

Ordinary Meeting of Council

Nellie Ibbott Chambers, Ivanhoe Library and Cultural Hub, 275 Upper Heidelberg Road, Ivanhoe 3079

14 November 2022

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Inclusive Local Jobs Strategy & Action Plan Annual Report

Year Two – 2021/22 FY



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Overview

This report outlines how Council is tracking in its implementation of the Inclusive Local Jobs Strategy & Action Plan 2020-2025. The report provides an update on each key priority action of the Action Plan for the 2021/2022 financial year (2021/22FY), including progress made toward Council's target of 1000 local job outcomes for local people experiencing barriers to employment by 2025.

Action Plan Review

Focus Area 1: Stimulate inclusive employment opportunities

Priority Action 1: Partner with local employers, agencies and other organisations to build inclusive employment opportunities.

On track

Summary:

Target: 27 local job outcomes created through employment events and inclusive employment programs.

Achievement: 31 local job outcomes were achieved in this reporting period. A further 1506 interactions were achieved by the Jobs Victoria Advocate team to provide employment and referral support to individuals facing barriers in the community.

Review of Key initiative 1.1: Develop and maintain strong links with local employers, employment service providers, key networks, and other organisations.

Strong partnerships have been established with a number of employers, employment service providers and other organisations.

- MOU's focused on supporting Inclusive Employment Program participants are currently in place with Brotherhood of St Laurence and Interact.
- Ongoing collaboration with the Spark Consortium (North East Link).
- Ongoing collaboration with Lower Plenty Hotel and Open House.
- Supported the placement of 10 external employment opportunities for IEP alumni.
- Supported the placement of 2 internal employment opportunities for IEP alumni.

There are no changes to the Action Plan for Year 3 (2022/23FY).

Review of Key initiative 1.2: Collaborate on the delivery of an employment event to broker opportunities for vulnerable community members.

Various events were hosted and supported by the Inclusive Enterprise and Local Jobs team throughout the reporting period.

The Jobs Victoria Advocate Team collaborated Banyule Nillumbik Local Learning and Employment Network (BNLLEN) to host Real Industry Job Interviews (RIJI) events. Further, the JVA team participated in a podcast hosted by VALID to support people living with disability into inclusive jobs.

An Inclusive Employment Program Community Information session was hosted online to promote the commencement of the new program as well as a local jobs forum to support community members into available local jobs.

Some events, such as Careers at Council had to be postponed due to COVID-19, however this event as well as a First Nations Job Fair will be held in the next financial year.

There are no changes to the Action Plan for Year 3 (2022/23FY).

Review of Key initiative 1.3: Collaborate on the delivery of an Aboriginal employment event.

In this reporting period no Aboriginal employment event was conducted due to COVID-19 constraints. A collaborative First Nations Job Fair is planned in October 2022 together with Whittlesea and Darebin Councils.

There are no changes to the Action Plan for Year 3 (2022/23FY).

Review of Key initiative 1.4: In partnership with local employment partners, create a program that supports employers with free tools, resources and access to recruitment services and local talent to build stronger, more inclusive workplaces.

Council's Inclusive Jobs Service provides employers with tailored capacity building support to create inclusive job opportunities within their organisation or via their procurement activity. The service also plays a key role in connecting employers with residents experiencing barriers to employment in the Northern region via employment services providers.

During the pilot the program has already achieved some great outcomes. The service was introduced to the Lower Plenty Hotel, Open House Christian Involvement Centre and the Spark Consortium (North East Link). Partnerships are progressing well and have led to 19 job outcomes in 2021-22 FY.

There are no changes to the Action Plan for Year 3 (2022/23FY).

Emerging Key initiative: 1.5: Deliver the Jobs Victoria Advocate Program

The first year of the Jobs Victoria Advocate (JVA) Program has been extremely successful in providing local individuals with employment support and information as well as linking them in with potential employers and other employment pathways.

In this past reporting period, the JVA team have provided 1506 interactions of support to job seekers. This included resume support, referrals, connections to employers and linking individuals to employment support. The JVA team fills a critical gap in the employment services sector and is unique in its person-centred approach of meeting a job seeker where they are and identifying and supporting the pathway into employment most suitable for their abilities, needs and interests.

The JVA team created an in-depth reporting matrix to track their engagement with community. They also worked together closely with Local Government Agencies outside of Banyule, providing a holistic and collaborative approach to support individuals looking for work.

The main groups accessing JVA support are people from a CALD background, young people, individuals living with a disability and First Nations people.

The State Government funding of the JVA program is due to finish in June 2023. Further funding opportunities will be explored to determine if Council can continue providing critical job readiness support to community members seeking employment beyond the 2022/23 FY.

There are no changes to the Action Plan for Year 3 (2022/23FY).

Focus Area 1: Stimulate inclusive employment opportunities

Priority Action 2. Proactively create inclusive employment opportunities within Banyule Council.

On track

Summary:

Target: 30 local job outcomes through the Banyule Inclusive Employment Program.

Achievement: 27 local job outcomes were created through the Inclusive Employment Program 2021-22 FY. In addition to this, 15 local job outcomes were created through the Inclusive Employment Program 2020-21 FY, due to impacts of COVID-19 this program had a delayed start therefore some job outcomes carried over into 2021-22 FY.

Review of Key initiative 2.1: Deliver the Banyule Inclusive Employment Program to support targeted community groups experiencing significant barriers to employment.

This reporting period again saw a successful implementation of the Inclusive Employment Program with 15 participants facing barriers to work starting in the program in December 2021. The participants were spread across 12 teams in Banyule City Council which enabled various teams to

engage and build their capacity around diversity as well as enabling the participants to learn valuable skills.

There are no changes to the Action Plan for Year 3 (2022/23FY).

Review of Key initiative 2.2: Facilitate transitional employment opportunities for Banyule Inclusive Employment Program participants.

Five transitional employment pathways were created for alumni of the Inclusive Employment Program. Eight participants joined the Banyule casual pool. Four participants gained internal employment. Ten gained employment in external organisations. These numbers include participants from the 2020-21 FY as well as 2021-22 FY. The IEP 2020-21 FY was completed in the second half of 2021 due to COVID-19 impacts on the program start date.

There are no changes to the Action Plan for Year 3 (2022/23FY).

Focus Area 1: Stimulate inclusive employment opportunities

Priority Action 3. Realise more inclusive employment opportunities through procurement.

Monitor

Target: 20 local job outcomes through sustainable procurement activity.

Achievement: Unable to report. While the exact data is currently not available, the procurement team has been developing a matrix that outlines social benefit suppliers and in future will allow staff to access to this data when they are looking to procure goods and services.

Review of Key initiative 3.1: Develop and embed a whole-of-council procurement framework to enhance economic opportunities for vulnerable community groups.

The addition of sustainable procurement targets in Banyule's procurement policy and guidelines has been completed and was adopted by Council in 2021.

There are no changes to the Action Plan for Year 3 (2022/23FY).

Review of Key initiative 3.2: Review Banyule Council's historical spend and future needs to identify and enable potential sustainable procurement opportunities.

An opportunity matrix identifying sustainable procurement opportunities has been developed and is being further refined. Contracts identified in the published annual procurement plan have been

<p>linked to specific KPIs, clearly identifying contracts with high sustainable procurement opportunities.</p> <p>There are no changes to the Action Plan for Year 3 (2022/23FY).</p>
<p>Review of Key initiative 3.3: Host category specific tender briefings to educate suppliers about sustainable procurement, including opportunities to create inclusive employment outcomes and partnerships with social benefit suppliers and local businesses.</p> <p>Initiative was not planned for delivery in this financial year. Currently aiming for implementation in 2023-24 FY.</p> <p>There are no changes to the Action Plan for Year 3 (2022/23FY).</p>
<p>Review of Key initiative 3.4: Collaboratively host an annual event to educate suppliers about sustainable procurement in Banyule, including opportunities to create inclusive employment outcomes and partnerships with social benefit suppliers and local businesses.</p> <p>Initiative was not planned for delivery in this financial year. Currently aiming for implementation in 2022-23 FY.</p> <p>There are no changes to the Action Plan for Year 3 (2022/23FY).</p>

Focus Area 2: Strengthen pathways to employment	
Priority Action 1. Assist people to participate in volunteering activities and create enhanced opportunities for volunteer participation.	On track
<p>Summary:</p> <p>Target: 20 volunteering placements for vulnerable community members.</p> <p>Achievement: Unable to report. Council has an opportunity to improve data reporting of its workforce demographics, this includes volunteers. A new Human Resource Information System is currently being rolled out and will in future support enhanced reporting as well as adapt internal forms to align with the National Standards of Volunteering.</p>	
<p>Review of Key initiative 1.1: Coordinate and strengthen Banyule Council's approach to volunteer management to meet the National Standards for Volunteer Involvement.</p> <p>A thorough scoping exercise was conducted to understand Council's current state of volunteer management. Some areas for improvement were identified when comparing current processes to the National Standards of Volunteering. As part of this process an internal working group,</p>	

consisting of the various volunteer leaders, was created. This group meet monthly to integrate and develop new processes and procedures.
 A public facing website was also created to outline the volunteer opportunities available at Council and to streamline volunteer applications from the community.
 There are no changes to the Action Plan for Year 3 (2022/23FY).

Review of Key initiative 1.2: Create and implement a Volunteer Engagement Strategy that facilitates more inclusive and accessible volunteering opportunities.

A Volunteer Engagement Framework was developed and adopted by Council in February 2022. Based on this piece of work a separate volunteer policy will be developed to align internal processes with best practice standards and ensure volunteering processes are streamlined across Council's various teams.
 There are no changes to the Action Plan for Year 3 (2022/23FY).

Focus Area 2: Strengthen pathways to employment

Priority Action 2. Grow pathways to employment within Banyule Council that are inclusive and accessible.

Monitor

Summary:

Target: NIL
 Achievements: No progress on this initiative to date.

Review of Key initiative 2.1: Provide and facilitate job readiness programs and pathways to employment through work experience and tertiary placements.

This initiative focusing on work experience and tertiary placement was deferred to next financial year due to difficulties in workforce planning.
 There are no changes to the Action Plan for Year 3 (2022/23FY).

Focus Area 3: Grow business ownership and entrepreneurship	
Priority Action 1. Assist people to participate in business activities.	Monitor
<p>Summary:</p> <p>Target: 7 vulnerable community members assisted to access small business training and support.</p> <p>Achievement: Three social enterprises were supported through Banyule's grants program.</p>	
<p>Review of Key initiative 1.1: Provide start-up and development support for social enterprise, microenterprise, disability enterprise, Aboriginal enterprise and creative enterprise.</p> <p>In the last reporting period Banyule provided COVID-19 Business Grants to three social enterprises: Boots for All, Verve Collective and Happow.</p> <p>Further, the Social Enterprise Support Service delivered 35 appointments for social enterprise support with existing and emerging social enterprises in Banyule and through that provided support to 11 individuals and organisations. It is to be noted that the data for the Social Enterprise Support Service was only tracked from December 2021 onwards when the website went live.</p> <p>This initiative will be divided into three initiatives in Year 3 to allow for clearer reporting on each business model (2023/2024FY).</p>	
<p>Review of Key initiative 1.2: Provide specialist business support targeted towards vulnerable community groups, including women.</p> <p>256 grants were distributed by the Economic Development team. The majority of these grants were provided to microenterprises and more than half were provided to women owned businesses. In addition, 87 of these grants were provided to start-ups to assist them in establishing in Banyule.</p> <p>This initiative will be removed in Year 3 of the Action Plan as the initiative will be covered by the added initiatives under 1.1.</p>	

Focus Area 4: Advance inclusive employment practices across the local government sector and private sector

Priority Action 1. Advocate for inclusive employment opportunities to create a stronger economy.

On track

Summary:

Target: 25 local job outcomes created through organisations and Council's engaging in inclusive employment initiatives.

Achievements: No reportable data on direct job outcomes, however advocacy for inclusive employment and its benefits have continued at both the community level through local events with partner community organisations such as Somali Voice as well as government level through the Northern Council Alliance and Municipal Association of Victoria.

Review of Key initiative 1.1: Promote and publish insights and case studies with the local government sector and broader community to build awareness of the benefits of inclusive employment.

Inclusive employment and its benefits are promoted through articles, events and case studies that are distributed throughout various channels. These include newsletters, the Banyule website and social media, Banyule banner as well as other platforms such as Municipal Association of Victoria (MAV).

Three video case studies of participants of the Inclusive Employment Program were created and made available via Council's website. The videos showcase the benefits of the program and real-life experiences of participants.

Advocacy work is currently underway through the Northern Council Alliance (NCA) to promote the Inclusive Employment Program and its benefits to other Councils. In addition, Council worked with MAV to promote information and case studies through their channels.

There are no changes to the Action Plan for Year 3 (2022/2023FY).

Review of Key initiative 1.2: Develop an inclusive employment toolkit to support inclusive employment outcomes in the local government sector.

The Inclusive Employment Program Toolkit was launched in July 2021 and is available via the Banyule website. The toolkit provides resources and templates to support any organisation or Council to implement the program in their own region. The toolkit was accessed 37 times in the last reporting period. The team has been actively promoting the toolkit through meetings with

various Council's such as Kingston, Port Phillip, Casey and Whitehorse as well as through presentations to the Local Government Diversity and Inclusion Network.

There are no changes to the Action Plan for Year 3 (2022/2023FY).

Review of Key initiative 1.3: Develop an inclusive employment resource to support inclusive employment outcomes in the private sector.

This initiative is covered through the Inclusive Jobs Service, which provides support and guidance to organisations on inclusive employment and supporting them to recruit people facing barriers into employment in their organisations.

There are no changes to the Action Plan for Year 3 (2022/2023FY).

Focus Area 4: Advance inclusive employment practices across the local government sector and private sector

Priority Action 2. Support our workplace to be inclusive and diverse.

On track

Summary:

Target: Increase the representation of vulnerable community members in Banyule Council Workforce by 10 employees, through traineeships, identified roles and other employment opportunities.

Achievements: Currently not able to track outside of the programs outlined in other focus areas. Currently transitioning from one employee system to another.

Review of Key initiative 2.1: Develop and implement mandatory diversity and inclusion training for all Banyule Council staff.

A diversity and inclusion elearn module has been rolled out for staff across Banyule Council. While the module is currently not classified as mandatory, it is promoted as part of the onboarding checklist for new staff. All staff have access to this module through Council's internal learning system.

Further Banyule City Council is now a member of Diversity Council Australia and all Banyule staff have access to the resources available on their website.

There are no changes to the Action Plan for Year 3 (2022/23FY).

Review of Key initiative 2.2: Develop and implement an Equitable Employment Strategy to improve accessibility of employment within Banyule Council.

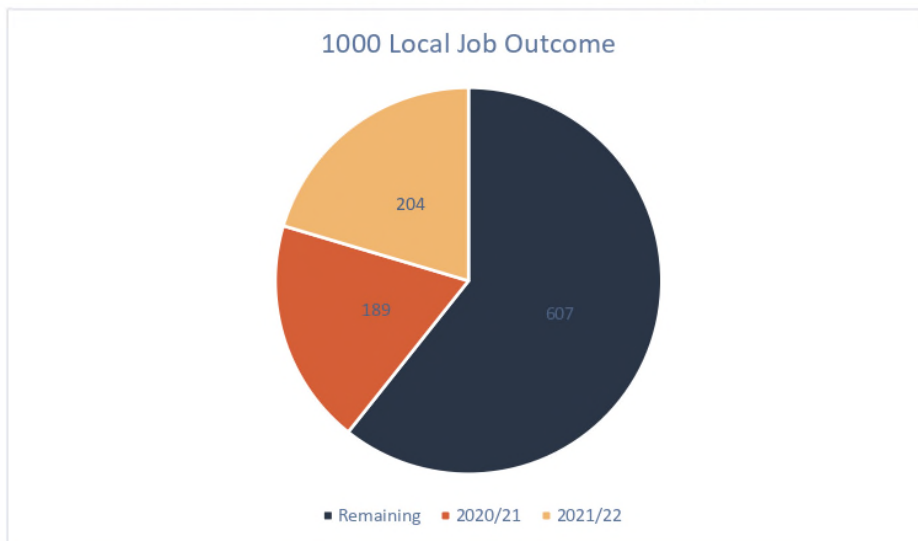
In the last reporting period Our People Strategy, Banyule Workplace Diversity and Inclusion Strategy as well as we the Workplace Gender Equality Action Plan was developed to ensure Banyule Council has the right people, with the right skills, in the right positions at the right time as well as to embed awareness and promote safety and inclusion for all employees, including focusing on building a workforce that reflects the diversity in the community.

