

None



Public Transparency Policy (Draft)

Policy Details

Date of Adoption	Date approved by Council:
Responsible Department	Governance & Communications
Legislative Context	<p>The Banyule Public Transparency Policy is made in compliance of section 57 of the <i>Local Government Act 2020</i>. 57 Public transparency policy:</p> <p>(1) A Council must adopt and maintain a public transparency policy.</p> <p>(2) A public transparency policy must –</p> <ol style="list-style-type: none"> (a) give effect to the public transparency principles; and (b) describe the ways in which Council information is to be made publicly available; and (c) subject to section 58(b), specify which Council information must be publicly available, including all policies, plans and reports required under this Act or any other Act; and (d) include any other matters prescribed by the regulations. <p>(3) A Council must adopt the first public transparency policy under this section on or before 1 September 2020.</p> <p>(4) For the purposes of the public transparency policy and the public transparency principles, information includes documents.</p>
Victorian Charter of Human Rights and Responsibilities Act	<p>In developing this policy, the subject matter has been considered to determine if it raises any human rights issues. In particular, whether the scope of any human right established under the Victorian <i>Charter of Human Rights and Responsibilities Act 2006</i> is in any way limited, restricted or interfered with by the contents of this policy.</p> <p>It is considered that the Public Transparency Policy is consistent with the rights outlined in the Charter. The human rights most relevant to this policy are the rights to:</p> <ul style="list-style-type: none"> • protection of privacy and reputation (section 13) • right to public life (section 18) <p>The policy strengthens these rights.</p>
References	<ul style="list-style-type: none"> • Local Government Victoria – Draft Public Transparency Policy and Fact Sheet • Freedom of Information Act 1984 – Part II Statement • Banyule Engagement Framework and Principles and Policy • Banyule Complaint Handling Policy • ‘Act for the future’ - Directions for a New Local Government Act • Victorian Ombudsman Investigation into Decision Making and Transparency
Related documents	<ul style="list-style-type: none"> • Banyule City Council – Freedom of Information Part II Statement (This document provides information on how to access information at Banyule). • Banyule Service Promise • Banyule Privacy Policy • Banyule Community Engagement Policy

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Definitions and key terms used this policy

Community	A group of people, the members of which reside in the same geographical area or have a shared background, interest, affiliation or membership.
Stakeholder	Individuals or organisations, which affect, or can be affected by Council decisions.
Transparency	<p>Organisations are transparent when they enable others to see and understand how they operate in an honest way. To achieve transparency, an organisation must provide information about its activities and governance to stakeholders that is accurate, complete, and made available in a timely way.</p> <p>Transparency enables accountability. This does not mean all information should be made publicly available. There are certain types of information that may not be provided publicly, including private information such as client records, and 'commercial in confidence' material such as tender submissions.</p>
Engagement	A genuine process of working with people to build understanding, strengthen relationships and inform decisions.
Consultation	Seeking feedback or advice on a select topic or project.
Delegation	Giving decision-making power by Council and/or the Chief Executive Officer (CEO) to members of Council staff.

1. Purpose

This policy supports Council in its ongoing drive for good governance and the importance of open and accountable conduct, and how council information is to be made publicly available.

Council must adopt and maintain a public transparency policy under section 57 of the *Local Government Act 2020* (the Act). This policy gives effect to the **Public Transparency Principles** outlined in section 58 of the Act.

2. Public transparency principles

Council is committed to, and will uphold, the following principles:

- (a) **Council decision-making** processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;
- (b) **Council information must be publicly available** unless—
 - (i) the information is confidential by virtue of this Act or any other Act; or
 - (ii) public availability of the information would be contrary to the public interest;
- (c) **Council information must be understandable and accessible** to members of the municipal community;
- (d) **Public awareness of the availability** of Council information must be facilitated.

3. Public transparency

Transparency is a fundamental tenet of democratic governance. Openness, accountability and honesty are essential to build high levels of accountability and trust among citizens and enable fully informed engagement in the democratic process.

Without transparency, effective community engagement, planning, financial management and any number of other council responsibilities cannot be performed legitimately.

4. Council decision making

4.1 Council decisions made at Council meetings

Policy Principle

Decisions will:

- be undertaken in accordance with the Act and the Governance Rules;
- be conducted in an open and transparent forum, unless in accordance with the provisions in the Act and Governance Rules; and
- be made fairly and, on the merits, and where any person whose rights will be directly affected by a decision of the Council, that person will be entitled to communicate their views and have their interests considered.

We will:

- Ensure Council meetings are open to the public and accessible via livestream/audio.
- Carefully consider and will minimise confidential reports and only close meetings to the public in accordance with the *Local Government Act 2020*.
- Ensure the title for any confidential reports will be included in the Ordinary Agenda with the relevant confidentiality clause.
- Determine expiry dates for any confidential reports.
- Make Council meeting agendas available five days prior to the Council Meeting on Council's website, other than special meetings. Where this cannot be met, advice will be provided on Council's website.
- Communicate when we cannot meet the deadlines for agenda papers.

4.2 Decisions made by officers under delegation

Delegation to the Chief Executive Officer (CEO) and other staff are made as:

- It is not practical for Council and its CEO alone to exercise the many statutory powers given to Council; and
- Delegation facilitates the achievement of good governance by empowering appropriate members of staff to make decisions on behalf of Council and its CEO.

Policy Principle

Decisions will:

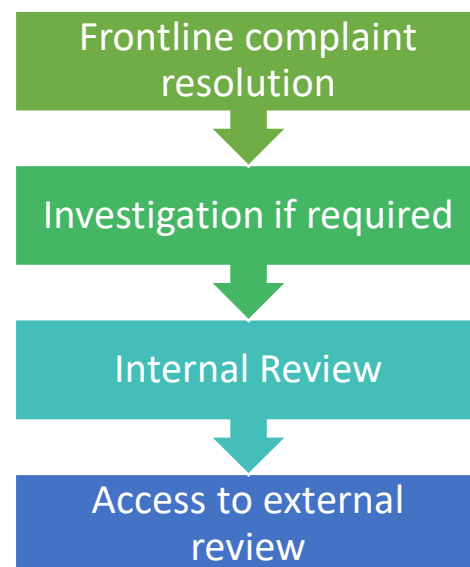
- be undertaken in accordance with the relevant Act and regulations the officer has delegation for;
- be made clear to the recipient of the decision; and
- be made fairly and, on the merits, and where any person whose rights will be directly affected by a Council decision, that person will be entitled to communicate their views and have their interests considered.

We will:

- Publish the Register of Delegation on Council's website
- Ensure that any review process, including how to make a complaint is made clear, noting that there are some review processes, such as infringements, which are subject to the appeal rights as per the relevant legislation.
- Decisions made by officers under delegation are subject to Council's Complaint Handling Policy, whereby a request to review the decision can be made.

Council's complaint Handling Policy has a four-tiered approach.

More information is provided under the Complaints section in this policy.



4.3 Community engagement commitment

Policy Principle

Our community engagement commitment is to:

- foster mutual trust, goodwill and respect between Council, community and stakeholders;
- inform, involve and engage communities and stakeholders, and establish processes to facilitate community participation in shaping and influencing decisions affecting them; and
- promote and practice good governance through accountability, transparency and responsiveness.

We will:

- Engage with the community and those who are directly affected by a Council decision;
- Use Council's engagement online platform, Shaping Banyule to communicate all current engagement projects;
- Use Council social media platforms to communicate current engagement projects; and Use various methods as outlined in the Council Community Engagement Policy to engage as outlined below:
 1. **Strategic** – *to inform strategic decisions related to policy, plans or programs*
 2. **Statutory** – *to obtain feedback to inform statutory approvals related to policy, plans, programs*
 3. **Research** – *to obtain evidence to review or design services programs*
 4. **Dialogue** – *to enable an ongoing dialogue with the community*
 5. **Transactional** – *to respond to queries or concerns*
 6. **Awareness** – *to create awareness through local media or other avenues.*

5. Publicly available information

Policy Principle

- Banyule proactively releases information with a commitment to providing as much information as possible, for free or at the lowest possible cost.
- Council will make available on its website all publicly required information.
- Council will respond to requests for information in alignment with the Act, including the Public Transparency Principles and this policy.

We will publish on Council's website:

- all publicly required information, except information outlined in section 7, subject to privacy, security or commercial considerations wherein only summaries or redacted information will be made available;
- the availability of documents in the document called a "Part II Statement" published in accordance the *Freedom of Information Act 1982*. Part II of the Freedom of Information Act 1982 requires government agencies and councils to publish a number of statements designed to assist members of the public in accessing the information it holds;
- public notices as required by legislation.

5.1 Publicly available information

Council's website provides public access to numerous documents, policies, registers and publications. A number of these are also available in print at Council offices and libraries. Certain publications may be mailed or emailed upon request. A summary of documents and publications is provided below:

Information that must be made available as required by an Act or regulation	Information available on Council website
<ul style="list-style-type: none"> • Council Plan • Strategic Resource Plan • Budget • Annual Report • Councillor Code of Conduct • Procurement Policy • Audit and Risk Committee Performance Reporting • Register of Election campaign donations • Summary of Personal Interests* • Register of Planning Permits • Register of Planning Applications on Advertising • Copy of Planning Permits and Endorsed Plans (by application, charges will apply) • Register of Building Permits, Occupancy Permits and Temporary Approvals • Copies of Building Permits, plans and documentation (by application, charges will apply) • Register of Animal Registrations • Register of Public Roads • FOI Part II Statement • Public Interest Disclosure Procedures 	<ul style="list-style-type: none"> • Terms of reference/charters of Council Committees (formally known as Advisory Committees) • Registers of travel undertaken by Councillors or Council Staff • Councillor Expense reimbursements* • Registers of gifts, benefits and hospitality offered/accepted by Councillors or Council Staff* • Council meeting agendas and minutes • Tender appointments in Council meetings open to the public (only the evaluation matrix is marked confidential of each tender over \$100,000. • Code of Conduct for Council Staff • Register of Delegation made by the CEO • Register of Authorised Officers • Register of Interstate and Overseas Travel by Councillors and Staff • Register of Land Leases entered into by Council • Register of Donations and Grants made by Council • Register of Contracts Awarded by Council*

* New requirements will be implemented with development of new policies or when new provisions are in operation under the *Local Government Act 2020*.

5.2 Access to information

Where the information is not available on Council's website, the following options are available:

Proactive release

A person or party may request a document with the relevant Council department. In some cases, the document is available for purchase or inspection under the specific legislation.

The Customer Service Centre is available to assist with requests. Call 9490 4222 or email enquiries@banyule.vic.gov.au.

Freedom of Information (FOI)

Under the *Freedom of Information Act 1982*, the Act establishes a general right of access to information. Exceptions and exemptions may be necessary for the protection of essential public interests, such as personal information, commercially sensitive or legal information.

Information on how to access information or make a FOI application is available on Council's website. [Policies and documents for Inspection and FOI](#)

6. Making information understandable and accessible

Policy Principle

- Council information that is publicly available will be understandable and accessible, and regularly reviewed and updated.
- Consideration will be given to accessibility and cultural requirements in accordance with the *Charter of Human Rights and Responsibilities Act 2006*.
- Council will use social media to publish or stream appropriate Council information, such as Council meetings, and other online tools, such as Shaping Banyule, to publish Council information and encourage community engagement and consultation on projects and community-related matters.

We will:

- assist the community in accessing its publicly available information and will inform the community of its right to make an application under the *Freedom of Information Act 1982* for information which is not considered publicly available information;
- will facilitate the awareness of access to Council information through Council's website and through community engagement opportunities; and
- provide ongoing training to staff to improve communication and report writing.
- uphold the Banyule Service Promise (outlined below).
- implement customer experience and continuous improvement projects that review Council services and information.

- ensuring printed materials are designed for legibility and advertise the availability of language translation.
- committ to making online information accessible to everyone and more user-friendly in general, regardless of disability or technology, and following best practice principles and Web Content Accessibility Guidelines (WCAG) standards.

The Banyule Service Promise

The Banyule Service Promise outlines Council's commitment to the Banyule community and customers on the type and level of service they can expect to receive.

Council developed the Service Promise with a community reference group based on five key customer service principles:



These principles inform how Council builds and delivers services, creates processes and procedures, writes policies, and supports staff to deliver exceptional service.

In particular, three of these principles support Council to make information clear and understandable:

- * **Accountable:** communicate clearly, accurately, in plain language and within appropriate time frames.
- * **Proactive:** use a range of communication methods to cater for all demographics.
- * **Assessible:** have a range of options to contact Council, assisting all individuals equally.

7. Information not available

Some Council information may not be made publicly available. This will only occur if the information is confidential information or if its release would be contrary to the public interest or not in compliance with the *Privacy and Data Protection Act 2014*.

Confidential information is defined in section 3 of the *Local Government Act 2020*. It includes the types of information listed in the following table.

Type	Description
Council business information	Information that would prejudice the Council's position in commercial negotiations if prematurely released.
Security information	Information that is likely to endanger the security of Council property or the safety of any person if released.
Land use planning information	Information that is likely to encourage speculation in land values if prematurely released.
Law enforcement information	Information which would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person if released.
Legal privileged information	Information to which legal professional privilege or client legal privilege applies.
Personal information	Information which would result in the unreasonable disclosure of information about any person or their personal affairs if released.
Private commercial information	Information provided by a business, commercial or financial undertaking that relates to trade secrets or that would unreasonably expose the business, commercial or financial undertaking to disadvantage if released.
Confidential meeting information	Records of a Council and delegated committee meetings that are closed to the public to consider confidential information
Internal arbitration information	Confidential information relating internal arbitration about an alleged breach of the councillor code of conduct.
Councillor Conduct Panel confidential information	Confidential information relating to a Councillor Conduct Panel matter.
Confidential information under the 1989 Act	Information that was confidential information for the purposes of section 77 of the <i>Local Government Act 1989</i>

Council may decide, in the interests of transparency, to release information to the public even though it is confidential under the Act. However, this will not happen if its release is contrary to law, in breach of contractual requirements or it is likely to cause harm to any person or is not in the public interest to do so.

8. Public interest

Council is not required to make publicly available information if the release would be contrary to the public interest, in accordance with the *Local Government Act 2020*. When considering public interest, Council will apply the test that exists in the *Freedom of Information Act 1982*. Council may refuse to release information if it is satisfied that the harm to the community likely to be created by releasing the information will exceed the public benefit in it being released.

When considering possible harm from releasing information, Council will only concern itself with harm to the community or members of the community. Potential harm to Council will only be a factor if it would also damage the community, such as where it involves a loss of public funds or prevents Council from performing its functions.

Information that might be withheld because it is contrary to the public interest may include:

- internal working documents that have not been approved or submitted to Council, especially where their release may mislead the public;
- directions to Council staff regarding negotiations in contractual or civil liability matters, where release may damage the Council's capacity to negotiate the best outcome for the community; and
- correspondence with members of the community, where release may inappropriately expose a person's private dealings.

9. Human Rights Charter

This policy has been reviewed against and complies with section 13 of the *Charter of Human Rights and Responsibilities Act 2006*, as this policy aligns with and provides for the protection of an individual's right not to have their privacy unlawfully or arbitrarily interfered with. It is also in line with section 18 which recognises a person's right to participate in the conduct of public affairs. See appendix A.

10. Complaints

If a person wishes to question a decision about the release of information, this should be raised directly with the officer handling the matter in the first instance.

Following this, if the person is still not satisfied with the outcome and would like to contest the decision, this can be referred to the manager of the relevant area in line with Council's Complaint Handling Policy.

If not satisfied with Council's response, the concerns can be raised directly with the Victorian Ombudsman's office on (03) 9613 6222. or via the website – www.ombudsman.vic.gov.au.

11. Review of the policy

Council commits to monitoring processes, information sharing and decision making to understand the overall level of success in the policy's implementation.

A periodic review of this policy will be undertaken to ensure any changes required to strengthen or update the policy are made in a timely manner.

HUMAN RIGHTS CHARTER – ASSESSMENT OF COMPATIBILITY

APPENDIX A

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, this statement of compatibility is made with respect to the Public Transparency Policy and supports two of the Charter's human rights.

Objectives

- To ensure transparency and accountability strengthen governance and accountability
- To provide confidence to the community in the way Council operates
- To provide access to information and documents
- To ensure information is accessible and clear

Human Rights Assessment

What human rights are impacted? List each right - refer to Appendix A – Your Rights Explained for a detailed explanation of rights.	Will any person feel their rights are limited and why? Refer to 'Limiting Rights' on page 2 of the Human Rights Guidelines for advice.	What are the interests you have to balance? List any other interests of the community that need to be considered.	Is the limitation reasonable? Against each right limited, state why the limitation is reasonable.	What practical solutions are available to reduce the limitation? If a limited right is not reasonable, ensure comment made that the document was amended so the right is either not limited or reasonably limited.
1 Right to public life (18)	This policy supports and encourages the community to access Council services and information and participate in engagements or matters that impact them.		No limitation	Not required
2 Dignity: Protection of privacy and reputation (13)	This policy supports and protects the privacy of individuals where possible and within the FOI Act.	The right to information and the rights of people's personal information, including community members, customers and staff, to remain private.	No limitation	Not required



Council Expenses Policy

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Policy Details

Date of Adoption	Date approved by Council:
Responsible Department	Governance & Communications
Legislative Context	The Banyule Council expense Policy is made in compliance of Section 41 of the Act (2020) says a council must adopt and maintain an expenses policy on or by 1 September 2020.
Council Expenses Policy – Mandatory requirements	<p>Section 41(2) of the Act specifies the requirements for a council expenses policy:</p> <p>A policy adopted by a Council under this section must—</p> <ol style="list-style-type: none"> specify procedures to be followed in applying for reimbursement and in reimbursing expenses; and comply with any requirements prescribed by the regulations in relation to the reimbursement of expenses; and provide for the reimbursement of child care costs where the provision of child care is reasonably required for a Councillor or member of a delegated committee to perform their role; and have particular regard to expenses incurred by a Councillor who is a carer in a care relationship within the meaning of section 4 of the Carers Recognition Act 2012.
Applies to	Councillors and members of delegated committees
Victorian Charter of Human Rights and Responsibilities Act	<p>In developing this procedure, the subject matter has been considered to determine if it raises any human rights issues. In particular, whether the scope of any human right established under the Victorian Charter of Human Rights and Responsibilities Act 2006 is in any way limited, restricted or interfered with by the contents of this policy.</p> <p>It is considered that the Council Expenses Policy is consistent with the rights outlined in the Charter. The human rights most relevant to these procedures are the rights to:</p> <ul style="list-style-type: none"> recognition and equality before the law (section 8) privacy and reputation (section 13) take part in Public Life (section 18)
References	<ul style="list-style-type: none"> Local Government Victoria – Draft Council Expense Policy Recognition and Support, the Victorian Government’s Policy Statement on Local Government Mayoral and Councillor Allowances and Resources April 2008 (Recognition and Support). Mayor and Councillor Entitlements - Information Guide November 2008 Local Government Victoria Guide (circular 13/2014) for Councillor Candidates State and Federal Elections MAV Policy Position – Candidature of Councillors State or Federal Elections
Related documents	<ul style="list-style-type: none"> Councillor Code of Conduct

PART I – PRELIMINARIES

1.1 Purpose

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

This policy supports councillors and members of delegated committees to perform their role, by ensuring that expenses reasonably incurred in the performance of their role are reimbursed. The policy also provides guidance on:

- entitlements
- processes for reimbursement
- reporting requirements.

The policy is intended to ensure that councillors and members of delegated committees are supported to perform their duties without disadvantage.

Local Government Act 2020 - Section 40

Reimbursement of expenses of Councillors and members of a delegated committee

- (1) A Council must reimburse a Councillor or a member of a delegated committee for out-of-pocket expenses which the Council is satisfied—
 - (a) are bona fide expenses; and
 - (b) have been reasonably incurred in the performance of the role of Councillor or member of a delegated committee; and
 - (c) are reasonably necessary for the Councillor or member of a delegated committee to perform that role.
- (2) A Council must provide details of all reimbursements under this section to the Audit and Risk Committee.

1.2 Scope

This policy applies to:

- Councillors of Banyule Council
- members of delegated committees of Banyule Council.

Councillor duties are those performed by a councillor as a necessary part of their role, in achieving the objectives of council.

1.3 Policy Principle

The provision of facilities, resources and support to Councillors and the expenses paid or reimbursed for Councillors, should be consistent with the following principles:

- Ministerial Guideline 2010 issued pursuant to section 4aa(4), Accident Compensation Act 1985
- Councillor Code of Conduct
- Encouraging diversity in participation, equity and access and community acceptance
- Accountability and transparency
- No disadvantage i.e. separation of allowances from reimbursement of expenses and provision of resources and facilities support.

PART 2 – EXPENSES

2.1 Delegation

The CEO is the delegated authority for approving all Mayor and Councillor-related expenses.

2.2 Expenditure incurred conducting official Council duties.

Councillors will act in accordance with the Councillor Code of Conduct and this policy when seeking reimbursement of expenses and use of council allocated resources.

At Banyule, Councillors recognise the need to exercise appropriate prudence in the use of Council resources and that they are used solely in the public interest. This includes:

- a) maintaining appropriate security over Council property, facilities and resources provided to assist them in performing their role; and adhering to any guidelines or policies that have been established for the use of Councillor resources and facilities
- b) not using public funds or resources in a manner that is improper or unauthorised
- c) not using Council resources, including staff, equipment and/or intellectual property for electoral or other purposes
- d) ensuring that all expense claims are accurate, are supported by the relevant documentation and strictly relate to Council business.