In the 2022/23FY a draft Employment Strategy will be developed to provide an overarching strategy that encompasses the diversity in our community.

There is a change to the Action Plan year 3 – This Initiative has been reworded in year 3 to incorporate wider diversity and inclusion initiatives.

1000 Local Jobs Target

The Inclusive Local Jobs Strategy, alongside the Social Enterprise Strategy has an aspirational target of creating 1000 local jobs for local people facing barriers to employment by 2025. Collectively, in year two of the strategies and action plans implementation 204 job outcomes have been created. A total of 393 job outcomes have been created in years one and two of the strategies.



Final Reflections

Good progress has been made on most of the key actions in the Inclusive Local Jobs Strategy and Action Plan. During this reporting period, 72 job outcomes were recorded. In addition to this, the Jobs Victoria Advocate (JVA) team recorded 1506 interactions of support with community members seeking employment. The JVA program did not exist when the Inclusive Local Jobs Strategy was first developed

in 2020 and when the definition of a 'job outcome' and target of 1000 local jobs was established by Council. This is a two-year program with significant KPIs. Therefore, the job outcome data from the JVA team has been recorded separately so as to not skew the overall number of job outcomes produced by the key initiatives in this strategy. The success of the JVA program highlights a current gap in the employment services sector and a future opportunity to create a program to continue filling this gap when the JVA program ends in June 2023.

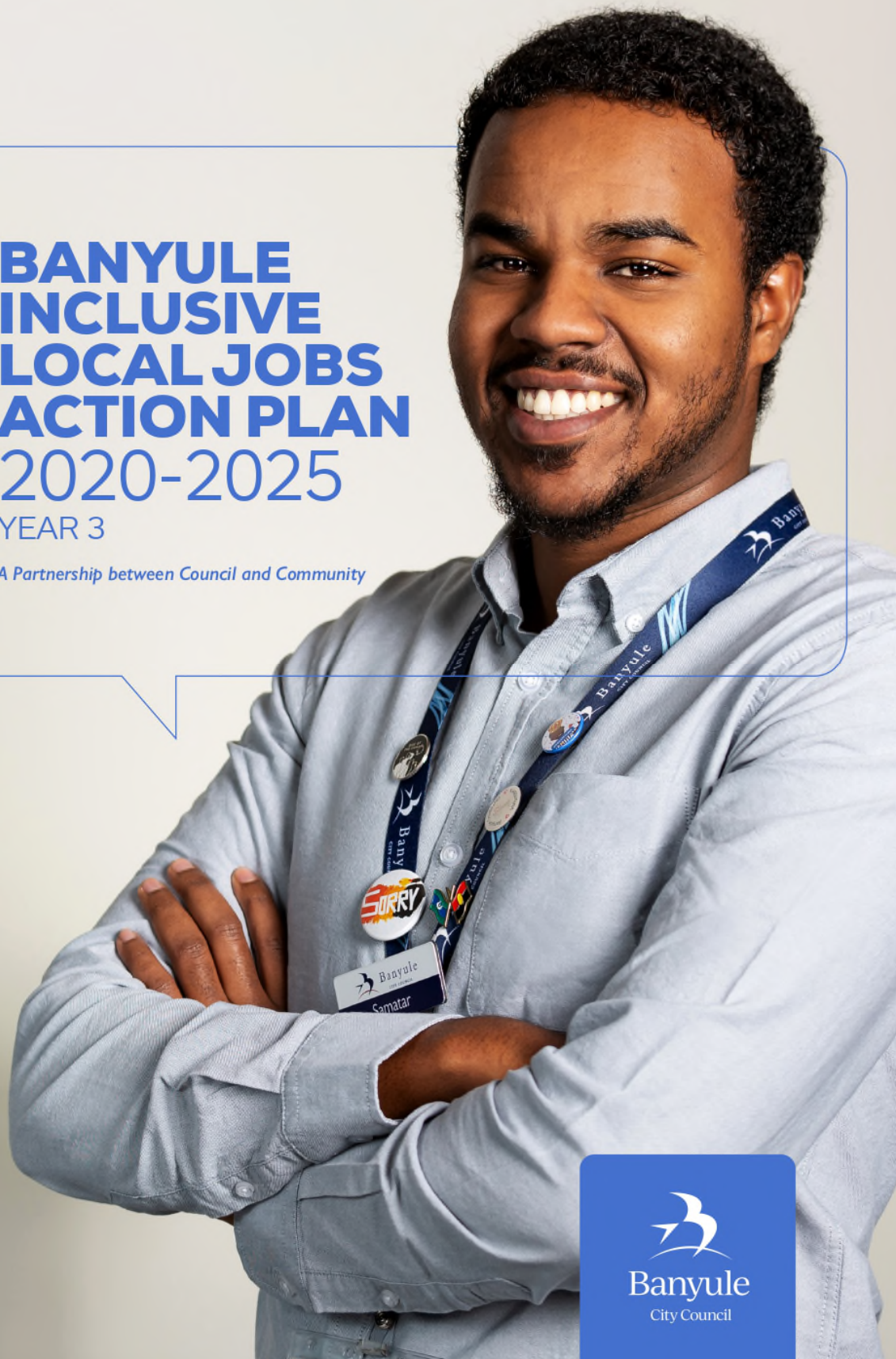
Overall reporting has improved compared to the first year of implementation of the Strategy and Action Plan. Some reporting processes and internal databases are still being established and further refined. Currently, there are some discrepancies in reporting and as such there may be some data that is currently not able to be reported on. This data may be included in future reports as the reporting processes improve.

The Inclusive Enterprise and Local Jobs team commits to review, update and report annually on the progress of the Inclusive Local Jobs Strategy and Action Plan with the next annual report planned for September 2023.

BANYULE INCLUSIVE LOCAL JOBS ACTION PLAN 2020-2025

YEAR 3

A Partnership between Council and Community



Inclusive Local Jobs Action Plan 2020-2025

Focus Area 1: Stimulate inclusive employment opportunities				
Priority actions	Key initiatives	Lead	Timeframe	Funding status
1. Partner with local employers, agencies and other organisations to build inclusive employment opportunities.	1.1 Develop and maintain strong links with local employers, employment service providers, key networks, and other organisations.	IE&LJ	2020-2025	Existing Resource/ Budget
	1.2 Collaborate on the delivery of an employment events to broker opportunities for vulnerable community members.	IE&LJ	2021-2023	Existing Resource/ Budget
	1.3 Collaborate on the delivery of an Aboriginal employment event.	IE&LJ	2021-2022	Existing Resource/ Budget
	1.4 In partnership with local employment partners, create a program that supports employers with free tools, resources and access to recruitment services and local talent to build stronger, more inclusive workplaces.	IE&LJ	2020-2025	Existing Resource/ Budget
	1.5 Deliver the Jobs Victoria Advocate Program.	IE&LJ	2021-2023	Existing Resource/ Budget
2. Proactively create inclusive employment opportunities within Banyule Council.	2.1 Deliver the Banyule Inclusive Employment Program to support targeted community groups experiencing significant barriers to employment.	IE&LJ	2020-2025	Existing Resource/ Budget
	2.2 Facilitate transitional employment opportunities for Banyule Inclusive Employment Program participants.	IE&LJ	2020-2025	Existing Resource/ Budget

Inclusive Local Jobs Action Plan 2020-2025

Focus Area 1: Stimulate inclusive employment opportunities				
Priority actions	Key initiatives	Lead	Timeframe	Funding status
3. Realise more inclusive employment opportunities through procurement.	3.1 Develop and embed a whole-of-council procurement framework to enhance economic opportunities for vulnerable community groups. <ul style="list-style-type: none"> • Include sustainable procurement targets in Banyule's procurement policy and guidelines. • Develop and implement a measurement and reporting tool to track procurement targets. • Implement a marketplace for Council staff to source from suppliers that adopt inclusive employment practices. • Enhance Council's procurement training to educate Council staff about sustainable procurement. 	Proc (SPWG)	2020-2025	Existing Resource/ Budget
	3.2 Review Banyule Council's historical spend and future needs to identify and enable potential sustainable procurement opportunities.	Proc (SPWG)	2020-2025	Existing Resource/ Budget
	3.3 Host category specific tender briefings to educate suppliers about sustainable procurement, including opportunities to create inclusive employment outcomes and partnerships with social benefit suppliers and local businesses.	Proc (SPWG)	2023-2025	Existing Resource/ Budget
	3.4 Collaboratively host an annual event to educate suppliers about sustainable procurement in Banyule, including opportunities to create inclusive employment outcomes and partnerships with social benefit suppliers and local businesses.	Proc (SPWG)	2023-2025	Existing Resource/ Budget

Inclusive Local Jobs Action Plan 2020-2025

Focus Area 2: Strengthen pathways to employment

Priority actions	Key initiatives	Lead	Timeframe	Funding status
1. Assist people to participate in volunteering activities and create enhanced opportunities for volunteer participation.	1.1 Coordinate and strengthen Banyule Council's approach to volunteer management to meet the National Standards for Volunteer Involvement.	CC	2020-2025	Existing Resource/ Budget
	1.2 Create and implement a Volunteer Engagement Strategy that facilitates more inclusive and accessible volunteering opportunities.	CC	2022-2025	Existing Resource/ Budget
2. Grow pathways to employment within Banyule Council that are inclusive and accessible.	2.1 Provide and facilitate job readiness programs and pathways to employment through work experience and tertiary placements.	P&C	2023-2025	Existing Resource/ Budget

Focus Area 3: Grow business ownership and entrepreneurship

Priority actions	Key initiatives	Lead	Timeframe	Funding status
1. Assist people to participate in business activities.	1.1 Provide start-up and development support for social enterprises.	IE&LJ	2020-2025	Existing Resource/ Budget
	1.2: Provide start-up and development support for Aboriginal enterprise, disability enterprise and microenterprise led by vulnerable community groups	IE&LJ	2020-2025	Existing Resource/ Budget
	1.3: Provide start-up and development support for creative enterprise.	A&C	2020-2025	Existing Resource/ Budget

Inclusive Local Jobs Action Plan 2020-2025

Focus Area 4: Advance inclusive employment practices across the local government sector and private sector				
Priority actions	Key initiatives	Lead	Timeframe	Funding status
1. Advocate for inclusive employment opportunities to create a stronger economy.	1.1 Promote and publish insights and case studies with the local government sector and broader community to build awareness of the benefits of inclusive employment.	IE&LJ	2020-2025	Existing Resource/ Budget
	1.2 Develop an inclusive employment toolkit to support inclusive employment outcomes in the local government sector.	IE&LJ	2020-2021	Existing Resource/ Budget
	1.3 Develop an inclusive employment resource to support inclusive employment outcomes in the private sector.	IE&LJ	2021-2022	Existing Resource/ Budget
2. Support our workplace to be inclusive and diverse.	2.1 Develop and implement mandatory diversity and inclusion training for all Banyule Council staff.	P&C	2021-2022	Existing Resource/ Budget
	2.2 Develop an Employment Strategy and implement relevant initiatives to improve accessibility and ensure equity of employment within Banyule Council.	P&C	2022-2024	Existing Resource/ Budget

KEY:

Eco Dev - Economic Development

P&C - People & Culture

Proc - Procurement

IE&LJ - Inclusive Enterprise and Local Jobs

CC - Community Connections

A&C - Arts and Culture

SPWG - Sustainable Procurement Working Group

Funding status of 'Existing Recourse/Budget' is on the basis that existing EFT and operational budget is carried forward.

Social Enterprise Strategy & Action Plan Annual Report

Year Two – 2021/22 FY



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Overview

This report outlines how Council is tracking in its implementation of the Social Enterprise Strategy & Action Plan 2020-2025. The report provides an update on each key priority action of the Action Plan for the 2021-22 financial year (2021/22FY), including progress made toward Council's target of 1000 local job outcomes for local people experiencing barriers to employment by 2025.

Action Plan Review

Focus Area 1: Advance place-based social innovation	
Priority Action 1: Support a culture of social enterprise innovation to thrive in Banyule.	On track
<p>Summary:</p> <p>Target: 3 local job outcomes through increased social enterprise innovation activity, increased engagement in social enterprise innovation and 5 local job outcomes through capacity building support.</p> <p>Achievements: Council played key role in supporting the establishment of the northern region network with the Social Enterprise Network of Victoria (SENVIC) and supported the engagement and capacity building of community members and social enterprises within Banyule. The Social Enterprise Partnership Program supported The Little Social and Chancez Café to provide jobs for young people and people living with disability.</p>	
<p>Review of Key initiative 1.1: Support the establishment of a community-led Banyule Social Enterprise Network.</p> <p>The Social Enterprise Network of Victoria (SENVIC) has created a northern region network. In June 2022 SENVIC was seeking local leads for the northern region network, this opportunity to be involved was shared with local social enterprises. As Banyule falls into the northern region network area and is working closely with SENVIC there is no requirement for Banyule to create its own network as this would duplicate effort. Banyule supports and promotes the northern regional network where possible.</p> <p>The wording of this initiative has been adjusted for Action Plan for Year 3 (2021/22FY) to reflect the collaboration with SENVIC.</p>	
<p>Review of Key initiative 1.2: Actively support existing hubs and coworking spaces to provide space for social enterprise activity.</p> <p>In collaboration with Shop 48, space has been provided to a number of community partners. One of which is social enterprise Himilo Community Connect. Over the past year Council has collaborated with Himilo to support individuals facing barriers to work into paid employment.</p>	

There are no changes to the Action Plan for Year 3 (2021/22FY).

Review of Key initiative 1.3: Scope the establishment of a social innovation hub.

Initiative not planned for delivery this financial year.

There are no changes to the Action Plan for Year 3 (2022/23FY)

Focus Area 1: Advance place-based social innovation

Priority Action 2. Lead the Local Government Sector on using social enterprise as a strategy to boost social innovation.

On track

Summary:

Target: 6 local job outcomes through increased social enterprise innovation activity, increased engagement in social enterprise innovation and 5 local job outcomes through capacity building support.

Achievements: There was increased engagement with other Councils around supporting social enterprises. Further, the new partnership with For Change Co at the Bellfield Community Hub demonstrates the opportunity to use social enterprise as a strategy to boost social innovation.

Review of Key initiative 2.1: Work across Council to facilitate opportunities for social enterprises to develop innovative solutions that deliver value for Council and address identified local social issues.

By working across Council to facilitate opportunities for social enterprises to deliver value for Council and address identified local social issues two opportunities were identified.

- 1) A café opportunity at Bellfield Community Hub was identified as a new shared value project. The hub will include a Kindergarten, Maternal Child Health consultants and some offices. Due to some delays in construction the café opening has been postponed to the next financial year (2022-23 FY). The café will offer local young people an opportunity to learn various job skills such as barista skills.
- 2) A feasibility study was conducted on the Malahang social enterprise bike hut café for a potential shared value project. Currently exploring suitable options and feasibility to plan a way forward.

There are no changes to the Action Plan for Year 3 (2022/23FY).

Review of Key initiative 2.2: Develop and implement social enterprise training for Banyule City Council staff.

Initiative set to commence in 2024/25FY.

The implementation year has been adjusted in the Action Plan for Year 3 (2022/23FY).

Review of Key initiative 2.3: Provide advice and guidance for other Councils wanting to work on social enterprise strategies.

The Social Enterprise Officer met with 5 Council's during the reporting period to share insights and knowledge. These included Hume, Boroondara, Whittlesea, Whitehorse and Moreland (now Merri-bek).

There are no changes to the Action Plan for Year 3 (2022/23FY).

Review of Key initiative 2.4: Develop a Social Innovation Framework to consolidate Banyule City Council's approach to strengthening social impact creation through place-based social enterprise and inclusive employment initiatives.

Initiative no longer going ahead.

Please remove from Action Plan for Year 3 (2022/23FY)

Review of Key initiative 2.5: Develop a Social Innovation Strategy and Action Plan to strengthen social impact creation in Banyule.

Initiative no longer going ahead.

Please remove from Action Plan for Year 3 (2022/23FY)

Focus Area 2: Build business capability and capacity

Priority Action 1. Support emerging social enterprises to develop a feasible business model.

On track

Summary:

Targets: NIL

Achievements: playing a key role in supporting SENVIC will support capacity building and professional development opportunities for local community and social enterprises.

Review of Key initiative 1.1: Co-design and host a free social enterprise development program for local people that want to start a social enterprise, in collaboration with partners.

Banyule Council has initiated discussions to play a key role in supporting SENVIC to establish its northern region network which will provide, amongst other services, a development component. This partnership will reduce duplication of efforts to support emerging social enterprises in the region.

The implementation year has been adjusted in the Action Plan for Year 3 (2022/23FY).

Review of Key initiative 1.2: Co-design and host a free social enterprise development workshop for local not for profits organisations seeking support to renew their business model, in collaboration with partners.

Initiative not planned for delivery this financial year.

The implementation year has been adjusted in the Action Plan for Year 3 (2022/23FY).

Focus Area 2: Build business capability and capacity

Priority Action 2. Enable strategic social enterprise partnerships and innovation.

On track

Summary:

Targets: 32 local job outcomes through social enterprise partnerships.

Achievements: The new For Change Co partnership will lead to 132 job outcomes for local people. The Social Enterprise Support Service provided support to 11 individuals and organisations. Further 3 new social enterprises requested to be added to the local social enterprise map on Banyule's website. These achievements help Banyule provide resources and support to various social enterprises.

Review of Key initiative 2.1: Continue delivery of Social Enterprise Partnership Program to implement Council-identified shared value projects.

The Social Enterprise Partnership Program has supported and implemented a number of shared value projects in 2021-22 FY. While COVID-19 impacted most of the projects in some way, for example through staff shortages, the Partnership Program was still able to deliver great outcomes. These include the following:

A new partnership was developed this reporting period with For Change Co to support them to open a new cafe at the Bellfield Community Hub. The establishment of the For Change Co cafe in Bellfield will facilitate the creation of

- 126 local job outcomes for people facing barriers to employment during the five-year partnership.
- 6 local employment opportunities for various operational roles such as e.g. café manager. These roles will be open to anyone from the community.

Further the Social Enterprise Partnership Program continued to provide outcomes in 2021-22 FY, through:

- Chancez Café in Greensborough
- The Little Social at Rosanna Train Station

The partnership with the Community Grocer concluded in September 2021.

The following shared value projects were delivered in the last reporting period:

- Malahang Feasibility study

<ul style="list-style-type: none"> o Metro Trains – Greensborough train station coffee cart. Council is continuing to advocate for this to be a shared value project, but construction has been delayed due to Covid-19 impacts. <p>Note: a shared value project is a project that benefits the community, meets a need for Council and meets an economic need for business growth, inclusivity and diversity.</p> <p>There are no changes to the Action Plan for Year 3 (2022/23FY).</p>
<p>Review of Key initiative 2.2: Deliver social enterprise support service to existing and emerging social enterprises in Banyule.</p> <p>During this reporting period the Social Enterprise Officer delivered 35 appointments for social enterprise support with existing and emerging social enterprises in Banyule. The Social Enterprise Support Service provided support to 11 individuals and organisations.</p> <p>It is to be noted that the data for the Social Enterprise Support Service was only tracked from December 2021 onwards when the website went live.</p> <p>During the reporting period three new social enterprises were added to the social enterprise map on the Banyule website.</p> <p>There are no changes to the Action Plan for Year 3 (2022/23FY).</p>
<p>Review of Key initiative 2.3: Review existing small business and community grant programs to enable access for social enterprises.</p> <p>The review was completed in the previous reporting period (2020-21 FY).</p> <p>The Social Enterprise Officer ensures all social enterprises are aware of grant opportunities and promotes these through regular newsletters. A link to the various grants is also available on the main webpage for social enterprises to ensure easy access for the community.</p> <p>There are no changes to the Action Plan for Year 3 (2022/23FY).</p>

Focus Area 3: Improve market access	
Priority Action 1. Embed a whole-of-council procurement framework that leverages Council purchasing to support social and economic outcomes.	Monitor
<p>Summary:</p> <p>Targets: Increase number of suppliers by 25 and increase expenditure gained through the suppliers.</p>	

<p>Achievements: Sustainable procurement targets have been incorporated into the procurement policy. A KPI framework that will support the tracking and reporting of these targets has been developed. The target for new suppliers was not reached this last reporting period.</p>
<p>Review of Key initiative 1.1: Develop and include sustainable procurement targets in Banyule’s procurement policy and guidelines.</p> <p>The addition of sustainable procurement targets in Banyule’s procurement policy and guidelines has been completed and was adopted by Council in 2021.</p> <p>There are no changes to the Action Plan for Year 3 (2022/23FY).</p>
<p>Review of Key initiative 1.2: Develop and implement a measurement and reporting tool to track procurement targets.</p> <p>A KPI reporting framework and model has been developed and will be implemented at the end of 2022 that will support the tracking of procurement targets across Council.</p> <p>The implementation year has been adjusted in the Action Plan for Year 3 (2022/23FY).</p>
<p>Review of Key initiative 1.3: Implement a marketplace to support Council staff purchasing from social benefit suppliers.</p> <p>Investigations into suitable e-market solutions are underway. Estimated to be completed in 2023-24 FY.</p> <p>The implementation year has been adjusted in the Action Plan for Year 3 (2022/23FY).</p>
<p>Review of Key initiative 1.4: Enhance Council’s procurement training to educate Council staff about sustainable procurement</p> <p>The work on this initiative will commence at the end of 2023.</p> <p>The implementation year has been adjusted in the Action Plan for Year 3 (2022/23FY).</p>

Focus Area 3: Improve market access	
Priority Action 2. Connect social enterprises with buyers and supply chain opportunities.	Monitor
<p>Summary:</p> <p>Targets: NIL</p> <p>Achievements: The Social Enterprise Support Service webpage provides a link to the Council’s procurement portal which helps to link social enterprises with potential buyers. Further the Social Traders membership has been renewed and further work will be carried out with Social Traders</p>	

<p>to collaborate on delivering a targeted change management program to engage social enterprises.</p>
<p>Review of Key initiative 2.1: Review Banyule City Council’s historical spend and future needs to identify and enable potential sustainable procurement opportunities</p> <p>An opportunity matrix has been developed and is being further refined. Contracts identified in the published annual procurement plan have been linked to specific KPIs with high sustainable procurement opportunities.</p> <p>The implementation year has been adjusted in the Action Plan for Year 3 (2022/23FY).</p>
<p>Review of Key initiative 2.2: Host category specific tender briefings to educate suppliers about sustainable procurement, including opportunities to create inclusive employment outcomes and partnerships with social benefit suppliers and local businesses.</p> <p>This initiative hasn’t commenced. Currently aiming at implementation in 2023-24 FY.</p> <p>The implementation year has been adjusted in the Action Plan for Year 3 (2022/23FY).</p>
<p>Review of Key initiative 2.3: Collaboratively host an annual networking event to educate suppliers about sustainable procurement in Banyule, including opportunities to create inclusive employment outcomes and partnerships with social benefit suppliers and local businesses.</p> <p>This initiative has not commenced. Currently aiming at implementation in 2022-23 FY.</p> <p>The implementation year has been adjusted in the Action Plan for Year 3 (2022/23FY).</p>

<p>Focus Area 4: Increase community awareness and engagement</p>	
<p>Priority Action 1. Support the local community to learn about and actively engage with social enterprise.</p>	<p>On track</p>
<p>Summary:</p> <p>Targets: NIL</p> <p>Achievements: Created three new social enterprise webpages with resources for community to access. Regularly promoted events and success stories through various channels.</p>	
<p>Review of Key initiative 1.1: Promote and publish insights and case studies with the community.</p>	

During this reporting period two social enterprise case studies were published on the social enterprise landing page and four social enterprise stories were included in the Banyule Banner.

There are no changes to the Action Plan for Year 3 (2022/23FY).

Review of Key initiative 1.2: Promote activities and events being run by social enterprises in Banyule.

Four e-newsletters were distributed promoting activities and events being run by local social enterprises.

There are no changes to the Action Plan for Year 3 (2022/23FY).

Review of Key initiative 1.3: Create and maintain a social enterprise page, including a directory on the Banyule City Council website

Three webpages were created to increase community awareness and enable easier access to resources for social enterprises. The websites went live in February 2022.

The three webpages include:

- 1) Main social enterprise page – includes links to the two support pages, a map of local social enterprises, and outlines basic information in regard to social enterprise and Council's strategy and action plan.
- 2) Social Enterprise Partnership Program –includes links to resources and case studies.
- 3) Social Enterprise Support Service –includes a contact form and explanation of support available.

Since the websites went live in February 2022, they have been viewed 220 times.

There are no changes to the Action Plan for Year 3 (2022/23FY).

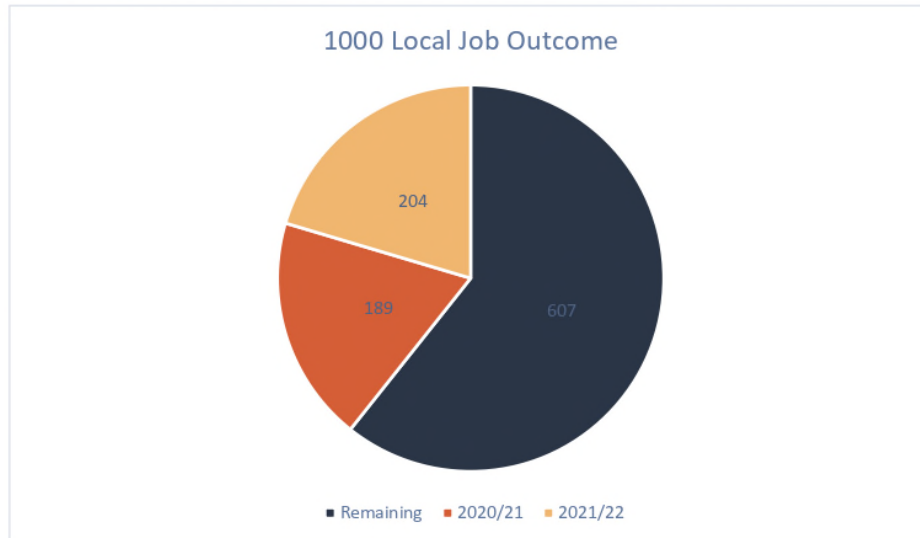
Review of Key initiative 1.4: Run a social enterprise campaign inclusive of an event to enable direct engagement with social enterprises.

Initiative not planned for delivery this financial year.

There are no changes to the Action Plan for Year 3 (2022/23FY).

1000 Local Jobs Target

The Social Enterprise Strategy, alongside the Inclusive Local Jobs Strategy has an aspirational target of creating 1000 local jobs for local people facing barriers to employment by 2025. Collectively, in year two of the strategies and action plans implementation 204 job outcomes have been created. A total of 393 job outcomes have been created in years one and two of the strategies.



Final Reflections

This past reporting period has seen some strong successes and the Social Enterprise Strategy and Action Plan is tracking well toward the target of creating 1000 local jobs by 2025. 132 job outcomes were created in the 2021-22 financial year through the Social Enterprise Strategy and Action Plan.

Some of the big achievements include the creation of a new partnership with a local social enterprise in Bellfield as well as the creation of three websites to provide resources, support and advice to the local community. The collaboration with the Social Enterprise Network of Victoria (SENVIC) will also help support several of the Strategy's targets around providing development and growth opportunities for local social enterprises.

In some focus areas there is still a need to improve mechanisms to collect and record relevant data. The Inclusive Enterprise and Local Jobs team is continuing to establish and advocate for better reporting processes for the key initiatives outlined in this report. A general challenge is having various systems for reporting. An overall dashboard has been created and is being trialled and refined to ensure data is collected regularly and in a consistent format.

The Inclusive Enterprise and Local Jobs team commits to review, update and report annually on the progress of the Social Enterprise Strategy and Action Plan 2020-2025, with the next review due September 2023.



Social Enterprise Action Plan 2020-2025

Focus Area 1: Advance place-based social enterprise innovation				
Priority actions	Key initiatives	Lead	Timeframe	Funding status
1. Support a culture of social enterprise innovation to thrive in Banyule.	1.1 Support the Social Enterprise of Victoria (SENVIC) Northern Region Network through promotion and collaboration on a networking event.	IE&LJ	2022-2025	Existing Resource/ Budget
	1.2 Actively support existing hubs and co-working spaces to provide space for social enterprise activity.	IE&LJ	2020-2025	Existing Resource/ Budget
	1.3 Scope the establishment of a social innovation hub.	IE&LJ	2024-2025	Refer to future budgets
2. Lead the Local Government sector on using social enterprise as a strategy to boost social innovation.	2.1 Work across Council to facilitate opportunities for social enterprises to develop innovative solutions that deliver value for Council and address identified local social issues.	IE&LJ	2020-2025	Existing Resource/ Budget
	2.2 Develop and implement social enterprise training for Banyule City Council staff.	IE&LJ	2024-2025	Existing Resource/ Budget
	2.3 Provide advice and guidance for other Councils wanting to work on social enterprise strategies.	IE&LJ	2020-2025	Existing Resource/ Budget

Social Enterprise Action Plan 2020-2025

Focus Area 2: Build business capability and capacity				
Priority actions	Key initiatives	Lead	Timeframe	Funding status
1. Support emerging social enterprises to develop a feasible business model.	1.1 Co-design and host a free social enterprise development program for local people that want to start a social enterprise, in collaboration with partners.	IE&LJ	2024-2025	Existing Resource/ Budget
	1.2 Co-design and host a free social enterprise development workshop for local NFP organisations seeking support to renew their business model, in collaboration with partners.	IE&LJ	2024-2025	Refer to future budgets
2. Enable strategic social enterprise partnerships and innovation.	2.1 Continue delivery of Social Enterprise Partnership Program to implement Council-identified shared value projects.	IE&LJ	2020-2025	Existing Resource/ Budget
	2.2 Deliver social enterprise support service to existing and emerging social enterprises in Banyule.	IE&LJ	2020-2025	Existing Resource/ Budget
	2.3 Review existing small business and community grant programs to enable access for social enterprises.	IE&LJ	2020-2022	Existing Resource/ Budget

Social Enterprise Action Plan 2020-2025

Focus Area 3: Improve market access				
Priority actions	Key initiatives	Lead	Timeframe	Funding status
1. Embed a whole-of-council procurement framework that leverages Council purchasing to support social and economic outcomes.	1.1 Develop and include sustainable procurement targets in Banyule's procurement policy and guidelines.	Proc	2020-2025	Existing Resource/ Budget
	1.2 Develop and implement a measurement and reporting tool to track procurement targets.	Proc	2023-2025	Existing Resource/ Budget
	1.3 Implement a marketplace to support Council staff purchasing from social benefit suppliers.	Proc	2023-2024	Existing Resource/ Budget
	1.4 Enhance Council's procurement training to educate Council staff about sustainable procurement.	Proc	2023-2025	Existing Resource/ Budget
2. Connect social enterprises with buyers and supply chain opportunities.	2.1 Review Banyule City Council's historical spend and future needs to identify and enable potential sustainable procurement opportunities.	Proc (SPWG)	2022-2023	Existing Resource/ Budget
	2.2 Host category specific tender briefings to educate suppliers about sustainable procurement, including opportunities to create inclusive employment outcomes and partnerships with social benefit suppliers and local businesses.	Proc (SPWG)	2023-2025	Refer to future budgets
	2.3 Collaboratively host an annual networking event to educate suppliers about sustainable procurement in Banyule, including opportunities to create inclusive employment outcomes and partnerships with social benefit suppliers and local businesses.	Proc (SPWG)	2023-2025	Existing Resource/ Budget

Social Enterprise Action Plan 2020-2025

Focus Area 4: Increase community awareness and engagement				
Priority actions	Key initiatives	Lead	Timeframe	Funding status
1. Support the local community to learn about and actively engage with social enterprise.	1.1 Promote and publish insights and case studies with the community.	IE&LJ	2020-2025	Existing Resource/ Budget
	1.2 Promote activities and events being run by social enterprises in Banyule.	IE&LJ	2020-2025	Existing Resource/ Budget
	1.3 Create and maintain a social enterprise page, including a directory on the Banyule City Council website.	IE&LJ	2021-2025	Existing Resource/ Budget
	1.4 Run a social enterprise campaign inclusive of an event to enable direct engagement with social enterprises.	IE&LJ	2024-2025	Refer to future budgets

KEY:

Proc - Procurement

IE&LJ - Inclusive Enterprise and Local Jobs

SPWG - Sustainable Procurement Working Group

Funding status of 'Existing Recourse/Budget' is on the basis that existing EFT and operational budget is carried forward.