Councillor support expenses are those costs necessarily incurred by Councillors (out-of-pocket) or on behalf of Councillors, in conducting their Official Council duties as defined in Appendix 3.

The determining factor to be applied by Councillors is:
“If I was not a Councillor, would I be required incur the expense?”

Any costs incurred by a Councillor which are not covered specifically within the Policy will not be met, unless the Councillor has received prior authorisation from the Council or, if delegated to do so, from the Chief Executive Officer.

2.3 Carer and dependent-related expenses

Council will provide reimbursement of costs where the provision of carer services is reasonably required when a councillor or delegated committee member who is a carer (see Definitions) incurs reasonable expenses in the performance of their duties (s 41(2)(d)).

This applies to the care of a dependent, while the councillor or delegated committee member is undertaking their official duties; and may include expenses such as hourly fees and booking fees, if applicable.

Payments for carer and childcare services will not be made to a person who resides with the councillor or delegated committee member; has any financial or pecuniary interest with the councillor or delegated committee member; or has a relationship with the councillor, delegated committee member or their partner.

This covers child care for children 0-15 years inclusive, and have particular regard to expenses incurred by a Councillor who is a carer in a care relationship as stated in the *Carers Recognition Act 2012*, but also include the *Children, Youth and Families Act 2005*, for a foster, kinship or permanent care arrangement.

This category covers child care for children 0-15 years inclusive, specific home care for elderly or infirm immediate family members, and other forms of care needed to support immediate family members.

2.3.1 Approved carers

Reimbursement of costs will be available for immediate family only, that is, where the Councillor or domestic partner is the primary care giver.

Council will reimburse the Councillor for carer expenses paid to:

- An accredited child care/attendant care provider/nanny or
- A person providing care who does not:
 - Have a familial or like relationship with the Councillor, or
 - Reside either permanently or temporarily with the Councillor - except where a live-in (professional) helper, such as a nanny, is required to work extra time at extra expense because of the Councillor's duties, or
 - Have a relationship with the Councillor or their partner such that it would be inappropriate for Council to reimburse monies paid to the care provider.

2.3.2 Carer costs

Councillors who require carer or support services for other immediate family members should raise the matter with the Chief Executive Officer, or delegate, who shall advise on possible arrangements including reimbursement processes.

Requests for reimbursement will be processed on receipt of the following by the Mayor & Councillor Support staff:

- Councillor Expense Claim Form – including details on the reason care was needed (Official Councillor duties)
- Copy of receipt (clearly identifying the registered provider, type of service, date and time of service, hourly rate and hours of service, provider signature and total payment received).
- A Statement by a Supplier Form required if the provider does not quote an Australian Business Number (ABN)
- Fees will be payable per hour or part of an hour (subject to any minimum period which is part of the provider's usual terms). Block or full day care options are available if appropriate to support the Councillor's duties of officer, with the approval of the Chief Executive Officer or delegate.
- Maximum fees will be determined as rates not exceeding reasonable market rates available within the municipality.
- Councillors will make claims for reimbursement for family care within one month of incurring the expense through the Councillor Portal request for reimbursement.
- Delegated committee members will make claims for reimbursement for family care within one month of incurring the expense by supplying relevant details for the request for reimbursement by email to the Mayor & Councillor Support staff.

2.4 Councillors with a Disability

For any Councillor with a disability, the CEO will assess and approve reasonable support through additional facilities and expenses to allow the Councillor to perform his/her civic duties.

2.5 Procedure for Claiming

Councillors and delegated committee member will submit all claims for reimbursement through the Mayor & Councillor Support staff, including providing fully detailed tax receipts for any expenses incurred in accordance with this Policy.

All claims must be made on the approved Councillor Expense Claim form, available from Mayor & Councillor Support staff.

Original receipts must be attached for all claims (credit card receipts will not be accepted)

Where the provider of the goods or service is registered for GST a tax invoice must be obtained and provided (without this the GST component of the cost cannot be reimbursed).

It is important to note that under the Act, expenses are not to be reimbursed for the duration of an official leave of absence.

2.6 Timeframe for Claims

Councillors and delegated committee members will endeavour to submit their claims for reimbursement on a monthly basis for the previous month, to ensure equitable public reporting of expenses, and management within Council's financial cycle. Where Councillors consistently miss the deadline for timely submission of claims, the CEO, Audit and Risk Committee Chair and Mayor (or Deputy Mayor in the case of the Mayor) are to be advised so that appropriate actions can be undertaken.

Councillors will endeavour to submit all claims ending the financial year will be finalised and submitted to Mayor & Councillor Support staff by the end of that financial year.

Claims by a Councillor for a previous term must be finalised within one month of a Banyule City Council election or by-election. After this time, the entitlement of the Councillor to claim the expense will cease.

To maintain transparency and probity, all reimbursements will be paid directly into the Councillor's nominated bank account. A remittance of payment will be provided to the Councillor.

Claims by delegated committee members must be finalised within one month of ceasing to hold a position within a committee. After this time, the entitlement of the committee members to claim the expense will cease.

2.6 Reimbursement to Council

Councillors shall be given an opportunity to reimburse Council for any expenditure incurred on non-Council related business. Where a Councillor chooses to reimburse Council, reimbursement should occur by the end of the month of which the expense was incurred.

2.7 Reimbursement Issues

In any case where a Councillor is unable to provide a receipt of costs incurred whilst travelling on Official Council Business, a statutory declaration may be accepted by the CEO. Appropriate and sufficient reasoning for being unable to produce a receipt must be provided by the Councillor and it will be at the CEO's discretion whether a statutory declaration will be accepted.

PART 3 - COUNCILLOR REMUNERATION & REPORTING

3.1 Monitoring, Evaluation and Review

Councils are required to report on Councillor expenses in Annual reports and to the State Government annually. These details are available on the [Know your council - Banyule](#).

Quarterly reports of all councillor and delegated committee member expenses will be provided to Councillors and the council's Audit and Risk Committee.

The report will include:

- expenses incurred by Councillors during the quarter
- reimbursement claims made by Councillors during the quarter
- reimbursements made by Councillors during the quarter.

As part of Council's commitment to open and transparent activities, details of support expenses incurred by the Mayor and Councillors are made public quarterly, in accordance with the Banyule Public Transparency Policy. Any reimbursement provided by a Councillor for personal use of Council resources, for example, phone calls, will be deducted from reported support expenses.

3.2 Councillor Allowances

The Local Government Act 2020 section 39 (Act) regulates the allowance payable to Mayors, Deputy Mayor and Councillors in Victoria. The Act provides for minimum and maximum allowances according to the council category as set by an Order in Council. Under the new arrangements, allowances will be set by determination of the Victorian Independent Remuneration Tribunal.

Councillors will also be paid an amount equivalent to the superannuation guarantee, as published by the Minister for Local Government.

The Mayor, Deputy Mayor or Councillors may elect –

- (a) to receive the entire allowance to which they are entitled; or
- (b) to receive a specified part of the allowance to which they are entitled; or
- (c) to receive no allowance.

Allowances are taxable income. Any personal taxation implications are the responsibility of the Councillor.

Local Government Act 2020 – Section 39 - Allowances for Mayors, Deputy Mayors and Councillors

- (1) A Mayor or a Deputy Mayor is entitled to receive from the Council an allowance as a Mayor or a Deputy Mayor in accordance with a Determination of the Victorian Independent Remuneration Tribunal under the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019.
- (2) A Councillor is entitled to receive from the Council an allowance as a Councillor in accordance with a Determination of the Victorian Independent Remuneration Tribunal under the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019.
- (3) A Mayor or a Deputy Mayor is not entitled to receive an allowance as a Councillor while the Mayor or Deputy Mayor is receiving an allowance as a Mayor or a Deputy Mayor.
- (4) A Council cannot pay an allowance to a Mayor, Deputy Mayor or Councillor that exceeds the amount specified in the relevant Determination of the Victorian Independent Remuneration Tribunal under the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019.
- (5) A Mayor, Deputy Mayor or Councillor may elect—
 - (a) to receive the entire allowance to which they are entitled; or
 - (b) to receive a specified part of the allowance to which they are entitled; or
 - (c) to receive no allowance.
- (6) Despite the repeal of sections 73B and 74 to 74B of the Local Government Act 1989 and sections 26, 26A and 27 of the City of Melbourne Act 2001 and sections 12, 13, 14 and 15 of the City of Greater Geelong Act 1993, those sections continue to apply in respect of allowances payable to Mayors, Deputy Mayors and Councillors until the first Determination made by the Victorian Independent Remuneration Tribunal under section 23A of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 comes into effect.
- (7) For the purposes of giving effect to subsection (6), an Order in Council made under section 74B of the Local Government Act 1989 may determine the amounts of allowances for different categories of Councillors.

PART 4 – SUPPORT, RESOURCES & FACILITIES

4.1 Councillor Facilities

4.1.1 Office of the Mayor

Due to the special role of the Mayor, a separate office is provided in the Councillors Office, including a computer and landline, for the Mayor to carry out their duties.

4.1.2 Councillor Resource Room

A separate Councillor Resource Room is provided in the main office at 1 Flintoff Street, Greensborough for use by Councillors. This room is equipped with workstations (6), multifunction device, resource library, lockable storage for each Councillor and tea and coffee facilities.

The shared office area will be suitable for office work, reading, research, and small meetings. Visitors can only be provided access if accompanied by a Councillor.

A Councillor reference library will be maintained in the Councillor Resource Room. Any publications, including reference books, newspapers.

A Mayor's Office and Councillor office is also provided in the building located at 275 Upper Heidelberg Road, Ivanhoe.

The multifunction device is provided for a Councillor to undertake small amounts of photocopying directly related to carrying out their duties of office. Photocopying on behalf of external groups or organisations is not permitted. Photocopying is a reportable expense and Councillors will not use for any personal, business, political or election-related material.

4.1.3 Meeting Rooms

Councillors can book meeting rooms at Council meeting rooms, subject to availability, for meetings where the primary purpose is for the Councillor to carry out their duties. The Councillor must be in attendance at the meeting. Meetings meeting the criteria requiring a meeting room to be booked should be scheduled through Mayor & Councillor Support staff.

The Councillor must ensure that the rooms and office are secured when leaving the building.

Other meeting rooms owned and controlled by Banyule City Council and which can be accessed without staff attendance can be used (subject to availability) by Councillors for meetings associated with their role as a Councillor. This does not extend to use by community groups or organisations.

4.1.4 Building Access

Councillors will be provided with a security card allowing 24-hour access to the Councillors Office. The Mayor will also have access to the Mayor's office.

4.1.5 Children in the workplace

The Children in the Workplace Policy has been developed to inform Councillors and staff of their responsibilities and Council's obligations when circumstances arise that require Parents/Guardians to bring children into the workplace.

Council recognises there are emergency and unexpected circumstances where Councillors may be required to bring children into the workplace. Parents/Guardians should observe the following guidelines in circumstances that are either unforeseen or difficult to avoid and time has not permitted alternative arrangements to be made for any scheduled meetings:

- Children with infectious diseases are not to be brought into the workplace
- Children brought into the workplace must be under the direction supervision of the Councillor at all times.
- Responsibility for all aspects of the child's behaviour and safety rests solely with the Councillor
- Children are not permitted to log into Council's network or view any Council documentation.

In such circumstances advice should be provided the CEO and should be considered on a case by case basis. Requests should be made in advance where possible and will be treated with flexibility and sensitivity.

4.1.6 Meals and Refreshments

To assist Councillors in meeting the demands and expectations while conducting Council business, the following arrangements shall be offered to all Councillors:

- Where Council meetings or briefings are held at times which extend through normal meals times, Councillors and required officers will be provided with suitable meals served on the premises
- Reasonable refreshments served on Council premises during meetings of Council business. The type of refreshments shall depend on the nature of the meeting, timing and attendees
- Provision of light refreshments in the Councillor's Resource Room.
- Meals and refreshments will take into the cultural and dietary requirements of Councillors and staff (i.e. vegetarian, vegan, halal options).

4.2 Administrative Support & Services

4.2.1 Administrative Support – Mayor

Administrative support will be provided to the Mayor for work directly related to the duties of office, acknowledging the responsibilities and greater level of commitments and expectations placed on the Mayor.

4.2.2 Administrative Support – Councillors

Limited administrative support is available to Councillors for work directly related to their duties of the office.

The support to the Mayor and Councillors will be provided during normal office hours and broadly includes:

- Diary management
- General follow up and preparation of correspondence
- Constituent/community contact activities
- Relevant bookings on behalf of Councillors including meeting rooms, civic events and conferences
- Responding to invitations
- Issue research
- Speech notes
- Councillor resource requests (including stationery, equipment) in accordance with this policy
- Processing Councillor requests for reimbursement of expenditure

4.2.3 Councillor Requests

Councillors regularly raise enquiries and requests for Council officers to follow up. This may be in the form of a request for information regarding a specific matter or a customer request for works to take place (e.g. graffiti, litter, potholes, etc.).

Request and enquiries from Councillors are co-ordinated through the Executive Customer Support Officer (ECSCO) in the Governance & Communication department. The Councillor generated customer and operational requests are logged, tracked and monitored by the ECSCO and Councillors are provided with monthly reports. The ECSCO acknowledges and receipts the enquiry and assigns action to the relevant department.

4.2.4 Council Papers

All information for Councillors, including Council, Councillor Briefing papers and agendas and minutes, will be available through the Council hub/dashboard.

Council will digitally/electronically deliver Council meeting agendas and minutes, and other papers to Councillors.

The Chief Executive Officer will provide a courier service for delivery of Council agendas (for a Councillor who specifically requests hard copies) to Councillors as required.

4.2.5 Stationery/Mail

When communicating with constituents, Councillors are encouraged to use electronic formats.

Standard Council stationery will be made available to Councillors. Stationery will include paper, writing implements and note pads. Councillors will not modify Council stationery in any way and will only use reasonable supplies for carrying out their duties of office. The supply of stationery will be organised by Mayor & Councillor Support staff.

Stationery must not be used by a Councillor for any, personal, business, political or election related purposes and Council inscribed stationery is not to be converted or modified in any way.

4.2.6 Newspapers/Publications/Subscriptions

Councillors will be provided with an internally-produced media monitoring record (Media Watch).

Councillors will be provided with subscription copies of key local government industry publications.

Councillors will be given the opportunity of sending corporate Christmas/Festive Season cards. These shall be available in electronic format.

Councillors will be provided with subscriptions to key State and National newspaper services (i.e. The Age, Herald Sun and The Australian) on request to the CEO.

4.2.7 Name Badges

Each Councillor will be provided with a Councillor name badge (approved Councillor format) for use while undertaking Council business.

4.2.8 Business Cards

Each Councillor will be provided with 500 Councillor business cards (approved Councillor format, including photo) for use while undertaking Council business with additional cards subject to CEO approval.

4.2.9 Photographs

On request, Council will provide Councillors with access to the Council image library for Council-related business. The images remain the property of Council (copyright) and must only be used by Councillors for a specified and approved purpose related to Council business.

On request, Councillors will be able to update their official Councillor headshot (using a Council-engaged photographer) each year.

Images must not be used by a Councillor for any personal, business, political or election related material. All image access and use must be approved by the Manager Governance & Communication.

The CEO has the discretion to permit use of a Councillor headshot for selected professional purposes that may fall outside of Council business (i.e. LinkedIn Profile). This is consistent with the arrangements that apply to Council staff.

4.2.10 Apparel/Uniform

On request, Councillors will be able to access an item/s of uniform for use while carrying out their duties of office, including any Council branding requirements. The item must include the Banyule Council logo. All items will be organised by the Mayor & Councillor Support staff, in consultation with the Councillor. Uniform items will be a reportable expense.

Other protective clothing required to assist in carrying out the duties of office will, upon request, be loaned to the Councillor for that purpose. This clothing will be limited to wet weather and protective clothing such as raincoat, gumboots and hard hat etc.

PART 5 – TRAVEL AND TRANSPORT

5.1 Travel – Local

The following support is provided to assist Councillors and members of delegated committees with local travel costs when conducting Council business. Councillors and members of delegated committees are encouraged to consider the most environmentally friendly modes of transport and should take into account the circumstances of a particular situation including weather, time of day and distance.

Where possible, all travel should be by most direct route, and carpooling is encouraged where more than one Councillor attends the same event or meeting.

5.1.1 Public Transport

Councillors shall have access to a Council supplied Myki card, via request to the Mayor & Councillor Support staff, to enable travel on trains, trams, buses and light rail journeys within and outside the municipality.

Any personal use will need to be reimbursed to Council. Councillors or members of delegated committees with personal Myki cards can submit a claim for specific trips undertaken on Council business.

Should Councillors incur costs in public transport or light rail journeys while conducting Council business within and outside the municipality reimbursement will be made following completion of a Councillor Expense Claim Form together with the provision of the relevant receipt.

5.1.2 Car parking fees and permits

Car parking fees incurred while conducting Council business may be reimbursed on the basis of original receipts and relevant detail regarding the purpose, date and time of the activity.

Claims must be made using the Councillor Expense Claim Form together with the provision of the parking receipt.

5.1.3 Use of Taxis/Ridesharing

Cabcharge Cards can be made available to Councillors for taxi services for Council business. Cabcharge Cards are to be used by the cardholder only and must not be provided to any other individual for use or used for personal business.

A copy of the receipt and passenger record must be provided to the Mayor & Councillor Support staff along with the, date/time of travel, trip origin and destination, cost and the reason for the journey for the trip.

Councillors and members of delegated committees are also able use ridesharing services – or an equivalent registered service - for travel in relation to Councillor duties. Costs will be reimbursed and claims should be accompanied by a tax receipt and Councillor Expense Claim Form stating the nature of Council business and date and time of activity.

Should Councillors incur costs in using a taxi service without a Cabcharge cards, reimbursement will be made following completion of a Councillor Expense Claim Form together with the provision of the taxi receipt.

5.1.4 Use of car share schemes/hire car

Councillors wishing to use a car share scheme will be responsible for managing the booking and logistics. Council will not be able to pay or reimburse annual subscription or registration fees for car share schemes. Councillors will be reimbursed for use of car share schemes where the expense was incurred undertaking Council business.

Councillors will comply with all parking restrictions and Road Rules, and will be personally liable for any damage, or infringement penalties received.

5.1.5 Use of private vehicles

Costs relating to private vehicle use will be reimbursed where it is a necessary Council expense incurred while performing duties as a Councillor in accordance with the following:

- Reimbursement of travel costs can be claimed from the Councillor's normal place of residence or work to the location of the activity and return by the most direct route.
- Councillors will be reimbursed for kms travelled while using their own vehicles in accordance with the Australian Taxation Office (ATO) rate upon receipt of a duly completed Councillor Travel Allowance Form.
- Mileage claimed in relation to Official Council Business must be documented in a Councillor's calendar or diary in sufficient detail to be able to be independently substantiated for audit purposes.
- Councillors must maintain a vehicle log-book, or some appropriate form of written or digital record in relation to the use of their private vehicle in the course of conducting Official Council Business, including recording:
 - total kms travelled
 - the date of travel and
 - the purpose of the travel

The record must be made available for inspection on request for audit purposes.

- Travel is to be undertaken as efficiently as possible.
- The Councillor Travel Allowance Form should be used for this purpose. The form, once completed with the necessary information, needs to be submitted along with the Vehicle Log book/record to the Mayor & Councillor Support staff for processing.

In addition to costs associated with use of private vehicles, Councillors can claim for the use of Bicycles: 20 cents per kilometre.

Councillors and members of delegated committees will comply with all parking restrictions and road rules and will be personally liable for any infringement penalties incurred. Councillor will also be required to have current registration and minimum third-party insurance in place.

5.1.6 Tolls

Councillors and members of delegated committees may incur tolls while conducting Council business.

Councillors may seek reimbursement of costs associated with tolls, including the use of day passes or those transactions incurred as part of existing personal e-tag accounts.

Council supplied e-tags will be provided for the Council fleet vehicle issued to the Mayor.

5.1.7 Council fleet vehicles

5.1.7.1 Mayoral vehicle

To assist in meeting the demands and expectations placed on the Mayor, a Council fleet vehicle shall be provided for use by the Mayor during their term. This will include all associated costs including servicing, fuel and insurance.

If the Mayor does not require a Council vehicle and chooses to use their private vehicle/s to carry out their duties of office, reimbursements will be made in accordance with 5.1.5.

The Mayoral Vehicle will be placed into the vehicle pool for Councillor use for official council business. Bookings may be made through Mayor & Councillor Support.

If the Mayor requires a council vehicle provided to the Mayor, it will be made in accordance with Council's Fleet Management Policy. The vehicle will be traded in accordance with the vehicle replacement policy, unless otherwise authorised by the Chief Executive Officer.

The vehicle provided to the Mayor

- Is primarily to carry out their duties of office
- Is to be in-lieu of travel/mileage claims otherwise claimable by the Mayor for use of his/her personal vehicle;
- Can be used for reasonable private purposes, but not for any commercial purpose.

The Mayoral Vehicle may not be driven outside of Victoria. If it is proposed to travel outside the State; approval must be obtained in advance by the CEO for both business and private use. Should private use of the travel be approved; all expenses including fuel will be met by the Mayor. The issued fuel card must not be used for any private use interstate travel.

If the Mayor is absent from office with leave of Council for a period greater than 4 weeks, the vehicle will be returned to Council unless other arrangements are agreed with the Chief Executive Officer.

Conditions of use are listed in Appendix 2.

5.1.7.2 Councillor access to fleet vehicles

Where practicable, and by prior arrangement through Councillors support a Council pool vehicle may be made available to Councillors for use by a Councillor or a group of Councillors to attend a location to conduct Council related business.