Proposed Change	Support	Not support	Neutral	Raw feedback that provided by submitters that was relevant to the specific change	Governance Officer Comment
Inclusion of the Statement to good governance	17	4	0	<p><i>Second point - should be ensure, not prioritise. Third dot point should be ensure not promote.</i></p> <p><i>Provide the best value to the residents of Banyule.</i></p> <p><i>Good governance should emphasise equitable treatment of all ratepayers - equitable access to services, equitable provision of facilities by Council, equitable treatment by Council of individual ratepayers and groups regardless of any geographic or socio-economic characteristics.</i></p> <p><i>What does the term climate change mean?</i></p> <p><i>The statement should reflect options for affected people to take action against those under the guise of 'following orders' instead of what's best for rate payers operate in detriment of good governance.</i></p>	<p>The Statement to good governance replicates the 'governance principles' as set out in section 9 of the <i>Local Government Act 2020</i> that details the obligations of governance principles that Council must adhere to.</p> <p>The feedback regarding proposed wording changes the replication of this. Council is legislated to adhere to governance principles, and so in the context of the question regarding interpretation of climate change with this statement, it reiterates that Council will need to demonstrate and ensure that they are responsible for avoiding or having regard to climate change risks when making decision. Local governments are often the first to respond to localised climate change impacts, and their strong connections to the community and local knowledge mean they are often best placed to recognise the need for adaptation at a local scale. Climate change can be defined as any long-term shifts in climate patterns at the global and local scale, or the like.</p> <p>The Statement to good governance was strongly supported and Officers believe that it should remain as prepared in the Draft Rules.</p>
Election of the Mayor and Deputy Mayor	12	3	6	<p><i>Don't agree with the new Local Government Act 2020.</i></p> <p><i>Why does Council need to have provision for "Acting Mayor". Is it</i></p>	<p>The provisions for Acting Mayor relate to where a deputy mayor is not elected when the Mayor is elected each year.</p>

				<p><i>not the duty of the Deputy Mayor to fulfill this role if the Mayor is not present?</i></p> <p><i>Will it mean a whole new role or will one of the existing councillors take this role on as part of their portfolio?</i></p> <p><i>Has worked up to now.</i></p> <p><i>You need to be illustrating how the changes proposed differ from what is in place now.</i></p> <p><i>Consider one of the points made in governance (Ensure transparency of decision-making???)</i></p>	<p>For Banyule, generally this is not relevant as historically Banyule elects a Mayor and a Deputy Mayor.</p> <p>It is in the Rules to provide for circumstances that may arise where Banyule does not elect a Deputy.</p> <p>Officers will provide further clarity when the Rules are presented for consideration by Council on 14 November 2022 what the proposed changes mean.</p> <p>The changes were well supported and Officers believe that it should remain as prepared in the Draft Rules.</p>
Inclusion of general business	14	3	3	<p><i>Item 20 section 1 (e) conflicts with section 4 on matters of urgent business.</i></p> <p><i>20, 1 (e) says the CEO will determine if a matter is urgent or not, but section 4 says the council will determine the urgency.</i></p> <p><i>Getting too complicated</i></p> <p><i>Limit waffle</i></p> <p><i>What's changing?</i></p> <p><i>What's in place now?</i></p>	<p>1 community member did not vote therefore only 20 community members responded to this item.</p> <p>To address matters raised by conflicting sections, the amendment in the Draft Rules relate to general business, not urgent business (rule 20 – urgent business and rule 21 general business).</p> <p>Officers assessed the feedback on its merits for completeness, 20(1)(e) is a requirement available for urgent business to be able to be admitted for consideration.</p> <p>Section 21(4) then allows the Council to consider (voting on the urgent matter) after it has been permitted for consideration.</p> <p>Officers do not believe that the Rule or sub rules conflict.</p>

				<p><i>An allowance for more than 3 minutes, should be provided if necessary.</i></p>	<p>To respond to the question regarding what the changes are and what is currently in place, there is currently no provision for general business in the Governance Rules (2020). Including general business in the Draft provides for greater clarity and guidance around what constitutes general business and speaking times associated with this.</p> <p>Officers are of the view that 3 minutes is sufficient time for items of general business to be raised and discussed. Should a Councillor seek additional time, the Mayor has the discretion to extend.</p> <p>There is strong support for the inclusion in the Rules of General Business and the suggested speaking time, and Governance Officers believe that it should remain as prepared in the Draft Rules.</p>
<p>Changes to Councillor speaking times</p>	<p>13</p>	<p>5</p>	<p>3</p>	<p><i>Maximum speaking times should be 10 minutes.</i></p> <p><i>same for public?</i></p> <p><i>Not sure about this one</i></p> <p><i>2 min for community members to speak is not enough.</i></p> <p><i>What are the speaking times now?</i></p>	<p>The submissions in relation to Councillor speaking time as detailed do not provide enough rationale to support the data of either disagree or agree.</p> <p>Public question time was not the subject of consultation, only Councillor speaking time during debate.</p> <p>The current speaking times that were introduced via a Council resolution passed on the 6 April 2020 (to respond to the COVID-19 pandemic) are the current speaking times that Council adhere to during Council Meetings. The current practice that Council was operating to during the pandemic is proposed to continue, by enshrining the speaking times into the Rules. Proposed speaking times are:</p> <p>3 minutes for the mover</p> <p>2 minutes for other speakers</p> <p>1 minute for the right of reply.</p>

					<p>Consolidated speaking time enhances efficient and effective meetings, which can enhance the transparency of decision making by clarifying key messages Councillors wish to present in debate.</p> <p>The councillor speaking times were well supported, and Governance Officers propose that the speaking times as revised in the Draft Rules should remain as prepared.</p>
Insertion of Division 15 – Physical and Remote Attendance	14	3	4	<p><i>Must attend wholly in person only. No remote dial in.</i></p> <p><i>Councillors are employed to do their job including full attendance at council meetings, esp to greet and meet the people. Virtual meetings are never as good as in-person... if council supports good community and community engagement it should endeavour to make it best practice to meet in person as much as possible. Virtual meetings must not become the norm.</i></p> <p><i>Online provisions are important to promote access and inclusion.</i></p> <p><i>I believe that there should be a minimum number of meetings that councillors must attend wholly in person ie. cannot be only remote.</i></p> <p><i>This would be negated if we are in another pandemic situation.</i></p>	<p>The submissions in relation to the ability for hybrid, or virtual/ remote attendance at meetings was strongly supported.</p> <p>The ability to be able to have options regarding remote attendance allows Council to be able to lawfully respond to instances where there may be quorum issues due to illness or emergencies and adapt to situations like Council has been able to do in the global pandemic of COVID-19 to allow the effective and efficient transaction of Council business.</p> <p>This Rule does not promote remote attendance as the default. The inclusion of the provision at Division 15, Rule 64, sub-rule 3 - <i>the default mode of attendance at a council or special meetings is wholly in person</i>, reiterates that in person attendance is the preferred method of attendance with the provision to allow for the circumstances where a councillor's 'in person' or physical attendance would be limited or compromised.</p> <p>Governance Officers propose that Division 15 as included in the draft rules should remain as prepared.</p>

				<p><i>If an individual cannot physically attend a meeting dial in should be allowable, however the use of virtual/online.</i></p> <p><i>Meetings should be used in exceptional circumstances only.</i></p> <p><i>It is logical to have an ability and process to remotely join a meeting. However it should never fully replace the in person meeting completely.</i></p>	
Election Period Policy (Chapter 7) amendments	12	3	6	<p><i>Council DOES NOT observe or uphold Victorian Human Rights and Responsibilities Act 2006.</i></p> <p><i>As stated: "Right to privacy and reputation (section 13)</i></p>	<p>1 community member did not vote therefore only 20 community members responded to this item.</p> <p>Governance Officers are of the view that Council does observe the <i>Victorian Human Rights and Responsibilities Act 2006</i> and continues to uphold its obligations to this legislation.</p> <p>Governance Officers propose that the amendments made in the Election Period Policy – Chapter 7 remain as prepared in the Draft Rules. These changes were well supported.</p>
Comments regarding minor changes Gender neutral pronouns	N/A	N/A	N/A	<p>The comments that were submitted relating to gender neutral pronouns were too inappropriate to include, with 2 residents that were strongly opposed to the inclusion of them.</p> <p><i>A move to make the grammar and general wording more accessible. At times I have read many paragraphs of council</i></p>	<p>Banyule City Council is committed to diversity and inclusion in various ways, including the Gender Equality Action Plan (GEAP) that was adopted in 2021.</p> <p>Governance propose that the proposed changes remain to remove he/she him/her and reference gender neutrality.</p> <p>The Governance Rules are a statutory document written in a way that satisfies the requirements set out in s60. Council decisions need to stand up to</p>

				<p><i>documentation and found nothing of substance. Possibly less is sometimes more?</i></p> <p><i>I do not understand how a person can speak well during a debate as a Councillor while also serving as Chair of a meeting. The chair's attention, forward thinking and awareness need to be fully engaged, which I cannot image being the case if the chair is speaking as a Counsellor while sitting as chair. I prefer allowing the chair to step aside as chair when wishing to participate in debates.</i></p>	<p>legal scrutiny, and therefore decisions and meeting procedure needs to be undertaken in a manner which removes ambiguity in meeting procedure and decision making.</p> <p>The primary role of the Mayor in Council Meetings is to chair and ensure efficiency and effectiveness in meeting procedure and governance rules. It is appreciated that the Councillor holding the role of Mayor in Council meetings needs to obtain a level of impartiality and objectivity, and if not overseen this can evidently present problems and difficulties. It is within that context, that a question may arise regarding the role the Mayor plays in relation to participation in debate on motions that are on the table.</p> <p>The fact that a Councillor hold the role as Mayor does not mean that they cease to have a say or participate in debate, however they do need to be more circumspect than other Councillors, The VLGA Guide to Good Governance as well as a webinar facilitated by Kate Oliver – Partner at Maddocks Lawyers reiterates that if a Mayor does choose to participate in the debate then they are encouraged to make it very clear that they are speaking in their capacity as a Councillor, and not the Mayor. If the Mayor of the day is uncomfortable to do this in fear of perceived lack of objectivity, they have the option to vacate the chair and a temporary chairperson can be elected by Council so that the Mayor can participate in debate.</p> <p>Governance Officers are supportive for the Mayor, where required, to be able to participate in debate in line with the above and support the inclusion of this as presented in the Draft Rules.</p>
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There some submissions that were not included **Table 1** and omitted regarding gender neutral pronouns and Council operations.

There were also submissions that did not relate directly to the questions that were asked or the proposed changes that were These have also been disqualified for inclusion as they did not relate to the proposed changes or the Rules more broadly.

Additionally, where submissions related to public speaking times and community participation they have not been included. The Rules Review did not include a review of public participation in Council meetings, and this is articulated throughout the Report and on the Shaping Banyule Page. Engagement on community participation will form Part 2 of the Rules Review which will be undertaken in 2023 and was expressed in the engagement campaign. To be fair to the consultation process, they have not been included.

Glossary

Support = strongly agree, somewhat agree

Not support = strongly disagree, some what disagree

Neutral = do not disagree or agree

Total submission= 21

Governance Rules
Election Period Policy incorporated into the Rules
Adopted by Council

Document Version History

Version	Date	Author	Comments
1	17 August 2020	Manager Corporate Governance and Communications	Final and adopted by Council
2	5 September 2022	Manager Corporate Governance and Communications	Draft for community consultation
3	Scheduled for 14 November 2022	Manager Corporate Governance and Communications	

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 15 November 2022.

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.
<i>Attendance</i>	attend, attending and in attendance include attend, attending or in attendance by electronic means.

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 No. 2
 - Councillor Code of Conduct
 - Staff Code of Conduct
 - Council Expense Policy
 - Councillor Gift Policy
 - Fraud and Corruption Policy
 - Councils Community Engagement Policy
 - Councils Public Transparency Policy
 - Councillor Staff Interaction Protocols
 - Instruments of Delegation
 - Relevant Instrument of Appointment to Authorised Officers

And other documents that give rise to Council's decision making, or a document that may be created after the adoption of these Governance Rules that relate to the strategic direction and decision-making framework of Council.

2. Council Meetings

Council meetings are held regularly to conduct the ongoing business of the Council, and special Council 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 the proceedings 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, that includes an officer recommendation for Council to consider.

The agenda is made available to the public via Council's website and as requested from Banyule 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.

3. Statement of Commitment to good governance and governance principles (s 9 of the Local Government Act 2020)

- (a) The Banyule City Council seeks to apply the governance principles as enshrined in s 9 of the Local Government Act 2020 in that:
 - v) Council decisions are to be made and actions are taken in accordance with the relevant law;

- vi) priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- vii) the economic, social, and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
- viii) the municipal community is to be engaged in strategic planning and strategic decision making;
- ix) innovation and continuous improvement is to be pursued;
- x) collaboration with other councils and Government statutory bodies is to be sought;
- xi) the ongoing financial viability of the Council is to be ensured;
- xii) regional, state and national plans and policies are to be considered in strategic planning and decision making;
- xiii) the transparency of Council decisions, actions and information is to be ensured.

(b) To successfully implement the overarching governance principles, the Council must take into account the following:

- xiv) community engagement
- xv) public transparency
- xvi) strategic planning
- xvii) financial management; and
- xviii) service performance

Chapter 2 – Meeting Procedure for Council Meetings

Part A - Introduction

1. Title

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

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.

"*attend, attending, and in attendance*" include attending, or in attendance by electronic or in person means.

"*Chief Executive Officer*" includes Acting Chief Executive Officer

"*Council*" means Banyule City Council

"Council meeting" has the same meaning as in the Act

"general business" means business of a minor or routine nature

- (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 set out in section 19 of the Act. Amongst many other duties, the Mayor is the Chairperson of Council meetings, is the leader of the Councillors and is responsible for promoting behaviours amongst Councillors that met the standards of conduct set out in the *Local Government Act 2020* and the *Local Government (Governance and Integrity) Regulations 2020*.

The Mayor, is the official 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

Role of the Deputy Mayor

A Council may establish an office of Deputy Mayor and the election would take place at the meeting at which the Mayor is elected.

If the Council has established an office of Deputy Mayor, the provisions of this Act relating to the office of Deputy Mayor apply.

The Deputy Mayor must perform the role of the Mayor and may exercise any of the powers of the Mayor if:

- The Mayor is unable for any reason to attend a Council Meeting or part of a Council Meeting;
- The Mayor is incapable of performing the duties of the office of Mayor for any reason including illness, or
- The Office of the Mayor is vacant.

The term of the Deputy Mayor is to be identical to the term of the Mayor as resolved by Council.

If the Council has not resolved to establish the position of Deputy Mayor, any provisions in these Rules relating to the Deputy Mayor have no effect.

5. Method of Voting

The election of the Mayor must be carried out by a show of hands in accordance with division 9 or such other visual or audible means as the Chief Executive determines.