A Council pool vehicle may be particularly useful when a number of Councillors are travelling outside the municipality or on longer distances where use of private vehicles or other means of transport is not practical. Councillors must fill out the logbook in car pool vehicles.

5.1.7.3 E-bikes

Council propose introducing the use of e-bikes on a trial basis. This involves leasing e-bikes for a period of two years so that Council and staff can become familiar with their use. The lease arrangement would include training, bike maintenance and servicing.

Where practicable, and by prior arrangement through the Mayor & Councillors Support staff, a Council e-bike may be made available to Councillors for use by a Councillor or a group of Councillors to attend a location to conduct Council related business.

5.2 Travel – Regional Victoria, Interstate and International

As part of their duties, the Mayor, Deputy Mayor and Councillors may be required to undertake interstate and international travel on behalf of Council. Representation of Council at national/international levels can be an important part of developing, communicating and implementing Council policy and includes:

- Travel to investigate issues, projects or activities of relevance to actions contained in the Council Plan and other policies and programs.
- Attendance at conferences, workshops and forums as either a presenter or a delegate on topics relating to Council's policies, aims and projects or on areas of professional development for Councillors.
- Councillors may claim the reasonable costs of:
 - reasonable meal expenses (excluding alcohol) for the duration of any travel in the course of performing Official Council Business. This does not include the cost of meals for partners, guests or families of Councillors
 - appropriate accommodation when interstate or overseas, that has been selected by the CEO or their delegate and booked by the Mayor & Councillor Support team, will be available from the day prior to commencement day and each day on which events involving Official Council Business are held. This does not include any additional costs of accommodation for partners, guests or families of Councillors.

5.2.1 Authorisation Framework

5.2.1.1 Proposed International or Interstate Travel

All proposals relating to international travel by the Mayor, Deputy Mayor and Councillors requires the approval by resolution of Council. Such proposals should be presented in a report by the relevant Director or Manager, including identification of how the proposal will underpin or support Council's Council Plan actions, key strategies and the costs of the proposal.

Interstate travel does not require approval by Council. Reporting to Council in accordance with the section 3.1 Monitoring, Evaluation and Review, including a conference/post travel report, and a briefing to Councillor colleagues, applies to both international and interstate travel.

5.2.1.2 Leveraging opportunities – additional stakeholder meetings

If a Councillor wishes to include additional meetings relating to their Councillor duties on either side of a conference or professional development opportunity, they must request this in writing to the Mayor and Chief Executive Officer. If determined to be appropriate, the meeting/s will be organised by the relevant Director.

5.2.1.3 Undertaking Council business while on private travel

If the Mayor, Deputy Mayor or Councillor proposes to officially represent the Council while on private interstate or overseas travel, authorisation should be sought in line with approval processes and requirements outlined above in 5.2.1.2.

5.2.2 Bookings and confirmation

Travel and accommodation arrangements will generally not be made in anticipation of approval. However, it is recognised that in some circumstances, tentative arrangements may need to be made to secure the most cost effective airfare and accommodation options.

It is the responsibility of the Councillor to reimburse all private or personal costs to Council, within one month of the cost being invoiced. Failure to reimburse Council within this period will be considered a breach of the Code. The Councillor will be responsible for all costs incurred for travel of additional parties, including insurances and where applicable any cancellation fees.

All travel and accommodation reservations apart from private travel and non-council funded travel, should be booked through the Mayor & Councillor Support staff. To permit the option for bookings to be scheduled by the Mayor & Councillor Support staff for travel by a partner, spouse, companion or children; Councillors must confirm arrangements for travel and accommodation with the Mayor & Councillor Support staff at the same time as requesting their own arrangements.

Councillors wishing to make their own arrangements for transport or accommodation shall have the cheaper amount equivalent to the cost of the most economic reasonable form of transport and to the value of a standard room rate at a convenient motel, or the cost of these alternative arrangements paid by Council.

5.2.2.1 Accommodation and incidentals in outer metropolitan Melbourne and regional Victoria

When travelling on Council business in outer metropolitan Melbourne and regional Victoria, Councillors may require accommodation. Councillors can stay in reasonable accommodation appropriate to the area travelled to and the nature of the visit.

Bookings for accommodation should be made through Councillor Support team. Prior to making the booking, the authorisation of the Chief Executive Officer or delegate must be obtained. All reasonable sustenance and incidental costs associated with outer metropolitan Melbourne and regional Victoria travel will be met by Council. If travel includes attendance by a partner, spouse, companion or children, Council will cover only where expense is incurred directly by Councillor e.g. a meal consumed by Councillor will be covered but not meals for additional attendees.

5.2.3 Travel documentation

When travelling, Councillors will need to maintain accurate documentation relating to expenses incurred.

5.2.3.1 Insurance

Councillors are covered by Workcover under the Workplace Injury Rehabilitation and Compensation Act 2013, both in Australia and overseas. Councillors are also covered by Council's Personal Accident and Corporate Travel Insurance policy. This covers Councillors whilst engaged in any activity connected with or on behalf of the Council.

Non-business related travel and non-business related items are not covered by this policy. Any non-business related travel including travel by a Councillor and travel by a partner, spouse, companion or children will require consideration by Councillor to seek independent travel insurance.

5.2.3.2 Passport and visas

Councillors travelling overseas on Council-related business are responsible for ensuring that they have a current passport and obtain any required visas. Costs of visas for the Council-related business can be reimbursed by the Council.

A Councillor will be responsible for ensuring that any additional travel by a partner, spouse, companion or children, have a current passport and obtain any required visas. No reimbursement will be available for additional parties by Council.

5.2.4 Information Technology arrangements and expenses

When using mobile devices while on international travel, Councillors should avoid excessive communication costs and are encouraged to use internet services provided through place of accommodation.

Councillors on leave of absence will store their devices securely, or have their IT devices appropriately managed by the Mayor & Councillor Support staff, including an out of office message and disabling of data roaming, as appropriate. Where a Councillor travels overseas on Council

business, IT staff will ensure appropriate international roaming on the Council IT device before the Councillor leaves.

5.2.5 Reimbursement of travel expenses

Councillors must submit any claims for reimbursement in accordance with section 2.4 and 2.5 of this Policy.

The exchange rate to be applied by Councillors when making claims and reconciling expenses shall be the rate identified by a banking institution or credit card company as being the closing rate on the day of departure for travel, or on the day of transaction, where a credit card is used.

5.2.6 Travel expenses reporting

All travel and associated expenses will be reported in accordance with 3.1 Monitoring, Evaluation and Review.

PART 6 – COMMUNICATIONS

6.1 Communication Equipment

Section 42 of the Act, Resources and facilities for the Mayor and Councillors, ensures that the Mayor and Councillors have available to them the tools, services and facilities necessary to undertake their roles.

Communication equipment and services shall be provided to assist Councillors in the conduct of Council business. Council issued equipment must not be lent to anyone and care must be taken to protect them from loss or damage at all times.

6.1.1 Equipment

A Councillor shall be provided with standard communication hardware, for which Council IT staff will provide technical support, and which may include:

- Mobile phone or similar device
- Laptop or Tablet (or as otherwise requested based on need)

The devices will be Wi-Fi, bluetooth and mobile data enabled. Reasonable requests for other equipment based on individual circumstances should be made to the CEO. (i.e. screen or larger sized tablet).

Reasonable requests for reimbursement of private internet costs where mobile data enabled device does not function optimally in the location of the Councillor's principal place of residence should be made to the CEO.

This equipment is provided to ensure that Councillors can adequately and efficiently perform their role as a Councillor. Council will meet the purchase, rental, initial installation, maintenance and consumable costs for this hardware.

Internet usage is via the Banyule City Council server. Relevant software will be provided on the hardware supplied. Councillors are not permitted to download any other software without the permission of the CEO. Communication equipment provided is for Council use with reasonable private use.

A multifunctional device (to scan, print, email, copy) will be provided in the Councillor offices, to facilitate communication relating to the Councillor's duties.

Reasonable requests for a multifunctional device (to scan, print, email, copy) to be provided at a Councillor's principal place of residence should be made to the CEO. This is expected to apply situations where Councillors have full-time work or carer commitments outside of their role as a Councillor and it is not practical for them to have regular access to the multifunctional device in the Councillor office.

6.1.1.1 Care and replacement of Council equipment

All equipment issued to Councillors remains the property of Council and will be returned to Council within two weeks of the end of the term of the Councillor.

Councillors are expected to properly secure all equipment issued to them during the term of their office. This includes making sure that valuable equipment is not left in the Councillor's private or council vehicle.

A Councillor must report a stolen device to the Victoria Police and to the Mayor & Councillor Support staff as soon as possible so that an incident report is completed. Stolen devices will be replaced on receipt of a police report. Where possible, all data will be remotely erased from the device.

Councillors requesting replacement of equipment including broken or faulty device for repair or replacement should return the item to the Mayor & Councillor Support staff before being replaced prior to receiving the new equipment. Broken items will only be replaced once per year per Councillor, details will be reported in expense reporting. No new equipment will be issued in the six months prior to an Election.

All requests for replacement of equipment should be forwarded to the Chief Executive Officer. When using email and Internet access Councillors will be required to comply with the Councillor IT Guidelines in Appendix I and will be required to complete the Councillor IT Acceptance Form at the start of each term.

Once a device exceeds 12 months it will be annually recalled by the Councillor Support team to be tagged and tested to ensure the device meets required standards. Any product not found to meet the requirements will be fixed or replaced as required.

6.1.2 Non-standard communication hardware

If a Councillor prefers to purchase their own brand of communication hardware then this will be at their own expense and hence any costs will not be reimbursed by Council and the Councillor will be solely responsible for any technical support required

Councillors will ensure that Council equipment is used efficiently and economically and is kept secure from misuse or breakage. Theft, loss or damage of equipment will be reported immediately to the Chief Executive Officer or delegate on the prescribed form.

6.1.3 Information Technology Guidelines

The purpose of the Councillor IT Guidelines (Appendix I) is to communicate the IT security and operational considerations applicable to Councillors. The Guidelines for Councillors are consistent with the IT Guidelines for Staff and Contractors.

The ongoing cost of IT items and services is a reportable expense. This includes replacement for additional and lost items such as devices chargers and leads. Councillors are responsible to ensure that fully charged Council issued devices are brought to all scheduled meetings, along with plugs and charges as a supply backup.

The issued items remain the property of Council, are recorded in Council's Asset Register, and must be returned at the end of the Council term.

Councillors will be responsible for all excessive personal related charges.

6.1.3.1 Non-Council related use

Council phones and mobile data enabled devices will be provided to support a Councillor to undertake their duties, however, it is recognised that for practical reasons, a Councillor may make a reasonable number of non-Council related calls. They may also make reasonable personal use of mobile devices, including mobile data. The reasonable personal use does not extend to others (i.e. other people in the household).

The Chief Executive Officer may determine where a Councillor's personal phone or data use charges is beyond reasonable limits and require reimbursement.

International calls will not be considered reasonable use unless a Councillor is conducting Council business (such as related to a conference/tour that has been approved by a resolution of Council). Telephone calls to information/ service providers which incur a significant per minute charge will normally not be considered reasonable use. App store purchases will not be covered by Council.

Councillors must not, under any circumstances, use Council provided equipment for private business purposes, including making telephone calls and using data (internet/email).

Itemised bills will be provided to each Councillor on request. Councillors will reimburse Council in accordance with Appendix I of this policy, on a monthly basis. Failure to reimburse Council for personal use that is deemed to be beyond reasonable limits by the Chief Executive Officer will be considered a breach of the Councillor Code of Conduct.

PART 7 – CORPORATE IDENTITY & COPYRIGHT

7.1 Communications

This policy seeks to avoid communications that may create the misleading impression that a Councillor is representing the council organisation, contrary to the requirements of the conduct principles of the Local Government Act 2020.

A Councillor shall not directly or indirectly publish or permit to be published any document in their position of Councillor which brings, or may reasonably be expected to bring, the Council into disrepute, or is or may reasonably be regarded as being improper.

Separate to Council's own online profiles of Councillors on the website, Councillors will use their own personal resources to produce and distribute any ward updates (other than *News from Our Neighbourhood* or publications approved by Council resolutions), newsletters or social media presence/pages.

The policy notes that individual Councillors do not have the authority to officially communicate on behalf of the Council in their own capacity.

7.1.1 News from Our Neighbourhood (Ward Newsletter)

Ward Newsletters are used to communicate current Council projects, initiatives and services. The newsletters are distributed quarterly and are subject to the following:

- not contain material contrary to Council's adopted policy
- the final newsletters are approved by the CEO or Governance department for distribution
- cannot be used for self-promotion
- not to be used for electioneering of individual Councillors or prospective candidates in any Federal, State or local election.

7.1.2 Correspondence and document registration

To support the Mayor and Councillors in the effective management of all correspondence, incoming mail will be opened by the Corporate Information/Records Unit, registered and referred to the relevant actioning officer.

An acknowledgement letter will be sent from the Mayor & Councillor Support staff and a copy of the original correspondence will be provided to the Councillor/s. The actioning officer will reply on behalf of Council with a copy of the response also being provided to Councillors. With some exceptions, the CEO will determine that the letter should be signed by the CEO or the Mayor.

Correspondence marked "Private and Confidential" will be given to the respective Councillor unopened. If it is determined that the correspondence should be registered in the Document Management System, it will be forwarded to Corporate Information/Records Unit for registration.

7.2 Use of Social Networking Sites

The Communications Unit are responsible for maintaining Council's Corporate Facebook page and Twitter pages and manages the social media on behalf of the Mayor.

The rapid growth and use of social and professional networking media (such as LinkedIn, Facebook, Twitter and YouTube) offers opportunities for people to collaborate in online forums and communities that share common interests and share or consume content. Councillors, as social media users, need to understand that information provided by them or their representatives can be seen by the public.

When engaging in social media networking, Councillors need to be clear about who they are representing, taking responsibility for ensuring that any references to Council are authorised, factually correct and accurate, do not breach confidentiality requirements, and show respect for the individuals and communities with which they interact. Comments and information should not breach the Councillor Code of Conduct or this policy.

The use of Council branding or information on Councillors personal websites or social media is not permitted.

Councillors should not endorse any political affinity or allegiance using a Council email address or Council social media applications e.g. Facebook, LinkedIn or Twitter etc.

7.2.1 Privacy and Data Protection Act 2014

Councillors are required to comply with the Privacy and Data Protection Act 2014, which regulates the collection, use and disclosure of personal information by Councils. Councils' Privacy Policy also provides guidance on the protection of personal information.

Permission must be granted from anyone who appears in any photographs, video or other footage that relates to Banyule City Council before they are shared via any form of social media (including Council social events).

PART 8 – CIVIC REPRESENTATION & ENGAGEMENT

8.1 Events and Functions

Attendance at local events and functions is a key part of a Councillor's representative role.

Councillors will carefully consider if their attendance at an event or function truly relates to the duties of office, and whether community resources should be used to pay for their attendance.

Council will meet the cost of a Councillor's attendance at non-Council functions to which they have been invited where they are attending in their role as a Councillor and where topics pertain to matters concerning local government or where local government representation is relevant to Council.

Councillors will avoid conflicts of interest (or perceptions of) that may arise as a result of their attendance at events and functions, including the disclosable gifts threshold.

Hospitality is a gift where a Councillor attends an event or function:

- From free tickets the Councillor received, and they have NO official duties to perform, or
- With free membership, or
- Where the hospitality is generous

Councillors will act in accordance with the Act, the Councillor Gifts and Hospitality Policy and the Code of Conduct.

Local Government Act 2020 - Section 128 (4)

For the purposes of subsection (3)(h), disclosable gift means one or more gifts with a total value of, or more than, \$500 or if an amount is prescribed for the purposes of this subsection, the prescribed amount, received from a person in the 5 years preceding the decision on the matter—

- (a) if the relevant person held the office of Councillor, was a member of Council staff or was a member of a delegated committee at the time the gift was received; or
- (b) if the gift was, or gifts were, or will be, required to be disclosed as an election campaign donation—

but does not include the value of any reasonable hospitality received by the relevant person at an event or function that the relevant person attended in an official capacity as a Councillor, member of Council staff or member of a delegated committee.

8.1.1 Events covered

If invited, Councillors will be supported to attend paid/non-paid events that:

- Are Council-organised or Council-sponsored
- Are held by councils, groups or organisations in Banyule or the Metropolitan Region and have a benefit to the local community.
- Melbourne-based events hosted by key community partners/stakeholder organisations, departments or agencies, where an official invitation is received, and the Councillor has been invited in an official capacity and attendance has been approved by resolution of Council or the Chief Executive Officer.
- Are not conflicting with any Council policies or resolutions, for example, gambling, and attendance can reasonably be seen to support the achievement of Council's objectives.
- Are a ticketed event for Councillors invited by written invitation to attend local fundraiser/charitable events, where event benefits Banyule City Council directly.

The Chief Executive Officer, in consultation with the Mayor, will determine appropriate events for Council to purchase 'a table', if invited to do so. In principle, a table should be purchased only if 50 per cent or more of Councillors are able to attend.

8.1.2 Spouse/Partner/Accompanying Person

The cost of a spouse or partner for attendance at official Council functions is appropriate when accompanying a Councillor both:

- Within the Municipality
- Outside the Municipality, but within the State when carrying out official duties.

The payment of expenses for spouses, partners or accompanying persons for attendance at appropriate functions shall be limited specifically to the ticket and meal. The cost of Councillors partners (other than the Mayor's partner) attending functions other than authorised Banyule Council activities will be borne by Council up to the value of \$500 per Councillor per year. Council will meet the reasonable expenses of the Mayor's partner when accompanying the Mayor to invited functions. Peripheral expenses such as grooming, special clothing, transport are not reimbursable.

The ticket of a Councillor's partner or guest may constitute a disclosable gift under the Act for the Councillor if accepted free of charge.

8.1.3 Definitions – Official Council functions and events includes:

Civic and ceremonial functions	official events/functions that are held for celebratory, ritual, recognition or commemorative purposes, including events organised by Council, or an elected Member <ul style="list-style-type: none"> ▪ Community Acknowledgement - exceptional voluntary service by groups and individuals, over and above Civic Recognition Awards; ▪ Commemorative – events that happen that impact on the local community ▪ Celebratory - exceptional achievement in sports, the arts, fund-raising, or signing of significant agreements/accords with State/Federal Governments etc. ▪ Opening of Council facilities
Mayoral representation	occasions when the Mayor represents, or is requested to represent, Council at events and functions.

PART 9 – PROFESSIONAL DEVELOPMENT

9.1 Professional Development – Conferences, Courses and Training

Councillors will be given the opportunity to attend conferences and training sessions as they are important in enhancing the knowledge and skills of Councillors and their ability to make informed decisions and improve their effective community representation and advocacy.

Councillors may attend professional development opportunities that:

- Relate to, leadership, governance in the context of the role of Councillor, or enhance the personal skills of the individual to undertake the role
- Relate directly to the duties and responsibilities of the Councillor
- Areas of local government activity
- Are organised by a Local Government peak body/association - MAV, VLGA, ALGA, ALGWA, etc.
- Are a governance and leadership course approved by the Chief Executive Officer, such as the Australian Institute of Company Directors (AICD) course
- Are specific needs-based training approved by the Chief Executive Officer, including media, chairing, public speaking and social media use

Councillors authorised by the Council to undertake professional development or attend conferences, seminars and training shall have all reasonable expenses for travelling, transport, accommodation, registration fees and meals relating to the conference, seminar or training reimbursed or paid by Council on their behalf.

Where any such program involves overseas travel a Council resolution will be required.

Councillors wishing to make their own arrangements for transport or accommodation shall have the cheaper amount equivalent to the cost of the most economic reasonable form of transport and to the value of a standard room rate at a convenient motel, or the cost of these alternative arrangements paid by Council, as determined by the Chief Executive Officer.

9.1.1 Courses nearing end of Council Term

Any professional development courses undertaken by a Councillor should provide a demonstrable benefit to the Banyule community. To reflect this commitment, all courses must be completed at least three months prior to the commencement of the election period for a general municipal election.

For courses more than \$5,000, such as AICD, to ensure benefit to the community, Councillors will only be able to undertake these courses in the first three years of each Council term.

9.1.2 Attending conferences and seminars

Conferences and seminars are organised by local government related organisations, professional bodies and private sector providers on issues and events which impact on the role of Councillors and the Council in general.

Requests for attendance at interstate or international conferences and events must be made in line with the interstate and international travel approval processes outlined in this section.

9.1.2.1 Accompanying partners/guests

Where a Councillor is accompanied at a conference all costs for, or incurred by, the spouse, partner or accompanying person, including travel, meals, registration and or participation in conference events, are to be borne by the Councillor, spouse, partner or accompanying person.

Where Council meets, on account, any expenditure or cost on behalf of a spouse, partner or accompanying person attending a conference, such expenditure must be repaid to Council by the Councillor, spouse, partner or accompanying person within 21 days of being invoiced for such expenditure.

9.1.2.2 Presenter at a conference

Councillors may receive invitations to speak at a conference in their capacity as a Councillor. In some cases, conference organisers may waive or cover registration fees for participation.

This would be considered a gift or hospitality benefit, and appropriate reporting as outlined in 3.1 Monitoring, Evaluation and Review.

9.1.3 Training courses and seminars

The Council strongly supports the enhancement of skills required by Councillors to assist in carrying out their role. This includes participating in a range of one-off or short-term training courses, seminars and activities in a variety of areas of professional and personal development. These may be provided internally or by professional bodies, private organisations and educational institutions.

Councillors wishing to undertake any training courses offered outside Victoria need to seek travel approval in accordance with requirements set out in part 5.

Professional or personal development needs which require or involve on-going, longer-term support, guidance or mentoring should first be discussed with the Chief Executive Officer or delegate who will assist Councillors in line with an agreed framework and process, including in accordance with 9.1.1 The Chief Executive Officer will inform all Councillors of implemented arrangements.

9.1.4 Memberships and subscriptions

Council will reimburse Councillors or directly pay membership and subscription fees to bodies and organisations whose activities are relevant to the role of Councillors. In seeking membership or subscription, the Councillor will identify the link to Council business and how membership will assist in development or fulfilment of their role. Appropriateness will be determined by the CEO or delegate.

9.1.5 Reporting and Accountability

Within two weeks of return from any interstate or overseas professional development opportunity, the Councillor will provide a written delegate's report for inclusion at the next practicable Ordinary Council Meeting.

For the purposes of reporting, Councillors should use the Councillor Attendance at Conference/Visit Requiring Interstate or Overseas Travel report.

Councillors undertaking courses that included completion of assessments or accreditation, will be encouraged to sit the assessments/accreditation.

Councillors undertaking a major professional development activity (i.e. AICD, course over \$5,000) will be required to provide a brief report to Council on their learnings and insights and the benefits of the professional development to Council.

PART 10 – LEGAL AND EXCLUSIONS

10.1 Candidature of Councillors at State or Federal Elections

Councillors who are Candidates, or are considering being Candidates, for State or Federal elections, must take into consideration the Guidelines produced by Local Government Victoria and the Municipal Association of Victoria.

Banyule's Election Period Policy apply to a Nominated Candidate and this should apply from their Nomination Date until declaration of the election.

Council resources must not be used for private purposes. This includes electioneering. Councillors must only use Council resources, including support from Council staff, exclusively for normal Council business.

Councillors who are candidates in State or Federal elections must return all Council Equipment and materials during the caretaker period for that Election.

10.2 Insurance

While undertaking the duties of a Councillor, the following insurance covers will apply to all Councillors:

- Public Liability
- Professional Indemnity
- Councillors and Officers Liability
- Travel cover (accompanying partners are also covered).

Council will pay the insurance policy excess in respect of any claim made against a Councillor arising from Council business where any claim is accepted by Council's insurers, whether defended or not. Amounts and types of payments above that excess are subject to the terms and conditions of the relevant policy.

Council equipment provided to Councillors to assist in performing their role, is covered for damage or theft under Council's insurance policies. Councillors are expected to exercise due care in protecting the equipment from damage or theft. Such circumstances must be reported immediately to the Director Corporate Services.

10.3 Legal Representation

Council will not bear the costs of legal representation for any party in an informal or formal dispute resolution process. For avoidance of doubt, this does not affect the ability of any party to a dispute to seek their own legal advice. Where a party procures their own legal advice, the cost of the legal advice will not be paid or reimbursed by Council.

10.4 Occupational Health and Safety and Work Cover

Councillors and delegated committee members will ensure they follow Occupational Health and Safety requirements while undertaking their duties of office. A Councillor injured while carrying out their duties may be entitled to claim workers compensation under the *Accident Compensation Act 1985*. Each case will be determined based on individual circumstances.

Council has a Return to Work Coordinator who will be able to provide assistance in these matters. Any enquiries need to be referred through the Chief Executive Officer.

10.4.1 Counselling support

Councillors may be able to access Council's Employee Assistance Program (EAP) counselling service to assist with their health and wellbeing during their term of office.

10.5 Exclusions to reimbursement of expenditure by Councillors and delegated committee members

The following exclusions to reimbursement of expenditure apply:

- Reimbursement for any claims made outside of the timeframes specified.
- An expense not claimed within the designated timeframe cannot be claimed as an additional amount for another expense
- An expense from a breach of road, traffic, parking or other regulations or laws
- Any expense relating to personal legal advice, such as seeking advice relating to conflicts of interest, or legal representation in a dispute resolution process. (All legal advice relating to Council matters will be procured through the Chief Executive Officer (or their delegate)).
- An expense for immediate family members/associates attending conferences, seminars, training, planning sessions, or corporate hospitality or events, except as provided for in this policy

10.6 Expenditure not specified in the policy

Any expenditure not specified in this policy will be the responsibility of the Councillor.

APPENDIX I - Information Technology (IT) Standards & Procedures for Councillors

11.1 Purpose

The purpose of the IT Standards & procedures for Councillors is to ensure that information technology equipment supplied to Councillors for Council business are managed, maintained and operated in accordance with Council requirements. These standards form part of a suite of standards for all staff & contractors of Banyule City Council.

The IT standards have been developed in accordance with international standards:

ISO 27002 – security standards
ISO 29151 – security management system
ISO 27017 - cloud-based technologies
ISO 29151 - Personally Identifiable Information (PII).

11.2 Definition and Scope of IT Security

Information security is all about keeping corporate information safe. The Standards address the need to protect confidential and sensitive information from disclosure, unauthorised access, loss, corruption and interference and is relevant to information in both electronic and physical formats.

Security can be defined by three things: -

- Confidentiality - information must not be made available or disclosed to unauthorised individuals, entities, or processes
- Integrity - data must not be altered or destroyed in an unauthorised manner, and accuracy and consistency must be preserved regardless of changes
- Availability - information must be accessible and useable on demand by authorised entities

A holistic approach to security encompasses the following areas: -

- personnel security
- physical security
- communications security
- information security
- computer security
- technical security

11.3 User Responsibilities

As inappropriate or unauthorised use of computer systems, communications systems and networks may expose the Banyule City Council to security threats and a wide range of legal issues, these Standards have been designed to protect the users, stakeholders and the Banyule City Council from illegal or damaging actions by individuals either knowingly or unknowingly.

11.4 Standards

11.4.1 Provision of Equipment

- Council will provide equipment for Councillors for the purposes of performing their duties. The technology provided will be at the discretion of the Chief Executive Officer in consultation with the Manager IT & Digital Transformation.
- The provision of technology enables the Council to better integrate the equipment and software into a manageable solution providing the appropriate security controls in place.
- As Councillors perform most of their work externally, Council provided equipment will have the appropriate management software installed to ensure a consistent setup and support can be achieved.
- The provision of equipment is solely for the use by Councillors and no other people may use the equipment or the software and programs.
- The equipment will be provided new to Councillors at the beginning of a Council four-year term and will be replaced if faulty or on the commencement of a new term

11.4.2 Software

If a desktop or laptop is required for use at a Councillor's residence, it will be provided with the following software installed: -

- Operating system
- Council supplied applications
- Anti-Virus software
- Microsoft Office
- Printing software

Council's IT Department will maintain all devices where the original configuration is preserved. Councillors are not permitted to download any software outside of the original configuration without the permission of the CEO. Breaches of this policy will be considered to be a breach of the Councillor Code of Conduct.

The Council has standard applications that users must run on Council owned devices.

Requests for additional software can be made to Councillor Support and the installation will be performed by the Council's IT staff. The Councillor may download applications from approved application stores using their own accounts. Council will not reimburse Councillors for the cost of any personal applications.

11.4.3 Return of Equipment

All equipment is to be returned to the Council when a Councillor concludes their term of office.

Equipment is only on loan from the Council and therefore must be returned when the Councillor no longer provides services to the Council. It must also be returned for replacement when required for maintenance or when it is due for replacement by more modern equipment.

11.4.4 Business Use

The equipment supplied by the Council to Councillors is predominantly for business use and must be operated in a responsible and ethical manner and in accordance with any Occupational Health and Safety regulations relating to home or teleworking. Councillors must sign the Acceptable Use Standard. The equipment will be maintained by the IT Department. for normal business use.

This requirement is in place to prevent computer hardware and systems from being affected by non-business-related activities and includes prohibiting use of the equipment by family members. The provisions of the Acceptable Use Standard apply to Councillors.

11.4.5 Maintenance

Maintenance, troubleshooting problems and upgrades to equipment supplied by the Council will only be carried out by the Council's IT staff.

If a Councillor chooses to load additional software, they must be aware of their personal legal responsibility for all appropriate licences. No illegal copies are to be held on Council devices.

Equipment must only be maintained and upgraded by qualified Council staff. This ensures that configuration settings remain compatible with the Council's computer systems and networks

11.4.6 Internet Use

Access to the internet will be provided to enable Councillors to remotely work, anywhere, anytime. Data plans will be assigned and paid for by the Council but may require reimbursement for personal use if usage exceeds the data plan.

An internet connection allows Councillors to also connect to their Council provided email account and documents that they have been given permission to read and change.

11.5 Email Protocols

Irrespective of whether emails/messages are sent on Council computers (phones) or on personal computers (phones), the emails/messages are subject to Freedom of Information (FOI) requirements, and data protection legislation and may become disclosable and therefore available to the public

Care needs to be given to the subject and content of all emails and other written communication

The requirement that Councillors (and Staff) abide by their obligations under the Local Government Act 2020 and all other legislation pertaining to their role and conduct is understood to apply to email and other written communication. As well as these obligations, Council agrees that any inappropriate email will be dealt with only by the Mayor and CEO if the email in question:

- offends
- is disrespectful
- unprofessional
- is threatening, bullying or causes humiliation or embarrassment
- is discriminatory
- defamatory
- contains improper influence and/or direction
- contains information which is untrue, misleading or deceptive, or it discloses personal or confidential information.

Avoid sending any confidential or sensitive information. It is easy for someone else to forward the messages you thought were confidential

11.6 Social Media

Councillors must not use their personal email address, facebook page, twitter account or any other form of social media for Council business. The Mayor, as official Council spokesperson, can utilise social media via the Communications Team. The email account supplied by the Council is for business use only.

Email conversations, social media discussions, blogs, tweets etc may constitute Council records and be subject to record keeping requirements and the Council's Information Management Standards, Procedures and Guidelines. Any public discussion or posting by a Councillor must be a formal business response and no personal comments or opinions should be posted.

APPENDIX 2 - Use of Mayoral Vehicle Guidelines

The Mayor must be the holder of a current Victorian Drivers' Licence at all times when driving a Council vehicle and abide by the following conditions for the use of the Mayoral Vehicle.

12.1 Private Use

The following conditions of use apply:

- Can be used for private purposes, but not for any commercial purpose
- The Mayor may allow the Mayor vehicle to be driven by their immediate family members (spouse/partner and children) being Nominated Drivers in limited circumstances:
 - The Nominated Drivers must hold a relevant licence and reside at the address of the Mayor.
 - The sole use of the vehicle by a Nominated Driver is expected to normally be restricted to incidental use when the Mayor is not present.
 - Nominated Drivers are not permitted to take the Council vehicle for more than 24 hours or take the vehicle outside Victoria unless accompanied by the designated driver (Mayor) and permission is required in accordance with clause 5.1.7.1.
- Any form of off-road recreational activity with any vehicles is prohibited.
- The Mayor will be responsible for ensuring the vehicle's scheduled services are carried out and that it is kept in a clean condition.
- Vehicles are to be properly secured at place of residence, preferably off street, with doors locked and keys removed.
- The Mayor will be held responsible for damages, costs and expenses where an accident, personal or property injury or damage results from negligence, recklessness or breach of traffic or safety laws by them or their family members. An insurance excess will apply for the second or subsequent at-fault accidents by a nominated driver.
- The designated driver is responsible for any personal property stolen from the vehicle.
- Failure to follow the above guidelines may result in access to the vehicle for private use being withdrawn.
- The Mayoral Vehicle may not be driven outside of Victoria. If it is proposed to travel outside the State approval must be obtained in advance by the CEO for both business and private use. Should private use of the travel be approved; all expenses including fuel will be met by the Mayor. The issued fuel card must not be used for any private use interstate travel.

12.2 Payment of Fines and Tollway Costs

Drivers of a council vehicle are personally responsible for the payment of all traffic and parking fines and also for tollway costs incurred for private use. Drivers must pay the associated fine or late tollway invoice as soon as possible after notification of the infringement. Any additional administration fees or penalties incurred by late payment will be borne by the driver responsible.

Council will not accept a corporate penalty for any fine or late toll invoice not responded to and will take action necessary to ensure that a corporate penalty is not incurred. This may result in the temporary or permanent removal of private use of the vehicle.

12.3 Accidents, Damage & Insurance

12.3.1 Insurance

To reduce overall insurance costs, council self-insures for all damage and liability up to the level of the insurance excess. All insurance costs incurred up to and including the insurance excess is charged to the Councillors Budget.

The Mayor, as a condition of participation in private use, accepts the extent of their liability in cases where Council's Insurance is invalidated by the unlawful or grossly negligent actions of themselves or their Nominated Driver.

The Mayor will also be responsible for the payment of an insurance excess where damage has been caused to a Council vehicle or third-party property as a result of a second at-fault accident arising from a Nominated Driver's use of the vehicle. A standard excess of \$500 will apply for any Nominated Driver.

Note: Council's insurance coverage does not cover the loss of personal property if stolen from the vehicle. The Mayor is responsible for all personal property carried in the vehicle.

12.3.2 Damage

Any damage to a council vehicle is to be reported to the Mayor & Councillor Support staff and recorded on *Councillor Motor Vehicle Collision Report Form*. If the vehicle is deemed unroadworthy the vehicle should not be driven.

The cost of any maintenance or repairs required that is a result of any damage to a vehicle is charged to the Councillors budget and forms part of any reporting on Councillor expenses. Any Excessive wear and tear will be determined at the discretion of the Fleet Management Unit who will consider the following:

- Exterior vehicle damage
- Interior vehicle damage
- Inconsistent tyre wear due to operator negligence
- Mechanical faults or damage due lack of proper routine maintenance including daily operator checks and scheduled services
- Incorrect use of the vehicle

12.3.3 Care of Council Vehicles

It is the responsibility of the Mayor to ensure that the vehicle is always maintained in a clean manner. If there is evidence of abuse, improper use, neglect or maltreatment, the driver will be responsible for the cost of reinstating the car to an acceptable condition, and Council will invoice the Mayor for this expense.

12.3.4 Fuel Cards

The Mayoral Vehicle is issued a Fuel card. The provision of this card is for the purchase of fuel and oil for the vehicle it was issued to only. Fuel cards will not be authorised for the purchase of shop products or food. Mayor & Councillor support staff should be advised immediately if a fuel card is lost or stolen.

After refuelling the vehicle and when presenting the card, the Mayor must:

- Use the provided PIN Number;
- Provide the current odometer reading;
- Ensure the details of the transaction are correctly reflected on the fuel receipt docket, i.e.-correct odometer reading and total transaction cost.

Misuse of fuel cards is considered fraudulent behaviour under the Fraud and Corruption Control Plan.

The Fleet Management teams monitors the use of fuel cards monthly and reports any anomalies such as significant fuel consumption variations to the Chief Executive Officer, Audit & Risk Committee or any other reporting body as required.

12.3.5 General Terms of Fleet Use

Whilst a council vehicle is in the care of any driver, he/she has significant responsibilities to the Council for its proper use and must ensure that at all times the vehicle/plant remains operationally efficient and safe.

The Driver shall:

- Exercise all due care and attention, comply with all traffic and road safety laws and requirements, drive in a safe and courteous manner and project a favourable public image. Traffic, parking fines and late toll invoices are the responsibility of the driver.
- Not drive or allow the vehicle to be driven by any person not holding a relevant licence or certificate.
- Not drive the vehicle in a careless, reckless or dangerous manner or under the illegal influence of intoxicating liquor or illegal drugs.
- Not smoke in the vehicle. This includes the use of e-cigarettes (vaping).
- Not leave ignition keys in vehicles and ensure the vehicle is securely locked when not in use.
- Not use the vehicle for unauthorised purposes.
- Not use any Council vehicle for personal financial gain.
- Be responsible for all fines resulting from breaches of parking and traffic regulations.
- Be responsible for any late tollway invoices for private trips incurred whilst in his/her possession of a council vehicle.
- Be responsible for any personal property stolen from the vehicle.
- Not overload or carry any load for which the vehicle was not designed or suitable.
- Only use a fuel card to purchase fuel for the Council vehicle it is issued to.
- Never use a fuel card to purchase fuel or oil for other vehicles.
- Always provide an accurate odometer reading when purchasing fuel
- Maintain the interior clean and tidy.

APPENDIX 3 - Definitions

Refreshments	Tea, coffee, non-alcoholic beverages, and a light meal such as may be considered suitable for morning tea
Meal	Dinner in the form of a two-course served meal together with tea and coffee.
Hospitality	Refreshments, finger food or a meal of a reasonable and appropriate standard, not including alcohol, except where exemptions are made in this policy.
Official Council Business	<p>The following will be deemed to be Official Council Business:</p> <ol style="list-style-type: none"> a. Council meetings b. Formal briefing sessions and planning forums c. Civic or ceremonial functions convened by the Council or presided over by the Mayor d. Meetings scheduled by the Council or the Mayor e. Committee meetings of Council when the Councillor is the nominated representative/substitute or otherwise by approval of the Mayor f. Functions to which Councillors are invited by an organisation and where there is a direct benefit for the involvement of Council (attendance by partners will not be paid for by Council). g. Events where a Councillor is delivering a speech or presentation on behalf of Council. h. Travel by Councillors embarking on inspection of issues raised by identified members of the community within the Council, which are considered reasonable and necessary and where travel is within the Shire. i. Meetings by Councillors at the request of identified members of the community, as recorded in Councillor's diaries, which are considered reasonable and necessary for the performance of the Councillor's duties and where travel is within the Council; j. Conferences and seminars approved in accordance with this Policy. k. A meeting, function or other official role as a representative of the Council or Mayor, including meetings with residents and constituents l. Meetings of committees, community groups, organisations and statutory authorities to which the Councillor has been appointed the Council delegate/representative m. Conferences, study tours/official visits (domestic and overseas), seminars and training sessions as a Councillor where attendance has been approved by Council or in accordance with this Policy. This includes travel to and from air, rail or other transport when embarking on interstate or international Council business. <p>Any claims for expense reimbursement related to matters falling outside of this definition must be approved by the CEO.</p>
Role of	Section 28 of the Local Government Act 2020:

Councillor	<p>(1) The role of every Councillor is—</p> <ul style="list-style-type: none"> (a) to participate in the decision making of the Council; and (b) to represent the interests of the municipal community in that decision making; and (c) to contribute to the strategic direction of the Council through the development and review of key strategic documents of the Council, including the Council Plan. <p>(2) In performing the role of a Councillor, a Councillor must—</p> <ul style="list-style-type: none"> (a) consider the diversity of interests and needs of the municipal community; and (b) support the role of the Council; and (c) acknowledge and support the role of the Mayor; and (d) act lawfully and in accordance with the oath or affirmation of office; and (e) act in accordance with the standards of conduct; and (f) comply with Council procedures required for good governance. <p>(3) The role of a Councillor does not include the performance of any responsibilities or functions of the Chief Executive Officer.</p>
Carer	<p>in a care relationship within the meaning of section 4 of the Carers Recognition Act 2012. Meaning of care relationship</p> <p>(1) For the purposes of this Act, a person is in a care relationship if he or she provides another person, or receives from another person, care because one of the persons in the relationship—</p> <ul style="list-style-type: none"> (a) has a disability; or (b) is older; or (c) has a mental illness; or (d) has an ongoing medical condition (including a terminal or chronic illness or dementia). <p>(2) Despite subsection (1), the following relationships are also care relationships "for the purposes of this Act—</p> <ul style="list-style-type: none"> (a) a relationship where an individual has custody and guardianship of a child under a permanent care order made under Part 4.10 of the Children, Youth and Families Act 2005 ; and (b) a relationship where a child is placed with an individual who provides care to that child under a child care agreement made under Part 3.5 of the Children, Youth and Families Act 2005 ; and (c) a relationship where a child is placed with an individual who provides care to that child under a protection order made under Part 4.9 of the Children, Youth and Families Act 2005 . <p>(3) For the purposes of this Act, a person is not in a care relationship with another person merely because he or she—</p> <ul style="list-style-type: none"> (a) is the spouse, or the domestic partner within the meaning of the Children, Youth and Families Act 2005 , of the other person; or (b) is the parent, child or other relative of the other person; or (c) lives with the other person. <p>(4) Despite anything to the contrary in this section, a person is not in a care relationship for the purposes of this Act if he or she provides care to another person—</p> <ul style="list-style-type: none"> (a) under a contract of service or a contract for the provision of services; or (b) under an employment contract; or (c) in the course of doing voluntary work for a community organisation; or (d) as part of the requirements of an education course or training.