6. Determining the Election of Mayor / Deputy Mayor

- (1) The Chief Executive Officer must open the meeting scheduled for the election of the Mayor and invite nominations for the Office of the Mayor
 - (2) Any nomination for the office of the Mayor must be:
 - a. seconded by another Councillor; and
 - b. accepted by the nominee and
 - (3) Once nominations for the office of the Mayor have been received, the Chief Executive Officer shall:
 - a. confirm that no further nominations shall be accepted. At that point, nominees become candidates for election and their candidature cannot be withdrawn.
- b. The following provisions will govern the election of the Mayor. **Single nomination**
- (4) if there is only one nomination, the candidate nominated must be declared to be duly elected.

Multiple Nominations

- (5) if there is more than one nomination, the Councillors in attendance at the meeting must vote for one of the candidates.
- (6) in the event of a candidate receiving the votes of an absolute majority of Councillors, that candidate is declared to have been elected.

Three or more nominations and no candidate obtaining absolute majority on first vote

- (7) in the event that:
 - a. there are three (3) or more candidates
 - b. no candidate receives the votes of an absolute majority of Councillors; and
 - c. it is not resolved to conduct a new election at a later date and time,

the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors in attendance at the meeting will then vote for one of the remaining candidates.

- (8) if one of the remaining candidates receives the votes of an absolutely majority of Councillors, that candidate is duly elected. If none of the remaining candidates receives the votes of an absolute majority of Councillors, and it is not resolved to conduct a new election at a later day and time, the process of declaring the candidates with fewest number of votes a defeated candidate, and voting for the remaining candidate, must be repeated until one of the candidates receives the votes of an absolute majority of Councillors. That candidate must then be declared to have been duly elected.
- (9) for the purposes of sub rules 7 and 8, if no candidate can be determined to have the fewest number of votes due to two or more candidates having an equality of votes then the candidate who is to be declared a defeated candidate will be determined by lot.
- (10) if a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:
 - a. each candidate who has an equal number of votes with another candidate or candidates will draw one lot;
 - b. the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors surnames are identical, the order will be determined by the alphabetical order of the Councillors first names;
 - c. as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "defeated" written on it must be declared the defeated candidate, in which event a further vote must be taken on the remaining candidates until one of those candidates receives the votes of an absolute majority of Councillors.

Two nominations, or two remaining candidates and no candidate obtaining an absolute majority on first vote

- (11) In the event of two (2) candidates being nominated or remaining, and neither candidate receiving the votes of an absolute majority of Councillors, the Councillors in attendance at the meeting will consider whether to resolve to conduct a new election at a later date and time.
- (12) If:
 - a. It is resolved to conduct a new election at a later date and time a new election will take place on the date and at the time resolved upon. In the event of a new election the provisions of this Rule will continue to govern the election of the Mayor, and ultimately any candidate whose nomination is the sole nomination, or any candidate who receives the votes of an absolute majority of Councillors, will be declared duly elected; and
 - b. it is not resolved to conduct a new election at a later date and time, Councillors must continue to vote until one of the candidates receives the votes of an absolute majority of Councillors, at which point that candidate will be declared duly elected. if, after two or more votes are taken neither candidates receive the votes of an absolute majority of Councillors, the provisions of sub rule 6.11 and this sub rule 6.12 must again be followed.

7. 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.

8. 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.

9. Election of the Deputy Mayor and Chairs of Delegated Committees

Any election for:

- (1) any office of the Deputy Mayor; or
- (2) Chair of a Delegated Committee;

will be regulated by Rules 4-6 (inclusive) of this Chapter, as if the reference to the:

- (3) Chief Executive Officer is reference to the Mayor; and
- (4) Mayor is a reference to the Deputy Mayor or the Chair of the Delegated Committee (as the case may be).

10. 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 Rule 5 and 6 (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. However, from time to time, the Mayor or Chairperson may wish to participate in the debate by moving and seconding a motion, in which case the Mayor needs to highlight that they are speaking on behalf of their role as a Councillor and not the Mayor (if they are the Mayor of the day).

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

11. Dates and times of meetings fixed by Council

Subject to Rule 13, Council must from time to time fix the date, time and place of all Council meetings.

12. 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.

13. Special meetings

(1) Council may by resolution call a special meeting of the Council.

- (2) The Mayor, or at least three (3) Councillors may by written notice call a special Meeting of the Council.
- (3) The Chief Executive Officer, following consultation with the Mayor, may call a special meeting.
- (4) A written notice to call a special Meeting must:
 - (a) specify the date and time of the special Council meeting;
 - (b) specify the business to be transacted;
 - (c) be delivered to the Chief Executive Officer or Delegate in sufficient time to enable notice to be given in accordance with clause 14 below.

14. Notice of Meeting

14.1 Council Meetings

- (1) A notice of a Meeting, that is not a special 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 five (5) business days may be justified if exceptional circumstances exist.
- (2) An agenda for each Council Meeting, that is not a special 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 at request.
- (4) Notwithstanding sub-rule 14.1 a notice of a meeting need not be delivered or sent to any Councillor who has been granted leave of absence unless the Councillor has requested the Chief Executive Officer in writing to continue to give notice of any meeting during the period of their absence.

14.2 Special Meetings

- (5) Notice of a special meeting must be published on Council's website as soon as practicable after the time and date of the meeting has been determined.
- (6) An agenda for a special council meeting must be made available electronically to every Councillor at least 48 hours before the meeting. A period of less than 48 hours may be justified if exceptional circumstances exist.
- (7) An agenda for a special Council meeting will be made available on the Council website no less than 24 hours before the Council meeting.

15. 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 15(2) to be in writing, the Chief Executive Officer must give notice to each Councillor by telephone or in person.

16. 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 the action taken in respect of the emergency postponement at the next practicable Ordinary Council meeting.

Division 2 - Quorums**17. 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.

18. 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

19. 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.

20. 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 that they determine 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.

21. General Business item

- (1) When dealing with General Business on the agenda, a Councillor may make a statement on an issue of concern or of interest.
- (2) Only business of a minor or routine nature should be admitted as general business and there shall be no debate or resolution arising out of that statement.
- (3) A Councillor may not speak longer than 3 minutes on an item of general business.

An example of a general business item could be an update from a Councillor(s) on the following items:

- A recent event that they attended
- A recent Banyule achievement; either relating to employee, Councillor or the organisation
- A condolence or celebratory item
- Relevant tributes and recognition
- A note of thanks

A general business item does not require a Councillor to vote on the matter, as it does not require a decision.

Division 4 - Motions and Debate

22. 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.
- (4) The Chief Executive Officer may suggest revised wording to the draft notice of motion to facilitate compliance with the requirements for a notice of motion under these Rules.
- (5) A notice of motion must relate to the objectives, role and functions of Council as outlined in the Act.
- (6) 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.
- (7) 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.
- (8) 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.

- (9) 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.
- (10) 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.
- (11) 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.
- (12) 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.
- (13) The motion moved must not be substantially different to the motion published in the agenda, however, may be amended by resolution of the Council.
- (14) 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.
- (15) The Chair, having lodged a notice of motion 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.
- (16) 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 (3) months from the date it was last lost.

23. 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;
- (5) is not irrelevant to the item of business on the agenda and has not been admitted as urgent; or

- (6) purports to be an amendment but is not.

24. 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.

25. 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 Councillor 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 at 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 and any references to specific attachments that should be read in conjunction with the meeting minutes from the associated agenda.

26. Right of Reply

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

27. Moving an Amendment

- (1) A motion, which has been moved and seconded, may be amended by leaving out, inserting or adding words, which must be relevant to the subject of the motion.
- (2) An amendment may be proposed or seconded by any Councillor, except the mover and seconder of the original motion.
- (3) If a Councillor proposes an amendment and the original mover and seconder of the motion both indicate their agreement with the amendment, the amended motion becomes the substantive motion without debate or vote.
- (4) If a Councillor proposes an amendment to which either the mover or seconder does not agree, the following will apply:
 - (a) the amendment must be moved and seconded;
 - (b) a Councillor may speak on any amendment once, whether or not they 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.

28. Foreshadowing Motions

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

29. 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.

30. 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.

31. 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.

32. 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.

33. Repeating Motion and/or Amendment

- (1) Before any matter is put to the vote, a Councillor may require that the question, motion or amendment be read again.
- (2) 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.

34. Debate must be relevant to the Motion

- (1) 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.
- (2) 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.
- (3) A speaker to whom a direction has been given must comply with that direction.

35. 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.

36. 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 - three (3) minutes;
 - (b) the mover of a Motion when exercising their right of reply - one (1) minute; and
 - (c) any other speaker - two (2) 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 (2) minutes.

37. 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.

38. 36. Priority of address

- (3) In the case of competition for the right of speak, the Chairperson must decide the order in which the Councillors concerned will be heard.

Division 5 - Procedural Motions**39. 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 they believe the motion on which it is proposed has not been adequately or sufficiently debated.

- (4) Regardless of any other provision in this Governance Rules a procedural motion must be dealt with in accordance with the table set out titled 'Procedural Motions Table'.
- (5) A Procedural motion may not be moved or seconded by the Chairperson.
- (6) Unless otherwise provided, debate on a procedural motion is not permitted and the mover does not have a right of reply.
- (7) Unless otherwise provided, a procedural motion must not be amended.

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 Not the Chair	(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 Not the Chair	(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

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted
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 Except the Chair	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 their 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 Except the Chair	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
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 Except the Chair	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 Except the Chair	(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

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted
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 Except the Chair	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 Except the Chair		The Meeting is reopened to the public	The meeting remains closed to the public	No
suspension of standing orders	That standing orders be suspended it's the one on the left	Any Councillor Except the Chair		The formalities of the meeting procedure are temporarily disposed. no motion can be accepted by the Chair or lawfully be dealt with until standing orders are resumed than the	the formalities of the meeting procedure remain in place	yes

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted
resumption of standing orders	that standing orders be resumed	Any Councillor r Except the Chair	when standing orders have not been suspended	the formalities of the meeting have been reinstated.	the formalities of the meeting procedure remain temporarily disposed of no motion can be accepted by the Chair or lawfully be dealt with until standing orders are resumed	yes

Division 6 - Rescission Motions

40. 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 a special 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 in attendance 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 40(1)(c),

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

41. If Lost

If a motion for rescission is lost, a similar motion may not be put before Council for at least three (3) months from the date it was last lost, unless Council resolves that the notice of motion be re-listed at a future meeting.

42. If Not Moved

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

43. 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.

44. When not Required

- (1) Unless sub-Rule 44(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.

45. 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 they consider 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 they 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.

46. 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 in attendance, temporary Chair elected by the meeting) must take their place.
- (3) The Deputy Mayor or temporary Chair must invite the mover to state the reasons for their 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) their 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.

47. 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.

48. 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

49. 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) they are familiar with the contents and purpose of the petition; and
 - (b) the petition is not derogatory, defamatory or objectionable in language or nature.
- (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 in attendance 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 their vote to be 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.

50. 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.
- (3) The Chairperson may adjourn the meeting to consider how their casting vote will be cast.
- (4) The Chairperson may direct that a vote be recounted to satisfy themselves of the result.

51. 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.

52. 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.

53. 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 their opposition to a resolution be recorded in the minutes or calling for a division in accordance with Rule 52 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 61 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.

(6) Subsection (5)(d) does not apply where the question is—

- (a) the election of a Mayor or a Deputy Mayor; or
- (b) a vote to declare the office of Mayor or Deputy Mayor vacant.

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.

54. 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 attendance, 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 in attendance 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.

55. 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 three (3) business days;
 - (b) members of the public, by publishing them on Council's website, within four (4) business days or where as reasonably practicable to publish to Councils website
 - (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.

56. Objection to confirmation of Minutes

- (1) If a Councillor is dissatisfied with the accuracy of the minutes, then they must:
 - (a) state the item or items with which they are dissatisfied; and
 - (b) propose a motion 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.

57. 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.

58. 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.
- (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 in attendance at a Council meeting must not disrupt the meeting.
- (7) Silence must be preserved in the gallery at all times.

59. 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 58(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 their authority in chairing the meeting.

Division 12 - Disorderly Conduct

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

60. 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 two (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, they may adjourn the meeting to a later time on the same day or to some later day as they think proper. In that event, the provisions of sub-Rule 15(2) and (3) and (4) 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.

61. 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 or a member who is in attendance at the Council meeting whether electronic or in person 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

62. 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

63. 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 - Physical and Remote Attendance.

64. Mode of Attendance

- (1) Each notice of meeting must indicate whether the relevant Council meeting is to be conducted:
- (c) wholly in person;
 - (d) wholly by electronic means; or
 - (e) partially in person and partially by electronic means
- (2) The indication of the notice of meeting must be consistent with any Resolution of Council that has expressed preference for, or otherwise specified, when Council meetings are to be conducted:
- (a) wholly in person;
 - (b) wholly by electronic means; or
 - (c) partially in person and partially by electronic means
- (3) The default mode of attendance for a council or special meeting is wholly in person
- (4) If a Council meeting is to be conducted wholly in person a Councillor may nonetheless request to attend by electronic means
- (5) Any request made under sub rule 64.4 must
- (a) be in writing;
 - (b) be given to the Chief Executive Officer no later than 10am on the day of the relevant Council meeting; and

- (c) specify the reasons why the Councillor is unable or does not wish to attend the Council meeting in person.
- (6) The Chief Executive Officer must ensure that any request received in accordance with sub-Rule 64.5 and any other request received from a Councillor to attend electronic means is made known at the commencement of the relevant Council meeting.
- (7) The Chief Executive Officer may approve and must not unreasonably refuse, any request and will confirm in writing or verbally no later than 3pm on the day of the request, for the Councillor(s) to attend by electronic means and must inform the rest of the Councillors of their decision.
- (8) A Councillor who is attending a council meeting by electronic means is responsible for ensuring that they are able to access equipment, and are in such an environment that facilitate participating in Council meetings.
- (9) Without detracting from anything said in sub-Rule 64.8, a Councillor who is attending a meeting by electronic means must be able to:
- (a) hear the proceedings;
 - (b) see all Councillors and members of Council staff who are also attending the Council meeting, at least while a Councillor or member of Council staff is speaking;
 - (c) be seen by all Councillors, members of Council staff, members of Council staff and members of the public who are physically present at the Council meeting; and
 - (d) be heard when they speak
- (10) if the conditions of sub-Rule 64.9 cannot be met by one or more Councillors attending a Council meeting, whether because of technical difficulties or otherwise:
- (a) the council meeting will nonetheless proceed as long as a quorum is present;
 - (b) the relevant Councillor (or Councillors) will be treated as being absent from Council meeting or that part of the Council meeting
- unless the Council meeting has been adjourned in accordance with these Rules.
- (11) Nothing in this Rule 64 prevents a Councillor from joining (or re-joining) a Council meeting at the time that they achieve compliance with sub-Rule 64.9 even if the Council meeting has already commenced or has continued in their absence.

Division 16 - Miscellaneous

65. 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.

66. 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).

67. 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 them or any member of Council staff.
- (2) A statement under sub-Rule 67(1) must be made by the Chief Executive Officer, through the Chair, as soon as practicable after the Councillor who made the statement has resumed their 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 these 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, Community Asset Committees and those attending meetings auspice by 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 they

- (1) are in attendance 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 in attendance 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 they have 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 they

- (1) are in attendance 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 they have 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 they:

- (1) are 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 they have 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 Staff 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 their capacity as a member of Council staff, has a conflict of interest in a matter in respect of which they are 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 9(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 9(1) is the Chief Executive Officer:
 - (a) the written notice referred to in sub-Rule 9(1) must be given to the Mayor; and
 - (b) the obligation imposed by sub-Rule 9(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, the Chief Executive Officer is of the opinion that information relating to a meeting is confidential information within the meaning of the *Act*, they 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) Nothing in Sub-Rule 2(2) will, without more, mean that the information designated by the Chief Executive Officer under sub-Rule 2(1) satisfies the definition of "confidential information" as contained in section 3(1) of the *Act*.

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 Northern Council 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 Banyule City Council is the lead Council on a matter to be brought for consideration at a Joint Council meeting, the Mayor will be nominated to Chair the Joint Council meeting.
- (4) 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 Council 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

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 of the Act place certain limits on decisions being made, Council resources and publications.