	(5) A person described in subsection (1) or (2) may be in a care relationship even if the person receives funding from either the Commonwealth or State Government in relation to carrying out the role of a carer.
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Audit & Risk Committee Draft Charter

Banyule City Council – Audit & Risk Committee Charter

Date of Adoption	Date endorsed by Audit & Risk Committee: 19 June 2020 Council Policy - Date Adopted by Council: date to be inserted after adoption
Responsible Department	Governance & Communication
Legislative Context	<p>The Local Government Act 2020 (the Act) requires all Councils to establish and Audit & Risk Committee and prepare and approve a committee charter.</p> <p>The Charter must specify the functions and responsibilities of the committee, which are specified in section 54 of the Act</p> <p>Section 54 of the Act also describes the work an Audit and Risk Committee must undertake.</p> <p><i>Local Government Act 2020, Section 53 requirements</i></p> <ol style="list-style-type: none"> (1) A Council must establish an Audit and Risk Committee. (2) An Audit and Risk Committee is not a delegated committee. (3) An Audit and Risk Committee must— <ol style="list-style-type: none"> (a) include members who are Councillors of the Council; and (b) consist of a majority of members who are not Councillors of the Council and who collectively have— <ol style="list-style-type: none"> (i) expertise in financial management and risk; and (ii) experience in public sector management; and (c) not include any person who is a member of Council staff of the Council. (4) The chairperson of an Audit and Risk Committee must not be a Councillor of the Council. (5) Sections 123 and 125 and Division 2 of Part 6 apply to a member of the Audit and Risk Committee who is not a Councillor as if the member were a member of a delegated committee. (6) A Council may pay a fee to a member of an Audit and Risk Committee who is not a Councillor of the Council. <p>Section 123 – Misuse of Position, section 125 - Confidential Information</p>
References	<ul style="list-style-type: none"> • Local Government Victoria’s Audit Committees: A guide to good practice for local government (2011) and 2020 updated Guide • Internal Audit and Risk Management Policy for the NSW Public Sector - Audit and Risk Committee Charter at Annexure B • Australian National Audit Office Better Practice Guide Public Sector Audit Committees • IBAC Local Government Integrity Frameworks Review 2019

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Definitions

Throughout this document, the following terms are defined as:

Act	Local Government Act 2020
CEO	Chief executive Officer of Banyule City Council
Committee	Audit & Risk Committee
Committee Members	The appointed members of the Audit and Risk Committee
Council Officers	Staff of Banyule City Council
Councillors	Elected members of Banyule City Council
External Auditor	The auditor appointed by the Auditor General
IBAC	Independent Broad-based Anti-Corruption Commission
Internal Auditor	Auditor appointed by Banyule City Council
Internal Control Environment	controls that Council relies upon in the course of carrying out its activities
Management	The CEO, Directors, and Managers of Banyule City Council
LGI	Local Government Inspectorate
VAGO	Victorian Auditor General's Office
VO	Victorian Ombudsman

The Audit and Risk Committee (the Committee) Charter is prepared as required in compliance with section 54(1) of the *Local Government Act 2020* (the Act).

1. Role

The Audit and Risk Committee (the Committee) is established in compliance with section 53(1) of the Local Government Act 2020 (the Act) to support Council in discharging its oversight responsibilities related to financial and performance reporting, risk management, fraud prevention systems and control, maintenance of a sound internal control environment, assurance activities including internal and external audit and Council's performance with regard to compliance with its policies and legislative and regulatory requirements.

It acts in this capacity by monitoring, reviewing, endorsing and advising on the above matters as set out in this Charter. This Charter has been developed in accordance with Section 54 of the Act.

The appointment of independent members to the Committee as outlined in this Charter enables the Committee to provide advice to Council on matters related to its responsibilities based on broader skills and experience than might otherwise be the case and in so doing bring additional benefits to Council.

The Committee has no executive authority and no delegated financial responsibilities and is therefore independent of management.

2. Purpose

The functions and responsibilities of the Committee include the following:

1. monitor the compliance of Council policies and procedures with—
 - a) the overarching governance principles; and
 - b) this Act and the regulations and any Ministerial directions;
2. monitor Council financial and performance reporting;
3. monitor and provide advice on risk management and fraud prevention systems and controls;
4. oversee internal and external audit functions.

The Charter sets out the Committee's objectives; authority; composition and tenure; roles and responsibilities; and reporting, administrative and governance arrangements.

The Committee's objective is to provide appropriate independent advice and recommendations to Council on matters relevant to the Committee's Charter in order to facilitate decision-making by Council in relation to the discharge of Council's accountability requirements.

3. Membership & Appointments

3.1 Composition

The Audit and Risk Committee will consist of:

1. Two Councillors
2. Three suitably qualified Independent Representatives.

The Committee will consist of five members appointed by Council, three of whom must be independent members. Council employees cannot be members of the Committee.

The Chief Executive Officer, all Directors, Governance Coordinator and Audit Support Officer and other managers as required will attend all meetings, except for confidential matters. The Audit Support

Officer and Governance Coordinator or a designated officer will attend and provide administrative support.

3.2 Appointment

Council will appoint the Committee members and the Committee Chair.

3.3 Chairperson

- The Chair of the Audit and Risk Committee must be appointed by Council and must be an Independent Representative
- The Chair plays a pivotal role in the overall effectiveness of the Audit and Risk Committee and must have significant business experience and leadership skills in order to build sound relationships and strong communication channels
- The Chairperson of the Committee will facilitate the meetings of the Audit and Risk Committee and invite members of management, internal and external auditors or others to attend meetings as observers and to provide pertinent information, as necessary
- The Chairperson will be required to liaise with Management between Committee meetings on matters needing discussion.

3.4 Term

Councillors

The Council will review the Councillor Representatives on an annual basis (normally occurring at the Council Meeting of the Mayoral Election).

Independent Members

- Audit & Risk Committee Independent Members will be appointed for an initial term of three years.
- Independent Representatives may be re-appointed for a further term but will not be appointed for more than two consecutive terms
- Independent members must collectively have expertise in financial management and reporting and risk management and also experience in public sector management
- The reappointment of Independent Representatives to serve additional terms will be at Council's discretion
- The expiry time for Independent Representatives should preferably occur in a different period to each other and that of the externally contracted Internal Auditors to ensure, as far as possible, continuity of knowledge residing in the Committee
- Should the resignation/retirement of more than one Independent Representative coincide then the Council may extend the remaining Independent Representative's term by one year to ensure continuity.

3.4 Assessment of an Audit Committee members performance

Where an extension of the member's tenure is being considered, Council will take into consideration whether the member has¹:

- a good understanding of the entity's business
- a good understanding of, and commitment to, the committee's responsibilities
- displayed the ability to act objectively and independently and made a constructive contribution to the work of the committee, and

¹ Australian National Audit Office | Better Practice Guide | Public Sector Audit Committees

- displayed a willingness to devote the time required to prepare for, and participate in, committee meetings and engage with management, as required, outside committee meetings.

3.5 Fees

- Pursuant to section 53(6) of the Act, the Council will pay a fee to independent committee members. This fee will be based on a per annum fee, set by Council
- Time spent on performing any special task deemed necessary by the Audit & Risk Committee will be paid for at an hourly rate to be negotiated, depending upon the requirements of the task and professional expertise of the Independent Representatives. A quote will be required and forwarded to the Director Corporate Services
- Payment will be made each quarter following receipt of a Tax Invoice after each meeting
- No less than once every Council term (4 years), the fee paid to Independent Members will be benchmarked against no less than five other like councils to provide the Council with the information required to fully review fees.

4. Meetings

4.1 Meeting schedule

- The Committee will meet at least four times a year, with authority to convene additional meetings, as circumstances require
- A schedule of meetings will be developed annually and agreed by members
- All committee members are expected to attend each meeting in person or through teleconference or videoconference where those facilities are available.

4.2 Agendas and Minutes

- Meeting agendas and appropriate briefing materials will be provided to members at least one week before each meeting; and
- Minutes will be prepared for all meetings and will be provided to the Chair prior to being presented to Council as unconfirmed minutes and then submitted to the subsequent Committee meeting for confirmation.

4.3 Temporary Chair

In the absence of the Chair, the Committee will elect a temporary Chair for the meeting from the remaining independent members who are present (including those present via teleconference or videoconference).

4.4 Quorum

A quorum of three members comprised of two Independent members and one Councillor will be necessary to transact business of the committee. To maintain the requirement in the Act for majority members who are not Councillors of the Council, should more than one Councillor be present, only one Councillor will have voting rights.

Notes

The Act applies no restrictions on the number of Councillors who may attend Committee meetings. The restrictions in the Act apply only to the number of voting members. This means that Councillors who are not members of the Committee, but who have a keen interest in the business of the Committee and wish to contribute to the discussion, may attend meetings but cannot vote on resolutions.

5. Authority

The Committee is directly responsible to Council for discharging its responsibilities as set out in this Charter. The Committee has no delegated authority from Council unless specifically provided by Council from time to time, and any such authority shall be temporary and may only relate to specific matters as directed by Council.

The Audit and Risk Committee has the authority to:

- Endorse key documents and reports that must be approved by Council, including annual financial reports, annual performance statements, new or revised policies and other documents that assist in maintaining a strong internal control environment.
- Approve internal and external audit plans, including internal audit plans with an outlook of greater than one year.
- Provide advice and make recommendations to Council on matters within its areas of responsibility;
- Retain counsel of relevant independent experts where it considers that is necessary in order to execute its responsibilities, subject to prior agreement with the Chief Executive Officer.
- Seek any relevant information it requires from Council, Council Officers (who are expected to co-operate with the Committee's requests) and external parties;
- Meet with Council Officers, internal and external auditors and other parties as required to discharge its responsibilities.
- Seek resolution on any disagreements between management and the external auditors on financial reporting
- Recommend the appointment and termination of appropriate internal audit resources

The Committee will, through the Chief Executive Officer, have access to appropriate management support to enable it to discharge its responsibilities effectively.

6. Functions & Responsibilities

6.1 Monitor the compliance of Council policies and procedures with the overarching governance principles

6.1.1 Internal Control Environment

- Review the adequacy and effectiveness of key policies, systems and controls for providing a sound internal control environment
 - Determine whether systems and controls are reviewed regularly and updated where required
 - Monitor significant changes to systems and controls to assess whether those changes significantly impact Council's risk profile
 - Ensure that a program is in place to test compliance with systems and controls.
- Obtain briefings on any significant compliance matters
- Receive reports from management on the findings of any examinations by regulatory or integrity agencies (whether related to investigations at Council or other agencies), such as the Ombudsman, IBAC, Victoria Government Inspectorate, etc. and monitor Council's responses
- Assess whether the control environment is consistent with the Overarching Governance Principles.

Overarching governance principles – LGA 2020 – Section 9

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;
- (i) the transparency of Council decisions, actions and information is to be ensured

6.2 Monitor Council financial and performance reporting

- At least annually, review significant accounting and external reporting issues, including complex or unusual transactions, transactions and balances in areas where judgement is required, changes to accounting policies, recent accounting, professional and regulatory pronouncements and legislative changes, and understand their effect on the annual financial report and the audit thereof
- At least annually, review changes to the Local Government Performance Reporting Framework and understand the impact of those changes on Council's performance indicators
- Review the annual financial report and performance statement, and consider whether they are complete, consistent with information known to Committee members, reflect appropriate accounting treatments and adequately disclose Council's financial performance and position
- Review with management and the external auditors the results of the audit including any difficulties encountered by the auditors and how they were resolved
- Recommend the adoption of the annual financial report and annual performance statement to Council.

6.3 Monitor and provide advice on risk management and fraud prevention systems and controls

6.3.1 Risk Management

- Review annually the effectiveness of Council's risk management framework
- Review Council's risk appetite statement and the degree of alignment with Council's risk profile
- Review Council's risk profile and the changes occurring in the profile from meeting to meeting
- Review Council's treatment plans for significant risks, including the timeliness of mitigating actions and progress against those plans
- Review the insurance program annually prior to renewal
- Review the approach to business continuity planning arrangements, including whether business continuity and disaster recovery plans have been regularly updated and tested.

6.3.2 Fraud and Corruption Prevention

- Review the process of developing and implementing the council's fraud control arrangements to assist council in ensuring it has appropriate processes and systems in place to detect, capture and effectively respond to fraud and improper activities
- Obtain regular updates from management on all suspected and actual fraud, corruption, thefts and material breaches of legislation
- Review reports by management about the actions taken by Council to report such matters to the appropriate integrity bodies.

6.4 Oversee internal and external audit functions.

6.4.1 Internal Audit

- Review and approve the three year strategic internal audit plan, the annual internal audit plan and any significant changes to them
- Review progress on delivery of annual internal audit plan
- Review and approve proposed scopes for each review in the annual internal audit plan
- Review reports on internal audit reviews, including recommendations for improvement arising from those reviews
- Meet with the leader of the internal audit function at least annually in the absence of management
- Monitor action by management on internal audit findings and recommendations
- Review the effectiveness of the internal audit function and ensure that it has appropriate authority within Council and has no unjustified limitations on its work. Annually review performance, including the level of satisfaction with the internal audit function having regard to the Institute of Internal Auditors' International Standards for the Professional Practice of Internal Auditing
- Recommend to Council, if necessary, the termination of the internal audit contractor
- Monitor that the internal auditor's annual plan is linked with and covers the material business risks.

Management responsibilities:

- To advise the Committee when the Internal Auditor undertakes any specific projects or investigations deemed necessary by the Chief Executive Officer, Executive Officers and/or the Council. The Committee is to receive reports of any such projects or investigations undertaken by the internal auditor
- Ensure that the Committee is aware of and appropriately represented with regard to any proposed changes to the appointment of the internal audit service provider, including being appropriately briefed on the need for any proposed change.

6.4.2 External Audit

- Annually review and approve the external audit scope and plan proposed by the external auditor
- Discuss with the external auditor any audit issues encountered in the normal course of audit work, including any restriction on scope of work or access to information
- Ensure that significant findings and recommendations made by the external auditor, and management's responses to them, are appropriate and are acted upon in a timely manner
- Consider the findings and recommendations of any relevant performance audits undertaken by VAGO and monitor Council's responses to them
- Meet with the external auditor at least annually in the absence of management.

6.5 Other Responsibilities

Perform other activities related to this charter as requested by the Council.

7 Reporting

The Chairperson will prepare a report to Council through the Chief Executive Officer on the Committee's activities twice per annum. One of these reports will be prepared after the meeting at which the annual financial report and the annual performance statement have been considered and recommended to Council for adoption, such report indicating how the Committee has discharged its responsibilities, as set out in this Charter, for the previous year.

Local Government Act 2020, section 54(5) and 54(6)

An Audit and Risk Committee must—

- prepare a biannual audit and risk report that describes the activities of the Audit and Risk Committee and includes its findings and recommendations; and
- provide a copy of the biannual audit and risk report to the Chief Executive Officer for tabling at the next Council meeting.

The Chief Executive Officer must—

- ensure the preparation and maintenance of agendas, minutes and reports of the Audit and Risk Committee; and
- table reports and annual assessments of the Audit and Risk Committee at Council meetings when required by this Act and when requested by the chairperson of the Audit and Risk Committee.

8 Committee Member Regulatory Obligations

Committee members are expected to be aware of their obligations under Section 53 of the Act. These obligations relate to (refer to Appendix A for further detail):

- misuse of position as a member of the Committee (Section 123)
- confidential information (Section 125) and
- conflict of interest (Sections 126 to 131).

8.1 Misuse of Position

A committee member must not intentionally misuse their position—

- to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or
- to cause, or attempt to cause, detriment to the Council or another person.

8.2 Confidentiality

A committee member must not intentionally or recklessly disclose information that the person knows, or should reasonably know, is confidential information.

8.3 Conflict of Interest

- Committee members must declare any conflicts of interest at the commencement of each meeting or before discussion of the relevant agenda item or topic
- Details of any conflicts of interest will be appropriately minuted
- Written declarations on the appropriate form of any conflicts of interest must be submitted to the Chair
- If the Chair has an Interest, the written declaration must be submitted to the CEO
- Any conflicts of interests declared will be entered into the central register of conflict of interest declarations and management plans managed by the Governance department.

9 Performance Evaluation

The Committee will annually:

- Evaluate its own performance using a Self-Assessment tool which will be reviewed, adopted and completed by the Committee
- Review and assess the adequacy of the audit committee charter, requesting Council's approval for proposed changes, and ensure appropriate disclosure as might be required by legislation or regulation
- Confirm that all responsibilities outlined in this charter have been carried out.

10 Appendix A

Committee Member Regulatory Obligations

Guidance to Members

LGA Section	LGA Requirement
Misuse of Position	
123(1)	<p>A Committee member must not intentionally misuse their position to:</p> <ul style="list-style-type: none"> a) Gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or b) Cause, or attempt to cause, detriment to the Council or another person
123(3)	<p>Circumstances involving misuse of a position by a member of the Committee include:</p> <ul style="list-style-type: none"> a) Making improper use of information acquired as a result of being a member of the Committee; or b) Disclosing information that is confidential information; or c) Directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff; or d) Exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform; or e) Using public funds or resources in a manner that is improper or unauthorised; or f) Participating in a decision on a matter in which the member has a conflict of interest.
Confidential Information	
125	<p>A member of the Committee must not intentionally or recklessly disclose information that the member knows, or should reasonably know, is confidential information. There are some exemptions to this requirement, the key one being that if the information disclosed by the member has been determined by Council to be publicly available.</p>
Conflicts of Interest	
126	<p>A member of the Committee has a conflict of interest if the member has:</p> <ul style="list-style-type: none"> a) A general conflict of interest as described in Section 127; or b) A material conflict of interest as described in Section 128.
127	<p>A member of the Committee has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the members private interests could result in that member acting in a manner that is contrary to their public duty as a member of the Committee.</p>
128	<p>A member of the Committee has a material conflict of interest in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.</p>
<p style="text-align: center;">Please Note</p> <p><i>The above guidance is not verbatim from the Act and does not include all details as explained in Part 6, Division 1 of the Act. For a full understanding of the requirements of the Act in relation to the matters summarised above, members are expected to make themselves fully aware of the requirements of the Act.</i></p>	

Instrument of Delegation

Council to Chief Executive Officer

INSTRUMENT OF DELEGATION

CHIEF EXECUTIVE OFFICER

In exercise of the power conferred by s11(1) of the *Local Government Act 2020 (the Act)* and all other powers enabling it, the Banyule City Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

- 1. this Instrument of Delegation is authorised by a Resolution of Council passed on 18 May 2020;
- 2. the Delegation
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 is subject to any conditions and limitations set out in the Schedule and Appendix 1; and
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts.
 - 2.4 remains in force until Council resolves to vary or revoke it.

THE COMMON SEAL of the BANYULE CITY COUNCIL is affixed in the presence of:

..... COUNCILLOR

..... CHIEF EXECUTIVE OFFICER

SCHEDULE

The power to

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing

1. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 1.1 awarding a contract exceeding the value of \$500,000
 - 1.2 making any expenditure that exceeds \$500,000 (unless it is expenditure made under a contract already entered into or is expenditure which Council is, by or under legislation, required to make)
 - 1.3 appointing an Acting Chief Executive Officer for a period exceeding 28 days;
 - 1.4 election of a Mayor or Deputy Mayor;
 - 1.5 granting of a reasonable request for leave under section 35 of the Act;
 - 1.6 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
 - 1.7 approval or amendment of the Council Plan, Community Vision, Financial Plan, Asset Plan or Revenue and Rating Plan;
 - 1.8 adoption or amendment of any policy that Council is required to adopt under the Act;
 - 1.9 adoption or amendment of the Governance Rules;
 - 1.10 appointment of the chair or the members to a delegated committee;
 - 1.11 making, amending or revoking a local law;
 - 1.12 approval of the Budget or Revised Budget;
 - 1.13 borrowing money;
 - 1.14 subject to section 181H(1)(b) of the *Local Government Act 1989*, declaring general rates, municipal charges, service rates and charges and specified rates and charges; or

2. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
3. if the issue, action, act or thing is an issue, action, act or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
4. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - 4.1 policy; or
 - 4.2 strategy adopted by Council; or
5. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 11(2)(a)-(n) (inclusive) of the Act, or otherwise; or
6. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

Appendix 1 – Conditions and Limitations

Conditions and Limitations

Item	Delegated Authority
Approval of the Council Plan, Community Vision, Financial Plan, Asset Plan and Revenue and Rating Plan	Council
Approval of the Budget	Council
Approval of Local Laws	Council
Approval of CEO recruitment, employment, reappointment and termination	Council
Approval of staff recruitment, employment, reappointment and termination	CEO
Approval of Contracts	Council for contracts \$500k and above. CEO for contracts below \$500k
Approval of Statutory Financial Accounts	Council
Appointment of Acting CEO	CEO for a period of <u>up to 28 days</u> Council for a period <u>over 28 days</u>
Adoption of Governance Rules	Council

Instrument of Delegation

DOMESTIC ANIMALS ACT 1994

to

Members of Council Staff

**INSTRUMENT OF DELEGATION
DOMESTIC ANIMALS ACT 1994**

In exercise of the powers conferred by legislation as referred to in the associated Guidelines, the Banyule City Council:

- 1. Delegates all of the duties, functions and powers contained in the *Domestic Animals Act 1994*, referred to in section **41 A(1) - the power to declare a dog to be a menacing dog**, of the Act, to the members of Council staff holding, acting in or performing the duties of the office or position below:

**Director City Development
 Manager Environment & Place
 Municipal Laws Coordinator
 Municipal Laws Team Leader
 Senior Animal Management Officer**

- 2. declares that:

- 2.1 this Instrument of Delegation is authorised by a resolution of Council passed on **17 August 2020** and:

- 2.2 the delegation:

- 2.2.1 comes into force immediately **18 August 2020**;
- 2.2.2 remains in force until varied or revoked;
- 2.2.3 is subject to any conditions and limitations set out in sub-paragraph 2.3; and
- 2.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

- 2.3 the delegate must not determine the issue, take the action or do the act or thing:

- 2.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
- 2.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategy
 adopted by Council;
- 2.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
- 2.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

**THE COMMON SEAL of
 BANYULE CITY COUNCIL**
 is affixed in the presence of:

.....COUNCILLOR

.....CHIEF EXECUTIVE OFFICER

Instrument of Delegation

ENVIRONMENT PROTECTION ACT 1970

to

Members of Council Staff

INSTRUMENT OF DELEGATION

ENVIRONMENT PROTECTION ACT 1970

In exercise of the powers conferred by **section 53M(8)** of the *Environment Protection Act 1970*, the Banyule City Council:

1. Delegates all of the duties, functions and powers contained in the *Environment Protection Act 1970*, referred to in **sections 53M(3) the power to require further information** and **53M(6) power to refuse to issue septic tank permit** of that Act, to the members of Council staff holding, acting in or performing the duties of the office or position below:

Director Community Programs
Manager Health, Aged & Community Planning
Public Health Protection Coordinator
Public Health Protection Team Leader
Community Programs Strategic Project Coordinator
Environmental Health Officers
Health Technical Officer

2. declares that:

- 2.1 this Instrument of Delegation is authorised by a resolution of Council passed on **17 August 2020** and:

- 2.2 the delegation:

- 2.2.1 comes into force immediately **18 August 2020**;

- 2.2.2 remains in force until varied or revoked;

- 2.2.3 is subject to any conditions and limitations set out in sub-paragraph 2.3; and

- 2.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

- 2.3 Council requires the following conditions and limitations to be adhered to by each delegate - That any refusal to issue a permit under **sections 53M(5), 53M(6) and 53M(7)** must be ratified by resolution of Council.