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

- Councillor Code of Conduct
- Cr Expense Policy
- Staff Code of Conduct
- Councillor and Staff Interaction Protocol
- Councillor Gifts Policy

Table of Contents

Definitions and key terms used this Policy

Advertising sign	<p>Means play place card, board, poster, banner, sign, card, structure or another similar device, whether portable or affixed or attached to any land, building, vehicle, trailer, person or other thing, used for the purpose of soliciting goods or services or displaying information but excludes any place card, board, poster, banner, sign, card or similar device attached to or on any device or trailer.</p> <p>a) and used for the purposes of promoting a registered political party or a person's candidature or prospective candidature at an election; or</p> <p>if the use of the vehicle or trailer is ancillary to another connected with activities being carried out on land (such as the use of a vehicle or trailer in connection with building or commercial activities being carried out on land).</p>
Chief Executive Officer (CEO)_	<p>means:</p> <ol style="list-style-type: none"> a) the person appointed by Council to be its Chief Executive Officer under section 44 of the Act, or any other person acting in that position; and or b) the Chief Executive Officer delegate c) or any other person that the Chief Executive Officer selects for the purpose of giving effect to this Policy.
Council	means the Banyule City Council, whether constituted before or after the commencement of this Policy.
Council controlled land	means any land which Council owns, occupies, manages, has leased or licensed to another person or is otherwise under Council's control and management, other than a road.
Candidate:	<p>means a person:</p> <ol style="list-style-type: none"> 1. who has been nominated as a candidate for an election under section 256 of the Act 2. who has: <ul style="list-style-type: none"> • publicly expressed an intention to run as a candidate in the election; and or • a person who has formally nominated as a candidate in the election with the Election Manager. <p>A candidate is a "known candidate" when a person has actual knowledge of the candidates identify and that they meet the above definition.</p>
Councillor-candidate	means a current Councillor who has nominated, or is considering nominating for the election in the 26 October 2024 general elections.
Election Period	The statutory caretaker requirements apply during the "election period". <i>Local Government Act 2020</i> (The Act) 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

	<p>For the 2024 Council elections, this means that the mandatory election period will be:</p> <p>From midnight on 24 September 2024 through to 6 p.m. on 26 October 2024.</p>
Prohibited Decisions	<p>Section 69(2) of the the 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>
Publication	<p>means:</p> <p>a) a published work in any form (e.g. hardcopy or digital) including but not limited to brochures, articles, letters, posters, policies, strategies, papers, letters commentary.</p> <p>b) the act or process of publishing.</p>
Publish	means publish by any means including a publication on the internet.
Public consultation	means a process which involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy, that includes discussions on that matter with the public.
Significant decisions	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
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 <p>Stationery</p>
Electoral matter	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

	<p>any electoral material during the election period on behalf of the Council</p> <p>Electoral matter 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 <p>The publication of such material on the internet.</p>
Electoral material	means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include advertisement in a newspaper that is only announcing the holding of a meeting.
Electioneering	means any action, statement or publication that contains material directly related to, or likely to influence, a Councillors election or a candidates election.
Election Manager	means: <ul style="list-style-type: none"> a) The Victorian Electoral Commission; or b) the person appointed in writing by the Victorian Electoral Commission
Nomination day	means the last day on which nominations to be a candidate at a Council election may be received in accordance with the Act or / and the regulations (s.3)
Road	<p>Road includes:</p> <ul style="list-style-type: none"> a) a street; and b) a right of way c) a public highway; and d) any land reserved or proclaimed as a street or road under the Crown Land (Reserves) Act 1978 or the Land Act 1958, and e) a public road under the Road Management Act 2004; and f) a passage; and g) a cul de sac; and h) a by-pass; and i) a bridge or ford; and j) a footpath, bicycle path or nature strip and

	k) any culvert or kerbing or other land; and l) works forming part of the Road.
Staff, Member of Council staff, Staff member	means any employee of Council whether permanent or temporary or casual, and includes contractors and volunteers carrying out work for or on behalf of Banyule City Council.

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 accordance with the *Local Government Act 2020* to ensure that general elections on Saturday 26 October 2024 (and subsequent 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, a Special 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 appropriate decisions that would affect voting in an election or decisions that can be reasonably made after the election and include Major and Significant decisions.

A special 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 a special Council meeting.

The Chief Executive Officer will be responsible for determining if a matter is significant or urgent.

4.1.1 Prohibited Decisions

During the election period, Section 69 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 (1%) of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or

the

- (c) If the above decisions are made during the election period, they are deemed invalid.
- (d) In accordance with section 69(5) of the Act, any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is an invalid decision, is entitled to compensation from the Council for that loss or damage.

4.1.2 Significant Decisions

Decisions - Council

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.

Importantly, during the election period reports to Council will be carefully vetted to avoid listing matters on the agenda which could foreseeably influence voters' intentions at the forthcoming election; or encourage Councillor -candidates to use the matter as part of their election platform.

Councillors will commit to refrain from moving motions on or raising matters at Council meetings that could potentially influence voting at an election.

Delegates- Staff

Note that this prohibition also applies to delegated decisions by committees or Council Staff. The ordinary day-to-day business of local government must continue throughout the election period. The business will be conducted by Council, its delegates and staff in a responsible and transparent manner, in accordance with statutory requirements.

Most decisions are not made at meetings of the Council. Significant decision-making power is formally delegated to staff and the decisions of a delegate is 'deemed' to be a decision by Council. Because a delegate's decision is the same as a Council decision, the same constraints that apply to decisions made in Council meetings apply when delegates make either decisions.

Delegates should therefore give careful consideration to the exercising of their powers during the election period.

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

4.1.3 Caretaker Statement - Special 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 a Special 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 <i>Local Government Act 2020</i> , 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 <i>Local Government Act 2020</i> . 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 <i>Local Government Act 2020</i> ".

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 123 of the 2020 Act, imposes serious penalties on a Councillor who misuses their position for private benefit.

Eg:
(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 and day to day Council duties, subject to existing protocols and terms of use.

Councillor candidates must not use Council resources in connection with any activity associated with their election campaigns, regardless of any equipment to "reasonable personal use" of Council equipment under any other policy, protocol or terms of use.

Councillor-candidate should also be mindful to manage any perceived conflicts even where a direct expenses isn't incurred, this any include for example:

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

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.

This will be inline with Councils adopted Council Expenses Policy.

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 Chief Executive Officer.

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 Chief Executive Officer.

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 Chief Executive Officer approval

Where the Chief Executive Officer is required to determine if a consultation, function or event is to be conducted during the election period, the Chief Executive Officer 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 Chief Executive Officer, 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 Chief Executive Officer 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 . 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 Chief Executive Officer.

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 Chief Executive Officer 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 Chief Executive Officer 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 or matter](#) 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, they 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.

The words "advertisement, handbill, pamphlet or notice" are to be interpreted broadly and will include, amongst other things:

- Brochures, pamphlets, handbills, flyers, magazines, and books
- newsletters and other circulars (hardcopy and / or electronic)
- new website material and social media posts
- mass mail outs or letters to a large number of people
- media releases
- material to publicise a function or event
- notice or posters placed on Council controlled property, including walls, noticeboards, and electronic noticeboards and screens.

This does not apply to the publishing of any document published before the commencement of the election period or publication of any document required to be published in accordance with, or under, any Act or Regulation.

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.

4.5.2 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 Chief Executive Officer.

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 to produce and put on public display a copy of its Annual Report. The 2023-2024 Annual Report may be published during the election period.

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 Chief Executive Officer 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 Chief Executive Officer or their delegate.

The Banner and Councillor Ward newsletter

The Banner and Councillor Ward newsletter will not be published or distributed during the election period. The Chief Executive Officer 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 Chief Executive Officer.

Criteria for Chief Executive Officer approval

The Chief Executive Officer 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 Chief Executive Officer 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 Chief Executive Officer 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.

Debt Collection Policy

CD17122 | Adopted by Council



Document control

Record Number	CD17122 Adopted by Council
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1. Purpose of Policy

To provide the framework for Banyule City Council to manage a consistent and timely approach to the collection of rates, levies and charges whilst complying with statutory requirements.

2. Scope

The Policy covers Rates, levies and Charges including:

- Fire Services Property Levy,
- Special Rates and Charges,
- associated property debts, and
- user fees and charges.

The Policy applies to all staff responsible for raising, collecting and monitoring amounts outstanding on behalf of Banyule City Council.

3. Objectives

The key objectives of the Policy are:

- To ensure Council's debt recovery practices comply with all relevant legislation and best practice.
- To ensure all rates and charges and other monies owed to Council are followed up and paid within reasonable timeframes.
- To minimise outstanding debt by implementing effective recovery strategies.
- To identify possible financial hardship cases and refer these customers to relevant Hardship Policies where available.
- To ensure a consistent and transparent approach to debt collection.

Debt Collection Policy | CD17122 | Adopted by Council

4

4. General Application

4.1 Issue of Fees, levies and Charges

Each rate, fee, levy or charge is raised in compliance with the relevant legislation or user agreement and is considered a debt to Council.

Council raises many fees, levies and charges including, but not limited to:

- Rates
- Waste Services Charges
- Public Waste Rate
- Kerbside Waste Rate
- Special Rates and Charges
- Municipal Charges
- Fire Services Property Levies
- Administrative charges
- User Fees and Charges
- Commercial, Community and Residential Leases and On-costed Utilities

Failure to pay outstanding debt impacts Council's ability to manage cash flow and the timely provision of community services, infrastructure and maintenance responsibilities across Council. Debt collection is recommended to be undertaken to minimise the financial burden on Council

Interest is charged in accordance with the *Local Government Act 1989* and is outlined in the relevant guidelines. The penalty interest rate is fixed under the *Penalty Interest Rates Act 1983* and outlined in Council's annual budget. Interest is not charged on other debts unless specified in the user agreement.

4.1.1 Issue of Notice (Rates, charges or levies)

Where a rate, charge or levy is raised, a notice in the prescribed form will be issued to the relevant ratepayer or their nominated agent. This notice will include details of the rate, charge or levy, the due dates and methods of payment. This may be issued by mail, email, hand delivered or other electronic means, such as BPayView.

Where the amount remains outstanding after the due date, Council will issue a reminder for payment. This will be issued by the method nominated by the debtor (e.g. ratepayer). This account may include penalty interest in relation to the overdue amount in accordance with relevant legislation and Banyule's Revenue and Rating Plan and Budget

After a reminder has been issued and if payment is not received and/or contact with the customer or ratepayer has not resulted in a satisfactory arrangement (see Payment Arrangement) Council may take further action for recovery of the debt.

4.1.2 Issue of Invoice (User fees)

Where a user fee is raised, an invoice will be issued to a debtor. This notice will include details of the fee or charge, the due dates and methods of payment. This may be issued by mail, email, hand delivered or other electronic means, such as BPayView. Where the amount remains outstanding after the due date, Council will issue a reminder or statement for payment. This account may include penalty interest in relation to the overdue amount in accordance with the applicable terms and conditions and fees declared in Council's budget.

After a reminder has been issued and if payment is not received and/or contact with the debtor has not resulted in a satisfactory arrangement (see Payment Arrangement) Council may take further action for recovery of the debt.

4.2 Debt Recovery Agency Services

Council may use the services of a debt recovery agency to assist in recovering the debt.

Overdue rates and charges referred to a debt recovery agency will be in excess of \$2,500 where no payment has been made for twelve months and where no current hardship arrangement is in place.

Overdue user fees or charges will be referred to a debt recovery agency as determined by the service unit raising the debt and/or delivering the service for which the debt is raised.

4.3 Legal Action

Legal action to recover debt will be considered as a 'last resort' due to the considerable costs of recovery action charged through the Magistrates Court. Where costs have been awarded, these costs will be allocated against the ratepayer's or debtors account.

Council may commence legal proceedings with the relevant court for recovery of the debt. A number of contact attempts must have been made with a debtor and the outstanding account has still not been paid. Costs awarded by the Magistrates Court in the pursuit of outstanding debt to Council will be applied to the outstanding account as additional costs to the account in accordance with relevant legislation, user agreements and Council's Schedule of Fees & Charges.

Legal action will only be approved by officers in accordance with *S7 - Instrument of Delegation from the Chief Executive Officer to Members of Council Staff*.

5. Rates Collection Process

The available options for the recovery of outstanding debts are listed below. The application of steps in the recovery will be authorised by the Coordinator Revenue Services or Rates Team Leader. After an initial assessment by the Rates Officer – Hardship and Collections, having regard to the circumstances of the ratepayer will be used to support the steps authorised to be undertaken.

5.1 Reminder SMS

Where an instalment has not been paid and Council has a record of the ratepayer's mobile phone number, a reminder SMS will be sent prior to the levying of penalty interest.

5.2 Issue of Reminder Notice

Where there is an amount outstanding on the sixth business day after the due date, an overdue notice will be issued containing the amount overdue including penalty interest raised on the sixth business day after the due date of each instalment. This will be issued using the same method of delivery where possible.

After an overdue notice has been issued and if payment is not received and/or contact with the customer or ratepayer has not resulted in a satisfactory arrangement (see Payment Arrangement) Council will take further action for recovery of the debt.

5.3 Issue of Demand Letter (Debt Collection Agency)

Where a request for payment of overdue rates has not been attended to or contact made by the ratepayer to enter into an agreement the matter may be referred to Council's appointed debt collection agency.

Action by the agency may include a demand letter, telephone calls and or SMS message as instructed by Council.

5.4 Issue of a Complaint in the Magistrates Court

This action would only be considered following the issue of a demand letter by the debt collection agency which would advise that a Complaint may be issued in the Magistrates Court if payment is not made, nor a suitable arrangement put in place.

Due to the level of costs associated with the issue of a Complaint in the Magistrates Court this action should only be considered for outstanding debts exceeding \$2,500. Legal costs incurred are fully recoverable.

Legal action will commence in line with section 180A of the *Local Government Act 1989*,

When it has been at least 24 months since the ratepayer was notified and advised of the arrears owing and the ratepayer has not deferred payment, entered into a payment plan or used any other available payment option, legal action may commence.

5.5 Application for Judgment (Court Order)

An application for Judgment (Court Order) may be applied for where payment has not been received, contact has not been made by the ratepayer to enter into a payment agreement or the matter has not been defended by the ratepayer with the Magistrate's Court.

Judgments are also recorded against the ratepayer's credit rating and are particularly useful where the ratepayer may be applying for loan for financing or selling the property.

5.6 Writ of Oral Examination

This action requires the ratepayer to attend court and explain why the rates remain unpaid. This action may result in a warrant being issued to compel attendance before the Court.

5.7 Issue of a Warrant

After obtaining a judgment Council may apply to the Magistrate's Court for the issue of a Warrant. The warrant is served on the ratepayer by the Sheriff's Office requesting payment of the debt.

Failure to pay the debt allows the Sheriff's Office to seize goods to the value of the debt.

The law is very restrictive in what the Sheriff's Office can actually seize and in most cases the Distress Warrant is unsuccessful and only results in further significant costs being incurred.

5.8 Issue of a Rent Demand

Where rates remain outstanding after the issue of a final notice or other recovery attempts and where the premises are rental or leased premises a Rent Demand may be issued. The demand requires the tenant or the agent acting for the landlord to pay the rates in lieu of rent to the landlord.

5.9 Caveat on Property

Failure of a Judgment or Rent Demand (if appropriate) to result in satisfaction of payment and the debt is in excess of \$5,000, a Caveat may be lodged on the property title indicating that rates and charges remain unpaid on the property. The cost of adding and removal of the caveat will be added to the ratepayer's account.

A caveat on property may also be lodged where there is a deferral of Rates beyond 12 months.

5.10 Mortgagor Letter

A letter may be issued to the mortgagor requesting that the rates be paid by the mortgagor where court actions fail to recover unpaid rates for a property that is subject to a mortgage.

5.11 Termination of Recovery Process

The above legal actions are terminated where there is either:

- Evidence of financial hardship resulting from reasonable causes;
- Evidence of mental illness or disability present where recovery would significantly impact mental health or wellbeing
- Family violence where recovery would significantly impact mental health or wellbeing
- Payment of all outstanding amounts;
- An agreement put in place that results in a repayment of the outstanding balance within a 24-month period; or
- Council agrees to defer the rates and charges under Section 170 of the *Local Government Act 1989*.