- 2.4 the delegate must not determine the issue, take the action or do the act or thing:

- 2.4.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;

- 2.4.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategyadopted by Council;

- 2.4.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or

- 2.4.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

**THE COMMON SEAL of
BANYULE CITY COUNCIL**
is affixed in the presence of:

.....COUNCILLOR

.....CHIEF EXECUTIVE OFFICER

Instrument of Delegation

FOOD ACT 1984

to

Members of Council Staff

INSTRUMENT OF DELEGATION FOOD ACT 1984

In exercise of the powers conferred by the legislation referred to in the according Guidelines, the Banyule City Council:

1. delegates all of the duties, functions and powers contained in the **Food Act 1984**, referred to in **sections Part III** (other than its power in **section 19(3)**), **Part IIIB**, **Part VI** and **section 46(5)** of that Act to the members of Council staff holding, acting in or performing the duties of the office or position below:

**Director Community Programs
Manager Health, Aged & Community Planning
Public Health Protection Coordinator
Public Health Protection Team Leader
Community Programs Strategic Project Coordinator
Environmental Health Officers**

2. declares that:

- 2.1 this Instrument of Delegation is authorised by a resolution of Council passed on **17 August 2020** and:

- 2.2 the delegation:

- 2.2.1 comes into force immediately **18 August 2020**;

- 2.2.2 remains in force until varied or revoked;

- 2.2.3 is subject to any conditions and limitations set out in sub-paragraph 2.3; and

- 2.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

- 2.3 the delegate must not determine the issue, take the action or do the act or thing:

- 2.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;

- 2.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategy

adopted by Council;

- 2.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or

- 2.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

**THE COMMON SEAL of
BANYULE CITY COUNCIL**
is affixed in the presence of:

.....COUNCILLOR

.....CHIEF EXECUTIVE OFFICER

Instrument of Delegation

PLANNING DELEGATION

**Planning & Environment Act 1987
Planning & Environment Regulations 2015
Planning & Environment (Fees)
Regulations 2016**

to

Members of Council Staff

**INSTRUMENT OF DELEGATION
PLANNING AND ENVIRONMENT ACT 1987
PLANNING AND ENVIRONMENT REGULATIONS 2015
PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016**

A. In exercise of the powers conferred by section 188 of the *Planning & Environment Act 1987*, the Banyule City Council:

1. Delegates all of the duties, functions and powers contained in the:

- (a) *Planning and Environment Act 1987*, other than the duties, functions and powers referred to in sections 29 & 188 of that Act,
- (b) *Planning and Environment Regulations 2015*
- (c) *Planning and Environment Fees Regulations 2016*.

to the members of Council staff holding, acting in or performing the duties of the office or position below:

<ul style="list-style-type: none"> • Director City Development • Manager Planning & Building • Manager Environment & Place • City Futures Coordinator • Senior Strategic Planner • Strategic Planner • Development Planning Coordinator • Team Leader Development Planning 	<ul style="list-style-type: none"> • Major Developments Planner • Development Planner • Planning Technical Officer • Planning Investigation Officer • Development Planning Arborist • Supervisor Subdivisions • Student Planner
--	--

2. declares that:

2.1 this Instrument of Delegation is authorised by a resolution of Council passed on **17 August 2020** and:

2.2 the delegation:

- 2.2.1 comes into force immediately **18 August 2020**;
- 2.2.2 remains in force until varied or revoked;
- 2.2.3 is subject to the conditions and limitations set out in **Part B** below; and
- 2.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

B. Council requires the following conditions and limitations to be adhered to by each delegate:

- 1. That prior to making a decision on an application, officers work in pairs or small teams to process the application and that the existing 'Delegates Panel' of officers be retained.
- 2. Where refusal is recommended for tree applications, consultation must occur with the Development Planning Coordinator, Team Leader, Development Planning or Major Developments Planner. All other tree applications can be determined by Arborist – Development Planning.

- 3. That the following ‘triggers’ be used by all planning officers to refer those applications which fall into the following categories to the Manager Urban Planning & Building, Development Planning Coordinator, Team Leader Development Planning or Major Developments Planner for a decision:

An application which:

- After advertising has received more than 5 objections;
- Raises issues of policy that should be discussed (strategic or substantive policy issues);
- Raises matters of community sensitivity

- 4. That the following ‘triggers’ be used by the Manager to refer those applications which fall into the following categories to the Council for final decisions on applications:

- When a Councillor requests (‘calls it in’);
- When the officer considers it appropriate to refer;
- Where the matters are of such strategic or policy importance that they require a change of policy or strategy to be approved, or are of major contention and/or require broad public debate.

- C. The duties, functions, and powers referred to in sections 173 and 178 are limited to the Director City Development, Manager Urban Planning & Building, Development Planning Coordinator, Team Leader Development Planning and Major Developments Planner.

**THE COMMON SEAL of
BANYULE CITY COUNCIL**
is affixed in the presence of:

.....COUNCILLOR

.....CHIEF EXECUTIVE OFFICER

Instrument of Delegation

RESIDENTIAL TENANCIES ACT 1997

to

Members of Council Staff

INSTRUMENT OF DELEGATION

RESIDENTIAL TENANCIES ACT 1997

In exercise of the powers conferred by section 524 of the *Residential Tenancies Act 1997*, the Banyule City Council:

1. delegates powers contained in the *Residential Tenancies Act 1997*, to the members of Council staff holding, acting in or performing the duties of the office or position below:

**Director Community Programs
Manager Health, Aged & Community Planning
Public Health Protection Coordinator
Public Health Protection Team Leader
Administration Officers - Health
Director City Development
Manager Strategic Property
Property Coordinator**

2. declares that:

- 2.1 this Instrument of Delegation is authorised by a resolution of Council passed on **17 August 2020** and:

- 2.2 the delegation:

- 2.2.1 comes into force immediately **18 August 2020**;

- 2.2.2 remains in force until varied or revoked;

- 2.2.3 is subject to any conditions and limitations set out in sub-paragraph **2.3**;
and

- 2.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

- 2.3 the delegate must not determine the issue, take the action or do the act or thing:

- 2.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;

- 2.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a

- (a) policy; or
 - (b) strategy

adopted by Council;

- 2.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or

- 2.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

**THE COMMON SEAL of
BANYULE CITY COUNCIL**
is affixed in the presence of:

.....COUNCILLOR

.....CHIEF EXECUTIVE OFFICER

Instrument of Delegation

ROAD MANAGEMENT DELEGATION

Road Management Act 2004

Road Management (General) Regulations 2019

**Road Management (Works & Infrastructure)
Regulations 2015**

to

Members of Council Staff

INSTRUMENT OF DELEGATION

ROAD MANAGEMENT ACT 2004 ROAD MANAGEMENT (GENERAL) REGULATIONS 2019 ROAD MANAGEMENT (WORKS & INFRASTRUCTURE) REGULATIONS 2015

In exercise of the powers conferred by section 118 of the *Road Management Act 2004*, the Banyule City Council:

1. Delegates all of the duties, functions and powers contained in the:
 - (a) *Road Management Act 2004*, other than the duties, functions, and powers referred to in sections: **39(1), 49, 118** of that Act,
 - (b) *Road Management (General) Regulations 2019*
 - (c) *Road Management (Works & Infrastructure) Regulations 2015*

to the members of Council staff holding, acting in or performing the duties of the office or position below:

<ul style="list-style-type: none"> • Director City Development • Manager Planning & Building • Manager Transport • Manager Strategic Property • Manager Environment & Place • Spatial & Property System Analyst • Municipal Laws Coordinator • Local Laws Team Leader • Local Laws Officers • Property Coordinator • Transport Engineering Coordinator 	<ul style="list-style-type: none"> • Transport Planning & Advocacy Coordinator • Director Assets & City Services • Manager Delivery & Assets • Manager Operations • Infrastructure Maintenance / Asset Protection Coordinator • Operations Infrastructure Coordinator • City Assets Coordinator • Senior Assets & Infrastructure Engineer
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2. declares that:

2.1 this Instrument of Delegation is authorised by a resolution of Council passed on **17 August 2020** and:

2.2 the delegation:

- 2.2.1 comes into force immediately **18 August 2020**;
- 2.2.2 remains in force until varied or revoked;
- 2.2.3 is subject to any conditions and limitations set out in sub-paragraph 2.3; and
- 2.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

2.3 the delegate must not determine the issue, take the action or do the act or thing:

- 2.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;

- 2.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategyadopted by Council;
- 2.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
- 2.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

**THE COMMON SEAL of
BANYULE CITY COUNCIL**
is affixed in the presence of:

.....COUNCILLOR

.....CHIEF EXECUTIVE OFFICER



Banyule
CITY COUNCIL

Banyule Audit & Risk Advisory Committee

Minutes

19 June 2020

commencing at 3.00pm

***I FLINTOFF STREET,
GREENSBOROUGH***

Banyule Audit & Risk Advisory Committee**Minutes****Meeting opened at 3.08pm****Acknowledgement of the Traditional Custodians**

"Our meeting is being held on the Traditional Land of the Wurundjeri Woi-wurrung people and, on behalf of Banyule City Council, I wish to acknowledge them as the Traditional Custodians. I would also like to pay my respects to the Wurundjeri Woi-wurrung Elders, past, present and emerging, and to acknowledge other Aboriginal and Torres Strait Elders joining us today."

Present

Dr Irene Irvine – *Independent Representative* - Chairperson
Dr Stuart Kells – *Independent Representative (Via video)*
Cr Rick Garotti – *Committee Delegate* (arrived at 3.14pm)

In Attendance**Officers**

Allison Beckwith – *Chief Executive Officer*
Geoff Glynn – *Director Assets & City Services*
Scott Walker - *Director City Development*
Marc Giglio - *Director Corporate Services*
Kath Brackett – *Director Community Programs*
Tania O'Reilly – *Manager Finance & Procurement*
Vivien Ferlaino – *Governance Coordinator*
Paul Wilson – *Audit Support Officer (Minute Taker)*

Internal Auditors

Andrew Zavitsanos – *Crowe Horwath*
Lynda Cooper – *Crowe Horwath*

External Auditors

Philip Kan - *HLB Mann Judd (Via video)*

Apologies

Nick Walker - *HLB Mann Judd*

Disclosure of Interests

MINUTES BANYULE AUDIT & RISK ADVISORY COMMITTEE**19 JUNE 2020****PRESENTATION****Council's COVID-19 response**

The Director of Corporate Services, Marc Giglio provided an overview on Council's response during the current COVID-19 pandemic. Points discussed included:

- Closures of Council buildings
- Controls – Health and Hygiene
- Flu vaccinations for Staff
- Relief and recovery working groups
- Website updates to keep the community informed
- Monitoring of staff working from home and limiting staff coming in to the office
- Bi-Weekly CEO updates to all BCC staff
- BCC 5-point plan
- Revised budget
- Economic support package including:
 - Relief for rate payers
 - Relief for community
 - Grants
 - One on one support
 - Increased subsidies
- COVID-safe plan
- Health & risk teams monitoring and supporting the organisation
- Internal Audits to continue
- Changes to Council meetings including:
 - No public access
 - Live video streaming
- Return to office plan

Commentary

The Chairperson referred to a briefing held by VAGO on COVID and in particular business continuity plans and financials asked Phillip Kan re VAGO briefing on COVID.

Committee Member Dr Wells stated that with COVID, things have been moving quickly. How is Banyule guaranteeing assurance?

Director Corporate Services advised that many other did move quicker, however Banyule waited for the further restrictions to come in before enforcing them, The Northern Councils and CEO's (including Banyule) shared information along the way. Banyule felt these steps were warranted as we were always watching and responding accordingly. Director Corporate Services advised this was an ongoing process and COVID 19 was now included in Council's Strategic Risk Register.

Committee Member Dr Wells, asked what assurance is there on rate relief and if it is being done correctly? Has the Risk framework been reviewed to take this into consideration? Has Council assisted businesses accessing state and federal programs of assistance?

The Chairperson asked the Internal Auditors what they are seeing at other Councils? The Internal auditors felt that the whole sector needs to be congratulated for the continuing delivery of services and in the development of relief packages. They advised that relief packages comes with risk (handing out in volumes) other Councils are reviewing refund and waiver requests. Others risks for working from home include ergonomics, privacy, industrial manslaughter legislation, health & wellbeing)

MINUTES BANYULE AUDIT & RISK ADVISORY COMMITTEE**19 JUNE 2020**

The Director Corporate Services outlined that all staff were issued with Council laptops and access is via a secure VPN with monthly updates. A wellbeing survey indicated that staff were coping well. Ergonomic videos were sent to all staff. An information bulletin is sent to all staff three times a week from the CEO and EMT have scheduled live events to update staff and includes an ability for staff to ask questions.

The Chairperson wanted to note and thank the Director Corporate Services for the presentation and congratulated Council on its swift and considered response to the pandemic and stated that it is a very prudent way in ensuring Banyule have the correct steps in place and was very comfortable knowing Council has adequate controls in place.

The Chairperson requested additional information on impacts on volumes, risk and control, fast tracking new programs, non-routine transactions, IT risks and monitoring staff wellbeing.

Disclosure of Interests

Nil

ISSUES FOR THE COMMITTEE ATTENTION
<p>Commentary</p> <ul style="list-style-type: none"> • The Chairperson commenced the meeting by welcoming Kath Brackett to her first meeting following a recent appointment as Director of Community Programs. • The Chairperson acknowledged both Stuart Kells (Independent Representative) and Philip Kan (HLB Mann Judd) who had phoned in via video conference. • The Chairperson brought the attention to the Agenda and the reports contained within, In particular she stated that: <ul style="list-style-type: none"> • These reports have significantly improved • The reports have a lot more detail for the Committee to analyse • Council will be able to see all the hard work being carried out by staff • It is obvious that more than one person has been involved in preparing the Agenda. • Cr Garotti congratulated Council on the depth of work, not only the reports but the previous minutes that are being presented. He felt that the work put into preparing the Agenda is now showing the respect that the Committee deserves. A special mention to Paul Wilson, Vivien Ferlano and Marc Giglio on the work that has been done..

MINUTES BANYULE AUDIT & RISK ADVISORY COMMITTEE**19 JUNE 2020****Reports****1. COMMITTEE REPORTS FOR DISCUSSION****1.1 AUDIT & RISK ADVISORY COMMITTEE - MINUTES 13 MARCH 2020****EXECUTIVE SUMMARY**

As part of Councils governance obligations to its community, Council has consulted an Audit & Risk Advisory Committee to facilitate:

1. The enhancement of the credibility and objectivity of internal and external financial reporting.
2. Effective management of Councils strategic risks and protection and control of council assets
3. Monitoring of Councils Business Continuity Plan and processes.
4. The efficiency and effectiveness of significant Council programs.
5. Compliance with laws and regulations as well as use of Best Practice Guidelines.
6. The effectiveness of the audit functions.

The committee meets four times a year and consists of two independent members and two Councillors.

The minutes from 13 March 2020 meeting are presented for confirmation.

The minutes have been presented to Council at its meeting of the 18 May 2020 as unconfirmed minutes subject to the approval by the Committee.

Commentary

- The Chairperson commented that the look of the Minutes is fantastic and that the remainder of the Committee will share in her congratulations
- Dr Kells agreed with these statements.

Resolution

That the Committee:

1. Confirm the Minutes of the Audit & Risk Advisory Committee Meetings held 13 March 2020 as an accurate record of proceedings.
2. Provide feedback for any additional improvements to the minutes.

Moved: Dr Irene Irvine

Seconded: Dr Stuart Kells

CARRIED

The Chairperson requested that items 1.14, 1.16, 1.26 be considered in the discussion of items and that item 1.26 be considered as the first item while Mr Kan from HBL Mann Judd was present at the meeting.

MINUTES BANYULE AUDIT & RISK ADVISORY COMMITTEE**19 JUNE 2020****1.26 INTERIM AUDIT - MANAGEMENT LETTER POINTS****EXECUTIVE SUMMARY**

1. The Auditor-General's Office (VAGO) is required to issue an interim management letter each year outlining issues arising from the interim phase of the financial report audit.
2. From the interim review no new issues were identified, and the timeliness and quality of information provision was marked as effective.
3. Of the two prior period issues listed below, it is noted that additional checks, balances and controls have been implemented which has led to improved results, but these risks have not been fully mitigated.
 - Self-approval of purchase orders
 - Use of purchase orders
4. VAGO have provided further details of each issue, including management responses within the final report – Victorian Auditor General's Office (VAGO) Interim Management Letter - Year Ended 30 June 2020 (attached).

Commentary

- The Chairperson asked Mr Kan if there would be any changes to the report due to COVID-19.
- Mr Kan said there were no new points other than what was already presented as noted on page 6 of the Report. Mr Kan advised that after seeing the presentation on council's response to the pandemic, many improvements have been implemented.
- Mr Zavitsanos referred to the self-approval of purchase orders identified in the report.
- The Manager Finance & Procurement explained that testing in the application (Authority) it does not allow us to do a self-approval. That is, an individual cannot create and approve a purchase order and requires a senior officer authorisation..
- The Chairperson thanked Mr Kan for his time and received the report

Resolution

That the report be noted.

Moved: Dr Irene Irvine
Seconded: Dr Stuart Kells

CARRIED

Mr Kan left the meeting.

MINUTES BANYULE AUDIT & RISK ADVISORY COMMITTEE**19 JUNE 2020****1.2 AUDIT & RISK ADVISORY COMMITTEE - FOLLOW UP ACTIONS - MEETING 13 MARCH 2020****EXECUTIVE SUMMARY**

1. The report provides a summary of actions arising from the Audit & Risk Advisory Committee meeting of the 13 March 2020.
2. The report lists the actions which were raised at the meeting and provides a mechanism to ensure the actions are addressed.

Commentary

- The Chair noted the report and suggested for future meetings, this be moved this from the starred items for discussion and placed in for noting.

Resolution

That the Audit & Risk Advisory Committee:

- Note the Verbal Updates for:
 - Debt Management Plan
 - Internal Audit of Operational Efficiency
- Receive reports for:
 - Payroll Risks – Employee Agreement Compliance
 - Audit & Risk Advisory Committee - Self Assessment
 - April 2020 – Purchase Order Compliance Report
 - Workplace Manslaughter Update
 - Risk Management Framework Update
 - Internal Audit Report - (Credit Card and Fuel Cards)
 - VAGO - Audit Strategy for Year Ending 30 June 2020
 - Internal Audit – Crowe Contract Management Review

Arising from the follow up actions requested at the meeting on 13 March 2020.

Moved: Cr Rick Garotti
Seconded: Dr Stuart Kells

CARRIED

MINUTES BANYULE AUDIT & RISK ADVISORY COMMITTEE**19 JUNE 2020****1.3 RISK MANAGEMENT FRAMEWORK****EXECUTIVE SUMMARY**

1. Council's new Risk Management Framework ("Framework") was presented to the Audit and Risk Advisory Committee ("Committee") for consideration at their March 2020 meeting.
2. At the meeting Council's internal auditors noted several amendments that could be made to the Framework to better align it with the ISO31000: 2018 ("ISO"). As a result, the Risk and OHS Team have met with Crowe Horwath to discuss their suggestions and have subsequently updated the Framework.
3. The Executive Management Team (EMT) considered the changes to the framework at their May meeting and approved them prior to submission to the Committee.
4. Council's Risk Management Framework is based on the framework outlined in the ISO.
5. The following alterations have been made to the Framework:
 - Removal of Inherent rating
 - Align definitions with ISO31000
 - Inclusion of control effectiveness
 - Additional quantifications in the impact table
 - Clarification on the application of additional controls against appetite
 - Establishing a Risk Management Committee
6. The Committee is requested to provide feedback on the suggested changes.

Commentary

- The Director Corporate Services presented the report.
- The Chairperson stated that the Framework was easy to follow and one of the best she has seen.
- Cr Garotti requested that consideration of renaming the Risk Management Committee so there is no confusion with the Audit & Risk Committee and a briefing to Councillors occur.
- Committee member Dr Kells stated this was a great framework, Council has come a long way. Raised some drafting matters and will circulate suggested changes.
- Mr Zavitsanos felt that the seniority of Council staff be reflected in the membership of committee.
- The Chairperson advised that the Risk Management Policy and Framework be amended as per Mr Kells changes and that the documents be endorsed.

Resolution

That the Committee endorse the Risk Management Policy and Framework as amended.

Moved: Cr Stuart Kells
Seconded: Dr Irene Irvine

CARRIED

MINUTES BANYULE AUDIT & RISK ADVISORY COMMITTEE**19 JUNE 2020****1.4 SAFETY METRICS****EXECUTIVE SUMMARY**

- The third quarter Safety Metrics are outlined within the report, the topics covered are:
 - Motor Vehicle Collisions & Claims
 - Reported Incidents/Near misses and Hazards
 - Workplace Inspections
 - Emergency Management
 - WorkCover Summary
- An external safety audit was commissioned and undertaken in late 2019 in the Assets & City Services Directorate, an overview is provided in this report.

Commentary

- Director Corporate Services outlined that the report is a high level look at what occurs at Banyule
- The Chairperson requested an executive summary to follow
- Cr Garotti and Dr Wells both advised very pleased to be receiving this type of report
- Cr Garotti added that it would be good to receive feedback for the VAGO audit into sexual and harassment, VAGO survey, query, COVID-19
- As there is a legal obligation to look after contractors, not just staff, it (welfare checks) should be extended to include them – it is a measure of culture – some groups do it better than others.
- Director Corporate Services outlined that we have reporting on current mandatory training with workplace safety being a mandatory training required to be undertaken every 2 years. Council has a new Learning & Development system which includes reporting and compliance and training.
- Discussion that next report should include updates on staff wellbeing and ergonomics and medical injury or work time injuries due to working from home, training and enhanced metrics & indicators.

Resolution

That:

1. The Committee note the report on Safety Metrics
2. A future report include:
 - Staff/contractors wellbeing
 - ergonomics and medical injury or work time injuries
 - training
 - enhanced metrics

Moved: Dr Irene Irvine
Seconded: Dr Stuart Kells

CARRIED

MINUTES BANYULE AUDIT & RISK ADVISORY COMMITTEE**19 JUNE 2020**

1.5 STRATEGIC RISK SCRUTINY**EXECUTIVE SUMMARY**

1. This report provides the Audit and Risk Advisory Committee ("Committee") with an overview of Council's existing strategic risk profile and the alterations and additions as discussed and agreed by the Executive Management Team ("EMT") at their meeting on the 13 May 2020.
2. The proposed changes are recommended by the risk team with a view to ensuring that Council's strategic risk register continues to be a dynamic, relevant tool that is iterative and responsive to change.
3. The report provides the Committee with context as to the risk environment (see section 1 of this report) in which Council is operating, and information as to how that context impacts upon our risk profile. The report also highlights proposed updates to the Strategic Risk register since it was last considered by the Committee. In summary:
 - Wording alterations to five of the current strategic risks to clearly articulate to the reader the potential event (or risk);
 - A number of updates to the controls and actions associated with the existing 7 strategic risks; and
 - Four recommended additions to the strategic risk register factoring the context in which Council is currently operating.
4. Proposed reporting of Strategic Risk is recommended for Committee consideration.
5. The Risk team have proposed a series of reports for the Committee to consider and comment upon (provided in Attachments 1 and 2).
6. The Senior Management Team (SMT) at their meeting on the 13 May 2020, considered and agreed to the proposed operational risk register.
7. The register is presented to the Committee for

Commentary

- Cr Garotti advised he was very happy with the report and readability, and felt that it would be valuable to include a summary table at beginning of the document, and noting that key risks should be allocated to senior level management and an occasional deep dive into one or two areas to be undertaken
- Dr Wells wanted to know how Council is assured that is getting it right, ie benchmarking, alliance with other councils
- The Director Corporate Services informed the Committee that we have a great alliance with the northern councils and regularly discuss risk issues for example there is a joint working group to develop a Strategic Environmental Risk Plan
- The Chairperson stated this was excellent and recommends IT needs to be included due to its vulnerability, Director Corporate Services advised this Technology is included in the Council's strategic and operational risks.
- Mr Zavitsanos advised that JLT undertook a review on strategic risks and this would be helpful
- Director Corporate Services advised that he was aware of this report and was referred to when reviewing Council's Strategic Risks.

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- Discussion that a high-level snapshot twice a year on movement with traffic light reporting and Manager presentation with a deep dive into 1-2 areas.

Resolution

That the Committee:

1. Consider the Strategic Risk Register (fully described in Attachment 2 and 3),
2. Requests:
 - a) a high level snap shot with movements twice a year (including traffic light reporting)
 - b) Directors present a deep dive into one or two areas as part of presentation to the Committee

Moved: Dr Stuart Kells

Seconded: Cr Rick Garotti

CARRIED

1.6 INTERNAL AUDIT - CROWE HORWATH CONTRACT MANAGEMENT REVIEW**Commentary**

- The Chairperson stated that the recommendation was to award Crowe an extension of 12 months
- Dr Wells advised he was happy with the management recommendation.

Resolution

That:

1. A Panel Contract Performance Review be undertaken prior to expiry of initial contract term ending 30 September 2020.
2. A six-monthly contract review be established.
3. A schedule of meetings be added to the Annual Work Plan.

Moved: Dr Stuart Kells

Seconded: Dr Irene Irvine

CARRIED

MINUTES BANYULE AUDIT & RISK ADVISORY COMMITTEE**19 JUNE 2020**

1.7 LOCAL GOVERNMENT ACT 2020 - IMPLEMENTATION**EXECUTIVE SUMMARY**

1. The *Local Government Act 2020* came into operation on 25 March 2020.
2. The new Act has a number of requirements which will be implemented over four stages. Each stage is being proclaimed at different times:
 - STAGE 1 – 6 April 2020
 - STAGE 2 – 1 May 2020
 - STAGE 3 – 24 Oct 2020
 - STAGE 4 – 1 July 2021
3. A project has been established using Council's Project Management framework, an action plan has been drafted.
4. Given the breath of the implementation, four sub-groups have been established, Governance, People & Culture, Finance & Procurement and Community Engagement, with each relevant Manager being the Project Lead.
5. Staff are currently participating in the Local Government Victoria (LGV) co-design and consultations on elements of the Act.
6. Timelines are being developed for Community, staff and Councillor engagement, for the documents due 1 September:
 - Governance Rules
 - Expense Policy
 - Delegated Committees and Asset Committees
 - Audit & Risk Charter and Committee
 - Public Transparency Policy
7. The report is presented to the Committee for information.

Commentary

- All Directors advised the impacts and implications for each of their Directorates and the amount of work required in the short timeframe.
- The Chairperson requested a quarterly report to the Committee.

Resolution

The Committee noted the significant body of work and Council's progress on implementation of the *Local Government Act 2020*, and that it will receive quarterly progress reports.

Moved: Dr Irene Irvine
Seconded: Dr Stuart Kells

CARRIED

MINUTES BANYULE AUDIT & RISK ADVISORY COMMITTEE**19 JUNE 2020**

1.8 AUDIT AND RISK COMMITTEE CHARTER AND NEW REQUIREMENTS UNDER THE LOCAL GOVERNMENT ACT 2020**EXECUTIVE SUMMARY**

1. The new *Local Government Act 2020* (the Act) was enacted on 6 April 2020 with a staged implementation and operation dates.
2. Requirements in relation to the Audit and Risk Committee come into effect 1 September 2020.
3. There are five new requirements that Audit and Risk Committees must meet:
 - a. **Audit and Risk Charter**
Council must prepare and approve a committee charter and establish the committee (appoint members) by 1 September 2020.
 - b. **Reporting to Council**
The Committee must report to Council twice yearly, the report must include the Committee's findings and recommendations.
 - c. **Membership**
A majority of Committee members must be independent of Council; the Chair must not be a councillor, and members of council staff must not be committee members. Collectively, the Committee must include expertise in financial and risk management and experience in public sector management.
 - d. **Self-assessment**
The Committee must undertake an annual assessment of its own performance against the charter and report on this to Council.
 - e. **Workplan**
The Committee must adopt an annual workplan.
4. For Council to be compliant by 1 September it will need to:
 - a. prepare and approve a committee charter and make appointments to the Committee (establish the Committee) on or before 1 September 2020 (s54(7)).
 - b. specify the functions and responsibilities of the Committee within the committee charter, and must include the following functions (s 54):
 - monitor the compliance of Council policies and procedures with the overarching governance principles and the Act, and any regulations and Ministerial directions
 - monitor Council financial and performance reporting
 - monitor and provide advice on risk management and fraud prevention systems and controls
 - oversee internal and external audit functions.
5. A draft Charter is presented for the Committee's discussion and review.
6. The draft Charter is based on Local Government Victoria's *Audit Committees: A guide to good practice for local government (2011)*, and the report from the Victorian Auditor General on Audit Committee Governance (2016).
7. Local Government Victoria will be releasing an updated Guide shortly.

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8. The Charter will be revised after the release of the revised Guide.
9. A report will be presented to Council on 17 August 2020 for adoption of the Charter.
10. For Council to comply with the requirement for the majority of members to be independent members, Council will advertise for a new Independent member. The position will be advertised 19 June 2020, with Council making the appointment at its meeting to be held on 17 August 2020.

Commentary

- Discussion and congratulations on a big body of work involved in preparing the Charter, the Charter reads much better
- Question raised on the use of the words 'ensure' and suggested these should be changed to 'overseeing'
- Drafting comments need to review risk section mainly clause 5.3.1 – Risk management
- Discussion on membership of the committee in particular extending an invite to all Councillors, Cr Garotti will speak with the Councillor group at the next Councillor briefing
- Dr Kells would email some wording changes

Resolution

The Committee:

1. Noted the new requirements for Audit & Risk Committees and Council's compliance by 1 September 2020 to:
 - (a) Adopt a new Audit & Risk Committee Charter
 - (b) Ensure Membership of the Committee comprises a majority of independent members
 - (c) Report to Council biannually
 - (d) Undertake Self- Assessments and
 - (e) Adopt an annual work plan.
2. Provided feedback and suggested changes on the Draft Audit and Risk Committee Charter for consideration prior to the adoption by Council.
3. Note the Draft Charter is based on Local Government Victoria's *Audit Committees: A guide to good practice for local government (2011)*, being the guidance material available at the time of writing this report.
4. Noted that the draft Charter will be revised once the LGV updated guidelines are released, and the committee will be afforded the opportunity to provide further feedback via email circulation.
5. Endorsed the Draft Charter for Council adoption on 17 August 2020.
6. Noted the timelines on the recruitment of an additional independent member.

Moved: Dr Irene Irvine
Seconded: Dr Stuart Kells

CARRIED

MINUTES BANYULE AUDIT & RISK ADVISORY COMMITTEE**19 JUNE 2020****1.9 FRAUD AND CORRUPTION CONTROL POLICY****EXECUTIVE SUMMARY**

- The Fraud and Corruption Control Policy was provided to the Executive Management Team (EMT) at its meeting on 3 June 2020 for feedback and approval.
- The Policy is also made available to Audit & Risk Advisory Committee for review and further comment and feedback prior to final EMT endorsement.
- The Policy has been updated to be consistent with:
 - Updated Public Interest Disclosure Legislation and Banyule's associated policy/procedures.
 - The VAGO report on 'Fraud & Corruption Control – Local Government'.
 - The IBAC 'Local Government Integrity Framework Review
- The update of this Policy has been minimal and does not result in a change in the overall Fraud and Corruption framework at Banyule.
- The updated policy will be referenced in the development of Council's new online Fraud & Corruption Training Module currently under development.

Commentary

- The Manager Finance & Procurement spoke to the report and outlined that the main changes were from the VAGO report on Fraud & Corruption in Local Government.
- The Chairperson asked who approves this Policy, and advised that we need a listing of all policies needing to be approved by the Committee for either Council or Management adoption.
- Cr Garotti felt that mandatory thresholds would be helpful – i.e under \$500 report to manager, \$1000 report to CEO etc.. and when it is reported to IBAC and after what investigation
- The Chairperson asked if she would be notified if a report was made to IBAC?
- The CEO/Director Corporate Services will review to indicate when the CEO, committee and council are notified
- Mr Zavitsanos – culture of policy needs to ensure people report

Resolution

The Committee:

1. Receive a final draft of the Fraud and Corruption Control Policy
2. Recommends the Policy as amended for Council adoption.

Moved: Dr Irene Irvine

Seconded: Cr Rick Garotti

CARRIED

MINUTES BANYULE AUDIT & RISK ADVISORY COMMITTEE**19 JUNE 2020**

1.14 CREDIT CARD KPI REPORT**EXECUTIVE SUMMARY**

Following Council's internal audit on Credit cards, it was recommended that the Executive Management Team (EMT) be provided with credit card usage statistics to provide additional oversight of credit card usage at a higher level than the approval of individual transactions already provided to the relevant managers through ProMaster (Purchasing Card System).

The credit card statistics report provided to EMT is attached and includes:

- Council's credit card spending against total invoice spending,
- A list of the largest users of credit cards (By value & volume); and
- The largest individual credit card transactions (over \$1,000).
- A breakdown by suppliers - to assess procurement opportunities

A summary listing of credit card expenditure by supplier has also been provided to EMT and is attached. The listing outlines suppliers with more than 10 transactions during the selected period. Each supplier has been analysed to identify any opportunities for procurement to aggregate spend and establish alternative purchasing arrangements.

Feedback from EMT and SMT is currently being sought at the time of preparing this report, specifically:

- to determine if the Credit Card statistics report will be a regular report or upon request and
- what core statistics are to be provided in the report, noting that the information is readily available in the Pro-Master system for managers to access, and reports in the system have drill down functionality.

Commentary

- This was a good audit, Cr Garotti stated that Council could set up trade creditor account with some of the major supermarkets and perhaps join into our jobs program,
- Mr Zavitsanos felt this was this report was useful, and suggested that Council ensure PayPal transactions were not a personal account linked to a corporate credit card.
- Manager Finance & Procurement advised that report was submitted to the Senior Management Team and specific reporting was requested on certain transactions and report is undertaken in credit card system.

Resolution

That the report be noted.

Moved: Dr Irene Irvine
Seconded: Cr Rick Garotti

CARRIED

MINUTES BANYULE AUDIT & RISK ADVISORY COMMITTEE**19 JUNE 2020****1.16 AUDIT & RISK ADVISORY COMMITTEE - ANNUAL WORK PLAN - JUNE 2020****EXECUTIVE SUMMARY**

1. An Annual work plan is developed that sets out the work program for the year, it outlines the audits, work and review of items including timing and frequency of reporting to the Committee.
2. At Banyule the Annual work plan is grouped in the following sections:
 - Annual Financial Statements
 - Budget
 - Data Analytics
 - Financials
 - Governance
 - IBAC
 - Internal Audit
 - Risk management
 - VAGO
3. The *Local Government Act 2020* requires all Victorian Councils to adopt an Annual work program. The plan will be mapped against the responsibilities of the revised Audit and Risk Committee Charter once approved by Council.
4. The Annual work plan for the month of June 2020 is presented (attached).

Commentary

- Cr Rick Garotti requested that the following reports should be changed from annually:
 - Review and discuss Risk Management Reporting should be Bi-Annually
 - OH&S Metrics reporting should be quarterly
- The Chairperson commended the purchase orders report.

Resolution**COMMITTEE RECOMMENDATION**

That the Annual Work Plan, as tabled, be noted.

Moved: Dr Irene Irvine
Seconded: Cr Rick Garotti

CARRIED

MINUTES BANYULE AUDIT & RISK ADVISORY COMMITTEE**19 JUNE 2020**

1.10 VAGO / IBAC - SELF-ASSESSMENTS STATUS REPORT - 19 JUNE 2020**EXECUTIVE SUMMARY**

1. The Victorian Auditor General's Office (VAGO) and Independent Broad Based Anti-Corruption Commission (IBAC) issue reports on Local Government and those relevant to the sector.
2. These reports include reviews of Councils' Integrity Frameworks, Fraud & Corruption Frameworks, Procurement Practices, and Recruitment etc.
3. Self- assessments are undertaken against the recommendations of these reports and presented to the Audit & Risk Advisory Committee.
4. The Report provides the Audit & Risk Advisory Committee with a list of VAGO and IBAC reports that Banyule has identified as opportunities to improve systems and controls relevant to council operations.
5. The status report as at June 2020 is listed and provides an update of all self-assessments undertaken to date.

Commentary

- Manager Finance & Procurement advised that Managing Development Contributions report can be available for the September meeting.

Resolution

The Audit & Risk Advisory Committee:

1. Set September as the review date for the next audit committee meeting for the Self-Assessment – Managing Development Contributions
2. Noted the status of the self-assessments and progress to date.

Moved: Dr Irene Irvine

Seconded: Cr Rick Garotti

CARRIED

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The following reports were for noting and were resolved in block.

1.11 PAYROLL RISKS - EMPLOYEE AGREEMENT COMPLIANCE**EXECUTIVE SUMMARY**

1. A payroll system and process report outlining the payroll risks and controls Council has in place to ensure that staff are on proper award rates. was tabled at the March Audit and Risk Advisory Committee meeting.
2. The Audit and Risk Advisory Committee requested a further report be presented at the next meeting to articulate the key risks in underpayment, incorrect payment, and how management are responding to these risks.
3. To respond to this request, this report identifies the key risks for payroll when complying with the Enterprise Agreement as follows:
 - People Risks
 - Process Risks
 - Systems Risks
 - Governance Risks
4. Council is aware of these payroll risks and controls and actions in place to mitigate against these risks.

Resolution

That the Audit & Risk Advisory Committee notes the report on key risks for payroll and the controls in place to mitigate them.

Moved: Dr Irene Irvine
Seconded: Cr Rick Garotti

CARRIED

MINUTES BANYULE AUDIT & RISK ADVISORY COMMITTEE**19 JUNE 2020**

1.12 AUDIT & RISK ADVISORY COMMITTEE - SELF ASSESSMENT ACTIONS - FEBRUARY 2020**EXECUTIVE SUMMARY**

1. The Banyule City Council Audit and Risk Advisory Committee (Committee) Charter (August 2019) states the duties of the Committee will include conducting a periodic review through a self-assessment program to obtain feedback on the Committee's operations, effectiveness and performance as against its Terms of Reference
2. As part of Charter a self-assessment survey was designed to align with the best practice model of the Australian National Audit Office.
3. In February 2020, the self-assessment survey was undertaken for the first time and was completed by members of the Committee and regular attendees of the Committee meetings. A total of seven people took part in the survey.
4. Requirements under the new *Local Government Act 2020* which will commence 1 September 2020 state that self assessments of the Audit & Risk Committee should be carried out annually.

Resolution

The Committee note:

1. An action plan has been developed following the Self-Assessment survey.
2. All results from the first Self-Assessment survey will be used to benchmark future surveys.
3. The Self-Assessment survey template will be part of the new Charter (Local Government Act 2020).

Moved: Dr Irene Irvine
Seconded: Cr Rick Garotti

CARRIED

1.13 APRIL 2020 - PURCHASE ORDER COMPLIANCE REPORT**EXECUTIVE SUMMARY**

1. This report is a status update of compliance with the Procurement Policy, specifically on the compliance test 'invoices processed with a date after the Purchase Order date'.
2. The report outlines the actions undertaken by Council Officers to address the Procurement operational risks identified, including detailed reporting to management to highlight poor procurement practices, targeted training and information sessions to address those practices.
3. The actions undertaken since the last Audit Committee report has yielded a further reduction in the invoices processed with a date after the purchase order date (PO non-compliance) in the current financial year 2019/20.
4. The analysis indicates a consistent downward trend in monthly invoice / PO non-compliance, with significant reductions in non-compliance in April reporting to 13%.
5. The Procurement Team, together with the Senior Management Team will continue to drive improvement in purchasing practices to further reduce non-compliance, through education and communication.
6. It is recommended that the following purchase categories are excluded from future non-compliant Invoice/PO reporting:
 - o Emergency services;
 - o Statutory services;
 - o Grants; and
 - o Software Licences.

Resolution

That the Audit & Risk Advisory Committee:

1. note the progress being made by officers.
2. request that management continue to enforce the Purchase order compliance to further reduce the compliance rate to an acceptable level; and
3. endorse the recommendation to exclude the listed purchase categories from future non-compliant PO/Invoice reporting.

Moved: Dr Irene Irvine
Seconded: Cr Rick Garotti

CARRIED

1.15 QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2020**EXECUTIVE SUMMARY**

The Quarterly Financial Management Report for March 2020 is presented in accordance with section 138 of the *Local Government Act 1989* which requires reporting to Council on the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date.

Operating Surplus – As at 31 March 2020

- Banyule City Council in its Quarterly Report to Council acknowledges the unprecedented changes to all aspects of our lives to deal with coronavirus (COVID-19). The non-essential services closures were in place for approximately one week prior to month end and the financial impacts have been reflected in the year to date March 2020 results.
 - Where known the potential financial impact due to COVID-19 has been factored into the March 2020 forecasts results (excluding Banyule's Economic Relief Package announced at the 6 April 2020 Council meeting).
 - There has been a significant reduction in both income and expenditure to accommodate for the changing circumstances of the services delivered by council.
 - Non-essential expenditure has been minimised with the aim to maintain a surplus position at 30 June 2020; to deliver the \$65m capital works program and the Banyule Economic Relief Package announced on 6 April 2020 by Council.
- The economic disruption caused by the COVID-19 has had little impact on the year to date results as Council has as at 31 March 2020 reported a year to date surplus of **\$5.899m** favourable to budget. It is however estimated that the net cost impact on Banyule, for the period to 30 June 2020, is approximately \$0.985m. Income is forecast to be \$4.720m unfavourable and expenses \$3.736m favourable to budget.
- Banyule City Council has forecasted to deliver an operating surplus of **\$7.880m** for the year ended 2019/2020. This is \$1.892m favourable to the adopted budget of \$5.988m.
- The key movements and significant components of this favourable variance are:
 - Employee cost-savings from vacant positions and reduced staff working hours to accommodate for the reduced income from the non-essential business closures - \$2.721m favourable to budget.
 - Materials, contracts and services cost, including a review by all business units to remove non-essential costs and minimise all discretionary costs - \$0.732m favourable to budget.
 - Continuation of operating grants funding for the Commonwealth Home Support Programme (CHSP) – \$0.728m.
 - Unbudgeted insurance and work-cover reimbursement income - \$0.617m.
 partly offset by:
 - Income reductions on some Council fees and Statutory fees and charges after Victoria moved to Stage Three coronavirus restrictions - \$1.090m and \$1.976m unfavourable to budget.
 - A reduction in interest income, \$0.464m, as a result of the continued low interest rate market.