5.12 Sale of Property to recover Rates

(This is an act of last resort). Should all of the above actions fail to result in the outstanding rates and charges rates being paid and if there is no evidence of financial hardship or agreement in place for deferral or agreement to pay, the Council may, subject to further tests, commence actions under Section 181 of the *Local Government Act 1989* to sell the property to recover the outstanding amount where:

- a property is assessed as not to be the ratepayer's principle place of residence; the balance outstanding is greater than \$5,000 and the rates have been outstanding for greater than 36 months. The same criteria applies to vacant land and other non-residential properties.
- a property is assessed to be the ratepayer's principle place of residence; the balance outstanding is greater than \$5,000 and the rates have been outstanding for greater than 60 months.

Council is entitled to recover the costs associated with the sale of the property only if the property is sold. Any withdrawal of action once commenced can result in the costs being borne by Council.

Prior to consideration by Council to recover unpaid rates under Section 181 of the *Local Government Act 1989* the delegated officer of Council will write to the ratepayer advising of the officer's intention to place a recommendation before Council to take action under Section 181 of the *Local Government Act 1989* and seek comments from the ratepayer on this proposed course of action.

6. Rates Hardship Assistance

Council is committed to assisting ratepayers and other debtors in genuine financial hardship. Council may defer rates and charges payable on property and/or waive the whole or part of any interest or charges payable as

outlined in Sections 170, 171, 171A and 172 of the *Local Government Act 1989*. (refer to Rates Financial Hardship Assistance Policy) .

Ratepayers experiencing financial hardship will be encouraged to access financial counselling.

7. Payment Plan or Arrangement

Ratepayers who are unable to pay the outstanding amount by the due date may apply for a payment plan or arrangement. Consideration must be given to the duration and value of the plan arrangement and any continuing costs to the ratepayer. Generally, arrangements will be reviewed annually and must cover 50% of that applicable year's rates and charges.

Default on a payment plans or arrangements may result in collection activities resuming.

8. Other Debts Collection Process

The available options for the recovery of outstanding debts are listed below. The application of steps in the recovery will be authorised by the relevant service area, after an initial assessment by the Accounts Receivable Team Leader, having regard to the circumstances of the debtor.

8.1 Issue of Reminder Notice

Where there is an amount outstanding an overdue notice or statement will be issued containing the amount overdue plus any further amounts charged during that period.

After an overdue notice has been issued and if payment is not received and/or contact with the customer or ratepayer has not resulted in a satisfactory arrangement (see Payment Arrangement) Council will take further action for recovery of the debt.

8.2 Issue of Demand Letter (Debt Collection Agency)

Where a request for payment of an overdue invoice or invoices has not been attended to or contact made by the debtor to enter into an agreement the matter may be referred to Council's appointed debt collection agency.

Action by the agency may include a demand letter, telephone calls and or SMS message as instructed by Council.

8.3 Commencement of legal action through the Magistrates Court

Legal action may be undertaken by Council's contracted debt collection agency after consideration of:

- The amount owed to Council
- The likelihood of recovering the amount owed to Council
- The cost / benefit in terms of commencing potentially costly legal proceedings
- Any significant adverse human rights impacts caused by the commencement of legal action
- Any reputational impact

Legal action will be authorised by the relevant director overseeing the service unit where the debt was incurred.

8.4 Termination of Recovery Process

The above legal actions are recommended to be terminated where there is either:

- Evidence of financial hardship resulting from reasonable causes;
- Evidence of mental illness or disability present where recovery would significantly impact mental health or wellbeing
- Family violence where recovery would significantly impact mental health or wellbeing
- Payment of all outstanding amounts;
- An agreement put in place that results in a repayment of the outstanding balance within a 24-month period

Once commenced, the discontinuance of legal action will be authorised by the relevant director overseeing the service unit where the debt was incurred.

8.5 Other Debts - Hardship Assistance

Where hardship is assessed as being present, a recommendation will be made to the service unit where the debt was incurred. The recommendation would be to either put in place a suitable payment arrangement or waive the debt. This recommendation would be assessed in conjunction with the relevant terms or conditions that may be in place relating to the debt.

8.6 Other Debts - Payment Arrangement

Debtors who are unable to pay the outstanding amount by the due date may apply for a payment arrangement. Payment arrangements exceeding twelve months in duration must be authorised by the service unit where the debt was incurred. Any requests for payment arrangements would be assessed in conjunction with the relevant terms or conditions that may be in place relating to the debt.

Default on a payment arrangement may result in collection activities resuming.

9. Magistrates' Court General Civil Procedure Rules 2010

The Magistrates Court regularly publishes the chargeable scale of costs associated with lodging claims with the court. When legal action is being taken, the most recent scale of costs is to be used as reference to add costs to an account.

10. Delegations

S7 - Instrument of Delegation from the Chief Executive Officer to Members of Council Staff – as required by the Local Government Act 2020 applies throughout this document.

11. Reporting

The amount of penalty interest charged, and legal costs awarded will be shown in Council's financial statements including Council's Annual Report.

12. Confidentiality

All information and communication will be treated in accordance with Council's Privacy Policy and relevant legislation.

13. Definitions

ACCC	Australian Competition and Consumer Commission
ASIC	Australian Securities and Investments Commission
Council	Council means Banyule City Council, being a body corporate constituted as a municipal Council under the <i>Local Government Act 2020</i>
Council officer	Council officer means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer, holding an appropriate delegation.
Communicate	A communication via telephone, email, letter, in writing via text message or online technology such as social media and in person
Debt	An amount of money owed, including any rates, fees, levies and charges, including an alleged debt
Debt collection	The processes and actions taken by Council and agencies employed by Council to recover monies owed to Council including legal proceedings
Ratepayer	The entity responsible for paying rates as defined in section 156 of the <i>Local Government Act 1989</i>
Debtor	The person, partnership, company, trust or group that owes money to Council
Payment Plan or Arrangement	A formalised arrangement with a debtor that stipulates the amount and frequency of payments with a stated expiry date.

14. Relevant and Related Legislation / Policies

Australian Competition and Consumer Commission: Debt collection guideline: for collectors and creditors

14.1 Relevant Legislation

- *Local Government Act 1989*
- *Local Government Act 2020*
- *Local Government Legislation Amendment (Rating and Other Matters) Act 2022*
- *Penalty Interest Rates Act 1983*
- *Charter for Human Rights and Responsibilities Act 2006*
- *Cultural and Recreational Lands Act 1963*
- *Fire Services Property Levy Act 2012*
- *Privacy & Data Protection Act 2014*
- *State Concessions Act 2004*
- *Valuation of Lands Act 1960*
- *Civil Procedure Act 2010*

14.2 Related Policies

- CD18284 - Policy - Information Management
- CD16435 - Policy - Privacy Policy
- CD16238 Sporting Reserve Terms and Conditions of Use
- CD14678 Records & Information Management Policy
- D22/52439 Revenue and Rating Plan
- CD18261 Rates Financial Hardship Assistance Policy 2022/2023
- D22/69892 S7 - Instrument of Delegation from the Chief Executive Officer to Members of Council Staff

15. Implementation and Review

This Policy is effective from the date of Council's adoption.

This policy will be reviewed every 4 years.



Banyule Audit & Risk Committee

Unconfirmed Minutes

Held Online on the 21 September 2022 (Adjourned)

Reconvened Online on the 6 October 2022

Banyule Audit & Risk Committee

Minutes

21 September 2022 at 5:45pm

Present

Committee

Prof Stuart Kells – (Acting) Chairperson
Mr Gregory Rimmer-Hollyman – Independent Representative
Cr Peter Dimarelos – Committee Delegate

Guest Councillors

Nil

Officers

Allison Beckwith – Chief Executive Officer
Darren Bennett – Director Assets & City Services
Marc Giglio - Director Corporate Services
Kath Brackett – Director Community Programs
Tania O'Reilly – Manager Finance & Procurement
Lucy Rasdell – Manager Strategic Properties & Projects
Toni Toaldo – Manager People & Culture
Kat Rainham - Risk & Assurance Coordinator
Paul Wilson – Risk & Assurance Officer (Minute Taker)

Guest Officers

Stephen Coulthard – Financial Accounting Coordinator

Internal Auditors

Nil

External Auditors

Nick Walker – HLB Mann Judd
Tania Yeung -HLB Mann Judd

Apologies

Dr Irene Irvine - Chairperson
Cr Mark Di Pasquale – Committee Delegate
Natasha Swan – Director City Development (represented by Lucy Rasdell)
Cr Elizabeth Nealy - Mayor
Lynda Cooper – Crowe Horwath
Andrew Zavitsanos – Crowe Horwath
Cr Peter Castaldo – Substitute Committee Delegate

Disclosure of Interests

Prof Kells reminded the Committee of his standing disclosure for various state government and university matters

Confirmation of Minutes

That the Minutes from Banyule Audit & Risk Committee meeting held 17 June 2022 be confirmed

Moved: Mr Greg Rimmer-Hollyman
Seconded: Cr Peter Dimarelos

CARRIED

MINUTES BANYULE AUDIT & RISK COMMITTEE

22 SEPTEMBER 2022

The Meeting opened at 5:45pm.

Acknowledgement of the Traditional Custodians

The Chair read an acknowledgement of the traditional custodians, the Wurundjeri Woi-wurrung people.

Diversity Statement

The Chair read Council's statement on its commitment to diversity and its principles.

Items from the In-Camera session

- The Committee advised all attendees that they met with the external auditor prior to this meeting and there is no information or any actions as a result from their meeting.
- The external auditors advised they were comfortable there are no matters that should be brought forward from the in-camera meeting to be discussed

General discussion

- The Committee advised that in accordance with the charter, an acting chair was required for this meeting. Professor Kells will be the acting chair.
- With two independent members and one Councillor representative present the acting chair advised there was a quorum for the meeting to proceed.
- The Committee thanks the large contingent of Council staff in attendance and welcomed the Manager Strategic Property and Projects and the Risk and Assurance Coordinator to their first meeting.
- The Committee noted the higher number of apologies as a result of the public holiday now scheduled for 22 September 2022 causing a last-minute change to the meeting time.

The Committee requested items 1.1 and 1.2 to be discussed.

Reports

1. COMMITTEE REPORTS FOR DISCUSSION

1.1 ANNUAL REPORT FOR THE YEAR ENDING 30 JUNE 2022 INCLUDING CLOSING AUDIT REPORT & FINAL MANAGEMENT LETTER

SUMMARY

1. The Annual Report 2021/22 is an important part of Banyule's ongoing reporting to its community. The report outlines Council's operations, highlights achievements and performance during the financial year.
2. Following the Audit and Risk Committee's review and recommendation, Council is required to approve 'in principle' the Financial Statements and Performance Statement for the year ended 30 June 2022. The Financial Statements and Performance statement form part of Council's Annual Report. The statements will be then provided to the Auditor-General for their final audit report.
3. The Victorian Auditor General's Office has yet to provide the draft Closing Audit Report and Final Management Letter for the Year Ended 30 June 2022. These reports have been requested to be made available in draft format prior to the Audit and Risk Committee meeting.
4. Closing Report: It is anticipated that the audit will conclude that the financial report and performance statement are presented fairly in all aspects.

MINUTES BANYULE AUDIT & RISK COMMITTEE

22 SEPTEMBER 2022

5. VAGO Management Letter: This year's Management Letter is not expected to raise any new financial issues.

Commentary

- The Manager of Finance and Procurement advised the Committee there had been a mammoth amount of work undertaken by Council to cover off all areas in a timely manner.
- Attestations by management on the financial reporting controls and processes in place over the last 12 months have been signed off. This is a good result for Council with no outstanding items from officers pending.
- The external auditors (Mann Judd) advised the Committee there was some external timing concerns in responding back to Council and wanted to extend their thanks to management and apologised for the lengthy process.
- In terms of the audit testing the external auditor has finished testing and is comfortable with the financial reporting and the disclosure statements. These were provided to VAGO, and a response was received today and is being reviewed. This report will be provided to management tonight.
- The Committee asked Mann Judd for clarification that the figures are settled, and we are not anticipating any material changes relating to VAGO's comments on the report.
- Mann Judd confirmed there will be no material changes to the current disclosures for both the disclosure statements and financial reports as VAGO's comments relate to minor wording changes.
- The Committee requested clarification on the outstanding audit matters and asked if this would cause any delays in reporting.
- Mann Judd advised the Committee that outstanding matters listed in their report will not have any bearing in signing off the reports.
- The Committee recommended that item 7 in the recommendations needed to be revised as the closing audit report and management letter and had now been tabled at this meeting
- The Committee congratulated management and the auditors on the amount of work that had been undertaken.
- The Committee requested that any major variances are highlighted to the committee for future reporting on the performance statements
- Director of Corporate Services thanked Council officers stating that despite disruptions over the past 12 months (including COVID) it was a creditable result. The Committee reflected on comments last year and added that the forecast in March 2020 was that every area of Council would be affected through the pandemic and noted the amount of capital works and sustainability delivered since then was commendable.
- The Committee resolved that we note recommendations 1 to 6 and requested changes to recommendation 7 be amended to reflect additional reporting received and approved in principle recommendation 8 subject to changes discussed by the auditors during the meeting.

MINUTES BANYULE AUDIT & RISK COMMITTEE

22 SEPTEMBER 2022

Resolution

That the Committee:

1. Note the draft Report of Operations, in particular the
 - a) Statement of progress on implementation of the Council Plan (Including strategic indicators)
 - b) Statement of progress in relation to major initiatives identified in the budget
 - c) Service performance indicator results and general information on the activities of the Council.
2. Note the draft Performance Statement, containing the prescribed indicators and measures of service performance outcome, financial performance and sustainable capacity and the results for each indicator.
3. Note the draft Financial Statements prepared in accordance with the regulations and including all information required by the regulations.
4. Note that all Key Management Personnel have signed the required declaration for the financial year ended 30 June 2022.
5. Note that Management Attestations have been signed by all Directors and Senior Managers for the Financial Year ended 30 June 2022.
6. Note the financial assumptions applied to support the financial statement preparation.
7. Note that the following reports are yet to be provided by the auditors:
 - a) Closing Audit Report for the Year Ended 30 June 2022.
 - b) Final Management Letter for the Year Ended 30 June 2022
8. The Audit and Risk Committee recommends to Council that it approves the Financial Statements and Performance Statement 'in principle' subject to any changes discussed as provided by the auditors based on the VAGO final comments.

Moved: Mr Greg Rimmer-Hollyman
Seconded: Cr Peter Dimarelos

CARRIED

1.2 FINANCIAL STATEMENTS - VARIANCE ANALYSIS - 30 JUNE 2022

SUMMARY

1. The Financial Statement Variance Analysis is provided for the:
 - a. Comprehensive Income Statement - Year Ended 30 June 2022; and
 - b. Balance sheet - as of 30 June 2022.
2. The analysis compares 2020/21 and 2021/22 actual year end results and is not part of the Financial Report. It has been provided to offer greater understanding and appreciation of the figures within the Comprehensive Income Statement and the Balance Sheet.

COMMENTARY

- The Manager of Finance & Procurement advised the Committee that item 1.2 is a report on the variance on the balance sheet and income statements to allow the audit Committee to have further insight into the financial statements key movements each year.

5

MINUTES BANYULE AUDIT & RISK COMMITTEE

22 SEPTEMBER 2022

- One of the areas the Committee reviews straight away (given the current context of high rate rises and a high inflation environment) is the variance in rates. The surplus has stayed solid especially considering what has happened over the last two years is a credit to Council.
- The Committee added going forward, particularly over the next 12 months, will be very challenging with the Council having already been constricted with an expected lower revenue due to a cap in rate rises and driving inflation costs.
- The Committee resolved the recommendation to note the variance analysis.

Resolution

That the Committee note the variance analysis which is provided to assist Audit & Risk Committee members in reviewing the reasons for key variations on the Comprehensive Income Statement and Balance Sheet.