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- The 2019/20 underlying operating result is forecast to be a surplus of **\$0.366m** against a budgeted underlying operating deficit of **\$1.194m**. This underlying result is determined after adjusting for non-recurrent capital grants and capital contributions of \$7.514m.
- The financial effects of the COVID-19 pandemic are challenging to model and assess. The March 2020 forecast is predicted on several assumptions about how it will affect Council various business operations. These assumptions may need to be refined throughout the quarter and as new government policies are introduced.

Capital Works Performance

- As at 31 March 2020 a total of **\$34.478m** has been spent on capital works.
- While the operating businesses are impacted by the COVID-19, Council is maintaining the commitment to the Capital Works program. The adopted 2019/20 capital budget is **\$64.345m**. The forecast for capital works expenditure is forecast to be **\$65.069m**.

Economic Support Package

- Banyule's Economic Support Package adopted by Council on 6 April 2020 is expected to have a financial impact on the 2019/2020 financial year of approximately \$0.594m. The financial impact is discussed in this report and will be included in the April 2020 forecast update to Councillors and Executive Management Team.

Resolution

That the report be noted.

Moved: Dr Irene Irvine
Seconded: Cr Rick Garotti

CARRIED

MINUTES BANYULE AUDIT & RISK ADVISORY COMMITTEE**19 JUNE 2020**

Item - 1.16. Audit & Risk Advisory Committee - Annual Work plan - June 2020 - has been moved to another part of the document.

1.17 STATUS REPORT - INTERNAL AUDIT RECOMMENDATIONS - 19 JUNE 2020**EXECUTIVE SUMMARY**

1. The Report provides a Status Report and summary of outstanding issues arising from the following reviews which have been reported to the Audit & Risk Advisory Committee:
 - 2017 - 2020 Internal Audit Recommendations
 - 2020 - 2022 Internal Audit Recommendations
 - IBAC and VAGO Self Assessments
 - Audit & Risk Advisory Committee Self-Assessment
2. The Report lists the management actions that are currently in progress, outstanding and completed from each review and provides a control mechanism to ensure that issues raised are addressed.

Resolution

That the Audit & Risk Advisory Committee note updates for:

- The internal audit management action progress
- IBAC and VAGO Self-Assessments
- The Audit & Risk Advisory Committee Self-Assessment.

Moved: Dr Irene Irvine

Seconded: Cr Rick Garotti

CARRIED

MINUTES BANYULE AUDIT & RISK ADVISORY COMMITTEE**19 JUNE 2020****1.18 SELF ASSESSMENT - VAGO REPORT: COUNCIL LIBRARIES****EXECUTIVE SUMMARY**

1. A Victorian Auditor-Generals Office (VAGO) audit report was released in November 2019 with the objective to assess whether councils achieve value for money from their library services.
2. Library Services for Banyule are provided by a separate Local Government Corporation, Yarra Plenty Regional Library (YPRL).
3. Banyule City Council is part of a regional group along with City of Whittlesea and Nillumbik Council and all libraries are run by Yarra Plenty Regional Libraries (YPRL).
4. The YPRL have assessed their operations against the VAGO recommendations and reported to the YPRL Audit committee and the YPRL Board in February 2020.
5. YPRL performs well when compared with the states library services and is in the top 10 library services when measured in efficiency.

Resolution

That the Audit & Risk Advisory Committee notes the status of the Yarra Plenty Regional Library self-assessment.

Moved: Dr Irene Irvine
Seconded: Cr Rick Garotti

CARRIED

1.19 CROWE - INTERNAL AUDIT PROGRESS REPORT AS AT 27 MAY 2020**EXECUTIVE SUMMARY**

This report provides the Banyule City Council's Audit and Risk Advisory Committee with the status of internal audit activity as at 27 May 2020.

Resolution

That the Internal Audit Progress Report be noted and received.

Moved: Dr Irene Irvine
Seconded: Cr Rick Garotti

CARRIED

MINUTES BANYULE AUDIT & RISK ADVISORY COMMITTEE**19 JUNE 2020****1.20 CROWE - PUBLICATIONS OF INTEREST - CURIOUS EYES (JANUARY - MARCH 2020)****EXECUTIVE SUMMARY**

1. There is much being written and said about the impact on organisations in the COVID environment.
2. The purpose of this article is to provide high level guidance to Audit and Risk Advisory Committee (A&RAC) members on matters to consider in this environment
3. This guidance is linked to the objectives of the A&RAC, COVID impact on the objectives and, to assist addressing these considerations by providing references to some helpful resources. A standard ARC terms of reference include
 - Risk management
 - Financial reporting
 - External audit
 - Internal audit
 - Internal controls including fraud and corruption
 - Culture and ethics
 - Other matters

Resolution

That the Publication of Interest report be noted.

Moved: Dr Irene Irvine
Seconded: Cr Rick Garotti

CARRIED

MINUTES BANYULE AUDIT & RISK ADVISORY COMMITTEE**19 JUNE 2020****1.21 COMPUTER ASSISTED AUDIT TECHNIQUES (CAATS) - INFRINGEMENTS****EXECUTIVE SUMMARY**

1. In line with the Computer Assisted Audit Techniques (CAATs) works program 2019/20, 'CAAT's Infringements' tests were undertaken internally by Banyule City Council officers and the results reported to Audit and Risk Advisory Committee.
2. The primary objective of the 'CAAT's Infringements' tests is to ensure that the relevant controls, processes, and practices are adequate, accurate, and complete.
3. The tests covered a review of data for the financial years 2018/19 (1 July 2018 to 30 June 2019) and 2019/20 (1 July 2019 to 31 March 2020).
4. Overall, Infringements controls, processes, and practices are operating effectively.
5. Detailed findings and actions are provided in the report.

Resolution

That the Committee note that no further action is required on the Infringements CAAT.

Moved: Dr Irene Irvine
Seconded: Cr Rick Garotti

CARRIED**1.22 COMPUTER ASSISTED AUDIT TECHNIQUES (CAATS) - RATES****EXECUTIVE SUMMARY**

1. In line with the Computer Assisted Audit Techniques (CAATs) works program 2019/20, 'CAAT's Rates' tests were undertaken internally by Banyule City Council officers and the results reported to Audit and Risk Advisory Committee.
2. The primary objective of the 'CAAT's Rates' tests is to ensure that the relevant controls, processes, and practices are adequate, accurate, and complete.
3. The tests covered a review of data for the financial years 2018/19 (1 July 2018 to 30 June 2019) and 2019/20 (1 July 2019 to 31 March 2020).
4. Overall, Rates controls, processes, and practices are operating effectively.
5. Detailed findings and actions are provided in the report.

Resolution

That the Committee note no further action is required on the Rates CAAT.

Moved: Dr Irene Irvine
Seconded: Cr Rick Garotti

CARRIED

MINUTES BANYULE AUDIT & RISK ADVISORY COMMITTEE**19 JUNE 2020****1.23 COMPUTER ASSISTED AUDIT TECHNIQUES (CAATS) - PROGRAM 2020-21****EXECUTIVE SUMMARY**

Computer Assisted Audit Techniques (CAATs) tests have been undertaken internally by Banyule City Council officers and the results reported to Audit & Risk Advisory Committee. The proposed work program comprises 75 tests across different functions and quarterly reports to the Committee.

The proposed work program for 2020/2021 includes:

- Maintaining the audited functions – Accounts Payable, Payroll, Procurement, Rates, General Ledger, Assets depreciation, and Infringements.
- Maintaining the existing 62 tests and evaluate the feasibility of introducing 13 new tests. The new tests will assist Rates function to have a complete review of the processes and identify areas of improvements.

The proposed work program (attached) is designed to ensure that the relevant controls, processes, and practices are adequate, accurate, and complete.

Resolution

That the proposed Computer Assisted Audit Techniques (CAATs) tests work program for 2020/2021 report be noted.

Moved: Dr Irene Irvine
Seconded: Cr Rick Garotti

CARRIED

MINUTES BANYULE AUDIT & RISK ADVISORY COMMITTEE**19 JUNE 2020****1.24 COMPUTER ASSISTED AUDIT TECHNIQUE (CAATS) - ACCOUNTS PAYABLE - SUPPLIERS****EXECUTIVE SUMMARY**

1. In line with the Computer Assisted Audit Techniques (CAATs) works program 2019/20, 'CAAT's Accounts Payable – Suppliers' tests were undertaken internally by Banyule City Council officers and the results reported to Audit and Risk Advisory Committee.
2. The primary objective of the 'CAATs Accounts Payable - Suppliers' tests is to ensure that the relevant controls, processes, and practices are adequate, accurate, and complete.
3. The tests covered a review of data from the 1 July 2019 to 31 March 2020.
4. Overall, Accounts Payable Suppliers' controls, processes, and practices are generally sound.
5. Detailed findings and actions are provided in the report.

Resolution

That the Committee note the Computer Assisted Audit Techniques for Accounts Payable - Suppliers' test and the actions to be undertaken by Council officers to manage the operational risks as identified.

Moved: Dr Irene Irvine

Seconded: Cr Rick Garotti

CARRIED

MINUTES BANYULE AUDIT & RISK ADVISORY COMMITTEE**19 JUNE 2020****1.25 COMPUTER ASSISTED AUDIT TECHNIQUES (CAATS) - PAYROLL****EXECUTIVE SUMMARY**

1. In line with the Computer Assisted Audit Techniques (CAATs) works program 2019/20, 'CAAT's Payroll' tests were undertaken internally by Banyule City Council officers and the results reported to Audit and Risk Advisory Committee.
2. The primary objective of the 'CAATs Payroll' tests is to ensure that the relevant controls, processes, and practices are adequate, accurate, and complete.
3. The tests covered a review of data from 1 July 2019 to 31 March 2020.
4. Overall, Payroll controls, processes, and practices are operating effectively.
5. Detailed findings and actions are provided in the report.

Resolution

That the Committee note that no further action is required on the Payroll CAAT.

Moved: Dr Irene Irvine
Seconded: Cr Rick Garotti

CARRIED

Item - 1.26. Interim Audit - Management Letter Points - has been moved to another part of the document.

MINUTES BANYULE AUDIT & RISK ADVISORY COMMITTEE**19 JUNE 2020**

1.27 INTERSTATE CONFERENCE ATTENDANCE - LAUREN BROOKER, AGE FRIENDLY CITY PROGRAM SOCIAL PLANNER**EXECUTIVE SUMMARY**

1. Councillors and staff from time-to-time attend interstate conferences.
2. Any Councillor/staff attending must complete an application outlining the benefits of attendance.
3. All staff attendance is approved by Council's Executive Management Team.
4. Any overseas or interstate conferences require reporting to Councillors and to the Audit & Risk Advisory Committee.
5. A Briefing Note was provided to Councillors on the 23 April 2020 providing this advice.
6. The Local Government Regulations 2015 requires such information to be made publicly available for 12-months.
7. Council's Age Friendly City Program Social Planner attended the National Forum in November 2019.

Resolution

That the report be received.

Moved: Dr Irene Irvine
Seconded: Cr Rick Garotti

CARRIED**2. Verbal Updates**

Nil

3. Other Business

Nil

Next Meeting – 18 September 2020

Closure of Meeting 5.25pm



**Chief Executive Officer Employment
Matters Committee
Terms of Reference**

Purpose

The purpose of the Chief Executive Officer (CEO) Employment Matters Committee (the Committee), to be headed by an independent chairperson, is to advise the Council on all contractual matters relating to the CEO's employment.

Function of the Chief Executive Officer

Section 46 of the *Local Government Act 2020* (the Act) outlines the functions of the CEO:

- (1) A Chief Executive Officer is responsible for—
- (a) supporting the Mayor and the Councillors in the performance of their roles; and
 - (b) ensuring the effective and efficient management of the day to day operations of the Council.

The functions of the CEO are listed in full in Appendix A.

Membership

Independent Chairperson and all Banyule Councillors (Manager Human Resources / Manager Governance & Communication for support as required).

Terms of Appointment

- Appointments will initially be for a three-year term, with an option to review annually, for a maximum term of five years.
- The membership of the Committee will be reviewed as part of the on-going review
- The operations of the Committee will be evaluated annually to ensure it continues to be effective and relevant.
- The Committee will meet annually unless otherwise agreed by Council

Accountability and Extent of Authority

Committee members have an advisory role and do not hold any authority to make decisions or commitments on behalf on Council.

The Chief Executive Officer Employment Matters Committee is a Committee of Council, Council authorises the Committee within its scope of responsibilities to:

- Make recommendations to Council on contractual matters relating to the Chief Executive Officer or the person appointed to act as the Chief Executive Officer including the following:
 - Appoint the Chief Executive Officer;
 - Set the remuneration and conditions of appointment of the Chief Executive Officer;
 - Negotiate any extension of the appointment of the Chief Executive Officer under section 44 of the Act
 - Conduct performance reviews of the Chief Executive Officer; and
 - Perform other functions as required in supporting the performance review and performance development of the Chief Executive Officer.

Role and Criteria of Independent Chairperson

The Chairperson of the Chief Executive Officer Employment Matters Committee must—

- (a) not be a Councillor; and
- (b) not be a member of Council staff; and
- (c) be suitably qualified.

The following selection criteria applies to the appointment of the Chairperson:

- A clear understanding of the objectives, roles, duties and obligations of the CEO and Council under the Local Government Act and all other associated legislation. Ability to exhibit clear leadership
- Ability to work effectively with Councillors and the Chief Executive Officer
- Demonstrated human resource management skills, senior business experience and qualifications;
- Experience in senior management recruitment;
- Understanding of performance management processes, development of Executives and procedural fairness.
- Senior Level experience within a Government framework and sound knowledge of governance and legal obligations
- Previous experience or facilitation experience working with Executive Governance bodies or Boards on governance and strategic leadership matters.

Selection process

The Chair of the Chief Executive Officer Employment Matters Committee must be appointed by Council and must be an independent Representative. Any extension of term must be made by Council in accordance with the “Terms of Appointment” clause.

The selection committee for the independent chairperson will include the Mayor, Deputy Mayor, any interested Councillor and the Manager Governance and Communication. The Committee will assess the nominations against the selection criteria and recommend appointments to Council.

Committee Member Regulatory Obligations

In performing the role of Committee Member, a person must:

- act with **integrity**
- **impartially** exercise his or her responsibilities in the interests of the local community; and
- **not improperly** seek to confer an advantage or disadvantage
- **avoid conflicts** between his or her public duties and his or her personal interests and obligations
- commit to regular attendance at meetings.

These obligations relate to:

- misuse of position as a member of the Committee (Section 123)
- confidential information (Section 125) and
- conflict of interest (Sections 126 to 131).

Refer to Appendix B for further detail

Fees and Reimbursement of expenses (Chairperson)

Council will pay a set fee, to be determined on an hourly or per meeting basis, to the Independent Chairperson as determined through a competitive procurement process. The amount of the fee has regard to the specific roles and responsibilities the chairperson will undertake.

The Chairperson of the Committee will also be remunerated and reimbursed for any transport costs they have incurred in participating in meetings and related activities.

The Chairperson Fee will be paid to the Chairperson of the CEO Employment Matters Committee immediately following the scheduled committee meetings.

Reporting

An annual report of the Chief Executive Officer's performance review will be reported to the Council. Any other matters requiring review in accordance with the Local Government Act 2020 and Chief Executive Officer Employment and Remuneration Policy once developed will be determined by Council.

Administration Support

Administration support is provided by the Chief Executive Officer's office.

Review Date

The Terms of Reference will be reviewed within 2 years of the date of adoption or earlier as required.

Date Adopted

Date Adopted: 3 August 2015.

Date reviewed and adopted: 18 September 2017

Date reviewed and adopted: 17 August 2020

Appendix A

Section 44 The Chief Executive Officer

- (1) Subject to this section, a Council must appoint a natural person to be its Chief Executive Officer in accordance with its Chief Executive Officer Employment and Remuneration Policy under section 45.
- (2) A Chief Executive Officer must be appointed under a contract of employment with the Council that does not exceed 5 years.
- (3) A Chief Executive Officer is eligible to be re-appointed under a new contract of employment under subsection (2).
- (4) If there is a vacancy in the office of Chief Executive Officer or the Chief Executive Officer is unable to perform the duties of the office of Chief Executive Officer, the Council must appoint a person to be the Acting Chief Executive Officer.
- (5) The Chief Executive Officer or an Acting Chief Executive Officer is a member of Council staff.
- (6) A Council must comply with any requirements prescribed by the regulations in relation to the employment of a Chief Executive Officer.

Section 45 Chief Executive Officer Employment and Remuneration Policy

- (1) A Council must develop, adopt and keep in force a Chief Executive Officer Employment and Remuneration Policy.
- (2) A Chief Executive Officer Employment and Remuneration Policy must—
 - (a) provide for the Council to obtain independent professional advice in relation to the matters dealt with in the Chief Executive Officer Employment and Remuneration Policy; and
 - (b) provide for the following—
 - (i) the recruitment and appointment process;
 - (ii) provisions to be included in the contract of employment;
 - (iii) performance monitoring;
 - (iv) an annual review; and
 - (c) include any other matters prescribed by the regulations.
- (3) A Council must have regard to—
 - (a) any statement of policy issued by the Government of Victoria which is in force with respect to its wages policy (or equivalent); and
 - (b) any Determination that is currently in effect under section 21 of the **Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards**

Section 46 of the *Local Government Act 2020* (the Act) outlines the functions of the CEO:

- (1) A Chief Executive Officer is responsible for—
 - (a) supporting the Mayor and the Councillors in the performance of their roles; and
 - (b) ensuring the effective and efficient management of the day to day operations of the Council.
- (2) Without limiting the generality of subsection (1)(a), this responsibility includes the following—
 - (a) ensuring that the decisions of the Council are implemented without undue delay;
 - (b) ensuring that the Council receives timely and reliable advice about its obligations under this Act or any other Act;
 - (c) supporting the Mayor in the performance of the Mayor's role as Mayor;
 - (d) setting the agenda for Council meetings after consulting the Mayor;

- (e) when requested by the Mayor, reporting to the Council in respect of the implementation of a Council decision;
- (f) carrying out the Council's responsibilities as a deemed employer with respect to Councillors, as deemed workers, which arise under or with respect to the **Workplace Injury Rehabilitation and Compensation Act 2013**.

Note See clause 15 of Schedule 1 to the **Workplace Injury Rehabilitation and Compensation Act 2013**.

- (3) Without limiting the generality of subsection (1)(b), this responsibility includes the following—
 - (a) establishing and maintaining an organisational structure for the Council;
 - (b) being responsible for all staffing matters, including appointing, directing, managing and dismissing members of Council staff;
 - (c) managing interactions between members of Council staff and Councillors and ensuring that policies, practices and protocols that support arrangements for interaction between members of Council staff and Councillors are developed and implemented;
 - (d) performing any other function or duty of the Chief Executive Officer specified in this Act or any other Act.
- (4) For the purposes of subsection (3)(a), a Chief Executive Officer must—
 - (a) develop and maintain a workforce plan that—
 - (i) describes the organisational structure of the Council; and
 - (ii) specifies the projected staffing requirements for a period of at least 4 years; and
 - (iii) sets out measures to seek to ensure gender equality, diversity and inclusiveness; and
 - (b) inform the Council before implementing an organisational restructure that will affect the capacity of the Council to deliver the Council Plan; and
 - (c) consult members of Council staff affected by a proposed organisational restructure, before implementing the organisational restructure.
- (5) A Council and the Chief Executive Officer must, in giving effect to gender equality, diversity and inclusiveness, comply with any processes and requirements prescribed by the regulations for the purposes of this section.
- (6) A Chief Executive Officer must ensure that the Mayor, Deputy Mayor, Councillors and members of Council staff have access to the workforce plan.
- (7) A Chief Executive Officer must develop the first workforce plan under this section within 6 months of the commencement of this section.

Appendix B

Committee Member Regulatory Obligations

Guidance to Members

LGA Section	LGA Requirement
Misuse of Position	
123(1)	A Committee member must not intentionally misuse their position to: <ol style="list-style-type: none"> a) Gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or b) Cause, or attempt to cause, detriment to the Council or another person
123(3)	Circumstances involving misuse of a position by a member of the Committee include: <ol style="list-style-type: none"> a) Making improper use of information acquired as a result of being a member of the Committee; or b) Disclosing information that is confidential information; or c) Directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff; or d) Exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform; or e) Using public funds or resources in a manner that is improper or unauthorised; or f) Participating in a decision on a matter in which the member has a conflict of interest.
Confidential Information	
125	A member of the Committee must not intentionally or recklessly disclose information that the member knows, or should reasonably know, is confidential information. There are some exemptions to this requirement, the key one being that if the information disclosed by the member has been determined by Council to be publicly available.
Conflicts of Interest	
126	A member of the Committee has a conflict of interest if the member has: <ol style="list-style-type: none"> a) A general conflict of interest as described in Section 127; or b) A material conflict of interest as described in Section 128.
127	A member of the Committee has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the members private interests could result in that member acting in a manner that is contrary to their public duty as a member of the Committee.
128	A member of the Committee has a material conflict of interest in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.
<p>Please Note</p> <p><i>The above guidance is not verbatim from the Act and does not include all details as explained in Part 6, Division 1 of the Act. For a full understanding of the requirements of the Act in relation to the matters summarised above, members are expected to make themselves fully aware of the requirements of the Act.</i></p>	

Attachment 1

Land and property sold 1 January 2020 to 30 June 2020

Adjacent to 4/9 Paton Street, Montmorency shown crosshatched below.