Moved: Cr Peter Dimarelos

Seconded: Mr Greg Rimmer-Hollyman

CARRIED

2. Verbal Updates

- The Manager of Finance and Procurement and the Committee thanked all officers that worked on the reports associated with Item 1.1 and Item 1.2

3. Other Business

- The external auditors said that following a conversation with Council during the week, with the changes in the secretariat, it is a good opportunity to go back to VAGO and get a formal position on the cemetery's consolidation.
- The Committee agreed this will be a good time to seek advice from VAGO and will take on VAGO's advice.
- The CEO thanked the Committee and external auditors on making themselves available to meet Councils requirements on these reports being tabled prior to next Monday night's Council meeting.

The Chair adjourned the meeting to be reconvened on 6 October at 12:30pm

The meeting was adjourned at 6:29pm

Minutes - 6 October 2022

The Meeting opened at 12:45pm.

Acknowledgement of the Traditional Custodians

The Chair read an acknowledgement of the traditional custodians, the Wurundjeri Woi-wurrung people.

Diversity Statement

The Chair read Council's statement on its commitment to diversity and its principles.

MINUTES BANYULE AUDIT & RISK COMMITTEE

22 SEPTEMBER 2022

Present

Committee

Dr Irene Irvine - Chairperson
Prof Stuart Kells – Independent Representative
Mr Gregory Rimmer-Hollyman – Independent Representative
Cr Peter Dimarelos – Committee Delegate
Cr Peter Castaldo – Substitute Committee Delegate

Guest Councillors

Cr Elizabeth Nealy – Mayor

Officers

Allison Beckwith – Chief Executive Officer
Marc Giglio - Director Corporate Services
Kath Brackett – Director Community Programs
Natasha Swan – Director City Development
Greg Gale - Manager Delivery & Assets
Tania O’Reilly – Manager Finance & Procurement
Toni Toaldo – Manager People & Culture
Paul Wilson – Risk & Assurance Officer (Minute Taker)

Guest Officers

Kat Rainham - Risk & Assurance Coordinator

Internal Auditors

Andrew Zavitsanos – Crowe Horwath

External Auditors

Nil

Apologies

Darren Bennett – Director Assets & City Services
Cr Mark Di Pasquale – Committee Delegate
Lynda Cooper – Crowe Horwath

Disclosure of Interests

- Prof Kells reminded the Committee of his standing disclosure for various state government and university matters which are still relevant. There were no other disclosures

Items from the In-Camera session

- The Committee advised there were no items discussed during the in-camera meeting that needed to be minuted and it is reassuring to know there are no concerning matters facing Council

General discussion

- The Chair formally reopened the meeting and thanked Professor Kells for acting as chair during the subsequent meeting held 21 September 2022.
- The Chair reiterated the Committee members findings that the financial reports were clean and congratulated Council on a welcoming report.
- The Committee confirmed meeting dates and times for 2023 and further requested a time change to the December meeting scheduled for 9 December 2022 to commence at 10:00am.

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MINUTES BANYULE AUDIT & RISK COMMITTEE

22 SEPTEMBER 2022

- The Committee requested item 1.11, 1.14, 1.15 and 1.16 be discussed during this meeting.
- The Committee requested the Internal Auditors to provide an update on the SACOV (SOMALI AUSTRALIAN COUNCIL OF VICTORIA) review, as requested at the June meeting, be discussed with Item 1.5.
- The Committee requested item 1.8 (Enterprise Risk Update) be tabled for discussion at the 24 March 2023 Committee meeting.

Resolution

The Committee formally recommended that Independent Committee Member Dr Irene Irvine remain as Chairperson until the 22 September 2023 meeting.

Moved: Prof Stuart Kells

Seconded: Cr Peter Castaldo

CARRIED

1.3 CROWE HORWATH - SUMMARY OF PROGRESS REPORT - SEPTEMBER 2022

SUMMARY

1. This report provides the Banyule City Council's Audit and Risk Committee (ARC) with the status of internal audit activity as of 30 September 2022.
2. The following internal audit reports are tabled at this meeting:
 - a) Fraud & Corruption Awareness
 - b) Business Continuity/DRP
 - c) HR Management
 - d) Climate Change Adaptation
3. Every quarter, Crowe (Melbourne) reviews recent reports and publications by government agencies and other sources that may impact on public sector agencies and local government.
4. A summary report titled 'Curious Eyes' is provided as a separate attachment.

COMMENTARY

- The internal auditor advised the Committee the summary of progress report advises of all activities undertaken by the internal auditor in the last quarter.
- The Committee commended the internal auditor and Council in completing all required reporting as part of the internal audit plan for 2021-2022.

Resolution

That the Committee note and receive the Internal Audit Progress Report as of 30 September 2022.

Moved: Dr Irene Irvine

Seconded: Mr Greg Rimmer-Hollyman

CARRIED

MINUTES BANYULE AUDIT & RISK COMMITTEE

22 SEPTEMBER 2022

1.4 CROWE HORWATH - INTERNAL AUDIT - HUMAN RESOURCES - SEPTEMBER 2022

SUMMARY

1. In August 2021 Internal Audit met with the Executive and Independent members of the Audit and Risk Committee to discuss the Strategic Internal Audit Plan for the period 1 October 2021 to 30 September 2022
2. In accordance with the annual audit program, an internal audit has been undertaken of the Human Resources function, to assess whether the controls and procedures are operating satisfactorily.
3. The internal audit was conducted by a specialist OHS (Occupational Health and Safety) Auditor

COMMENTARY

- The internal auditor advised the Committee that the Human Resources report identifies nine (9) recommendations with one (1) high risk item identifying an improvement of the onboarding and induction process. Whilst management have a plan to introduce a Human Resource Information System, which is very advanced and will help management to closeout most of these recommendations, it is unknown how soon this can be completed.
- The Committee asked the Manager of People and Culture for a response and if Council was surprised by any of the recommendations.
- The Manager of People and Culture said there was no surprises and explained that implementation of the information system has already commenced with one module already been implemented in September and several modules going live on 17 October 2022 which will close out most of the recommendations.
- The Committee referred to the mandatory training which addresses many areas including Fraud and Corruption and requested this be addressed as a priority.
- The Committee requested a verbal update at the December meeting on what is happening with closing these recommendations out and the staged implementation of the new HRIS (Human Resource Information System)
- The internal auditor asked if the information system would also have oversight of volunteers as well as the paid workforce. The Manager of People and Culture advised this would occur.

Resolution

That the Committee note:

1. The internal audit identified a range of controls that should be implemented and/or improved to reduce the identified weaknesses and exposures
2. The report identifies one high-risk issue, which will be completed October 2022.

Moved: Prof Stuart Kells
Seconded: Cr Peter Castaldo

CARRIED

1.5 CROWE HORWATH - INTERNAL AUDIT - FRAUD & CORRUPTION - SEPTEMBER 2022

SUMMARY

1. In August 2021 Internal Audit met with the Executive and Independent members of the Audit and Risk Committee to discuss the Strategic Internal Audit Plan for the period 1 October 2021 to 30 September 2022
2. In accordance with the annual audit program, an internal audit was undertaken of Fraud and Corruption practices, to assess whether the controls and procedures are operating satisfactorily.
3. The Fraud and Corruption report does not identify any high-risk issues.

COMMENTARY

- The internal auditor advised the Committee the key areas the review looked at is where fraud and corruption could be happening in the first place, how it is managed on an ongoing basis and lastly how Council is educating its staff in raising the profile of fraud and corruption across various teams.
- One further element of this audit aligned to practises with the Australian standard and involved undertaking a survey of the organisation which gave great insight into the thoughts and feelings all the respondents. The responses consistent with other Councils.
- The Manager of Finance advised the Committee that responding to the recommendations is a collaboration across Council to ensure that all policies and procedures are both tightened and enhanced to reflect current legislation and avoid any fraud or corruption occurring.
- The Committee asked if any of the recommendations has made Council reconsider fraud and corruption as part of the risk management framework. The Manager of People & Culture advised the Committee that Council will review PR1 and PR4 in the next round of the Enterprise Risk deep dive which also aligns to the Fraud and Corruption Review.
- The Committee asked Council to elaborate on the management comments around governance attending training. The internal auditor informed the Committee their understanding was Councils intention is to raise the profile of public interest disclosures training and induction. The CEO added that there will be in increased oversight from governance - not just induction training but any future training throughout the organisation.
- The Committee stated that is it is grateful to hear that Council is committed to align themselves with a standard (if it exists) and understands implementation may take some time and congratulated Council on the findings in the report

A follow up action from the June Committee meeting requested the Internal Auditor to review various out of scope areas relating to the SACOV audit.

- The Committee asked the internal auditor to discuss the follow up actions requested into the SACOV review following the tabling of the original report at the June meeting

MINUTES BANYULE AUDIT & RISK COMMITTEE

22 SEPTEMBER 2022

- The Internal auditor explained that a further review was conducted over the past three months and the investigation found that no further areas of concern were identified.
- The internal auditor thanked Council who was very supportive and forthcoming with all documents requested and added it is evident that Council has matured overtime with the way they handle grants and especially the acquittal processes.
- The Committee stated that, whilst this review was a very lengthy process it was required to ensure that every area was reviewed in detail. The fact that nothing was uncovered is pleasing and gives us and Council assurance which can reported back to IBAC, Ombudsman and the Minister if required.

Resolution

That the Committee note:

1. The internal audit identified a range of controls that should be implemented and/or improved to reduce the identified weaknesses and exposures.
2. The report does not identify any high-risk issues.

Moved: Dr Irene Irvine

Seconded: Mr Greg Rimmer-Hollyman

CARRIED

1.6 CROWE HORWATH - INTERNAL AUDIT - BUSINESS CONTINUITY AND DISASTER RECOVERY

SUMMARY

1. In August 2021 Internal Audit met with the Executive and Independent members of the Audit and Risk Committee to discuss the Strategic Internal Audit Plan for the period 1 October 2021 to 30 September 2022
2. In accordance with the annual audit program, an internal audit was undertaken of Councils Business Continuity Plan and Disaster Recovery, to assess whether the controls and procedures are operating satisfactorily.
3. This internal audit is focused on business continuity management and the practices and processes in place to manage disaster recovery.
4. Business Continuity is the capability of an organisation to continue to deliver services to a predefined level following a disruptive event.
5. The report does not identify any high-risk issues.

COMMENTARY

- The Internal auditor spoke to the report adding that the last two to three years have allowed continuity plans to be implemented and tested. The level of maturity at Banyule is higher than those found throughout most of the Local Government sector and Banyule should be commended.
- Throughout these Committee meetings we have heard Banyule talk about implementing BCP (Business Continuity Plan) and DR systems and it is evident in the findings of this report.
- The Manager People and Culture added there have been a lot of work in this space undertaken throughout COVID and there has been a lot of business resilience implemented a lot of training and awareness undertaken.

MINUTES BANYULE AUDIT & RISK COMMITTEE

22 SEPTEMBER 2022

- Director Corporate Services advised the Committee that the report is also a great endorsement for the IT (Information Technology) DRP (Disaster Recovery Plan) processes in place.
- The Committee congratulated Council on this report and said it is obvious that progress has been made over the past three years.

Resolution

That the Committee note:

1. The internal audit identified a range of controls that should be implemented and/or improved to reduce the identified weaknesses and exposures.
2. The report does not identify any high-risk issues

Moved: Cr Peter Castaldo
Seconded: Prof Stuart Kells

CARRIED

1.7 CROWE HORWATH - INTERNAL AUDIT - CLIMATE CHANGE (ADAPTATION) - SEPTEMBER 2022

SUMMARY

1. In August 2021 Internal Audit met with the Executive and Independent members of the Audit and Risk Committee to discuss the Strategic Internal Audit Plan for the period 1 October 2021 to 30 September 2022.
2. In accordance with the annual audit program, an internal audit has been undertaken on Climate Change (Adaptation), to assess whether Council's controls and procedures are operating satisfactorily.
3. Climate change is impacting organisations in various ways and will continue to do so into the future. The *Local Government Act 2020* (the Act) received royal assent on 20 March 2020. Within the Act there are requirements to manage climate change risks.
4. The internal audit was conducted by a specialist Climate Change Auditor.
5. The report does not note any high-risk issues.

COMMENTARY

- The Internal auditor spoke to the report and advised the Committee that climate change is one area where some organisations have declared the climate change emergency and others have not. The standards are quite clear in terms of climate change adaptation plans and an implementation plan however required resources to implement the plans is a very challenging space.
- Like Cyber Security, climate change will continue to get challenging and will continually evolve however Banyule is in a very good space and is committed in aligning to the standards.
- The Director City Development informed the Committee that Council is very pleased with the outcomes and recommendations of this audit which will be beneficial in highlighting the key areas of focus in the adaptation plan to ensure Council aligns with the standards and provides oversight and guidance.

MINUTES BANYULE AUDIT & RISK COMMITTEE

22 SEPTEMBER 2022

- The Committee agreed that the report shows Banyule is in a good space and has a clear strategy to tackle climate change and agreed that this area will continue to evolve and will require constant oversight.

Resolution

That the Committee note:

1. it is evident there is a commitment to the management of climate adaptation.
2. the internal audit identified controls that should be implemented and/or improved to increase control effectiveness.
3. the report does not note any high-risk issues.

Moved: Dr Irene Irvine

Seconded: Cr Peter Castaldo

CARRIED

PRESENTATION – NATASHA SWAN

- The Director City Development gave the Committee an overview of the City Development Directorate.

Topics of the presentation included:

City Futures

- Economic development
- GIS
- open space planning and design
- property and valuations
- strategic planning and urban design

planning building and laws

- local laws
- statutory building
- statutory planning

transport an environment

- environment
- transport engineering
- transport planning an advocacy

strategic properties and projects

- major projects management
- strategic properties

Some of the Risks covered included:

- Data integrity and privacy
- financial sustainability
- fraud and corruption
- professional liability
- reputation
- workforce retention and quality

Commentary

- The Committee thanked the Director for the in-depth update and commented on the diversity accountability and complexity of this area and praised the enthusiasm always shown by all Directors.

MINUTES BANYULE AUDIT & RISK COMMITTEE

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**1.11 STATUS REPORT - INTERNAL AUDIT AND SELF-ASSESSMENT
RECOMMENDATIONS - JUNE 2022**

SUMMARY

1. The purpose of this report is to provide the status and summary of outstanding issues arising from the following reviews which have been previously reported to the Audit & Risk Committee (ARC):
 - 2020 - 2021 Internal Audit Recommendations
 - 2021 - 2022 Internal Audit Recommendations
 - Integrity Agency Self-Assessments (IBAC, VAGO, Ombudsman)
2. The Status 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.

COMMENTARY

- The Committee asked the Manager of Finance & Procurement to elaborate how it is receiving guidance on an outstanding action for having a strategy in place when reviewing debt collection of rates following family violence.
- The Manager of Finance & Procurement informed the Committee that Council is getting guidance from legislative bodies such as the Ombudsman and liaising with other Councils on how they are managing debt collection especially when family violence has been highlighted and is an area that Council officers need to be aware of in case it is presented.
- The Director of Corporate Services added that the gender impact assessments, as part of the gender equality action plan, also considers all impacts including family violence.

Resolution

That the Committee:

1. Note the following completed actions:

Statutory Building	Internal Audit
Leases and Licences	Internal Audit
Developer Contributions	Internal Audit
OHS Management & Greencap Review	Internal Audit
Ratepayers in Financial Hardship	VAGO Self-Assessment

2. Note the following updates for:

Statutory Building	Internal Audit
Leases and Licences	Internal Audit
Ratepayers in Financial Hardship	VAGO Self-Assessment

Moved: Prof Stuart Kells
Seconded: Dr Irene Irvine

CARRIED

1.14 LOCAL GOVERNMENT ACT 2020 - FINAL IMPLEMENTATION REPORT - 30 JUNE 2022

SUMMARY

1. The *Local Government Act 2020* came into effect on 25 March 2020.
2. A progress report on the Implementation of the *Local Government Act 2020* is provided and outlines Council's delivery on each requirement.
3. The final requirement under section 92 of the *Local Government Act 2020* was the adoption of a 10-year Asset Plan (The Plan). The scope of The Plan covers all major asset categories and includes financial forecasts to manage the assets over that period.
4. Council's delivery of the final requirement by the implementation date of 30 June 2022 has been completed.
5. This is the eighth and final report presented to the Committee and includes the status on Council's delivery of all requirements by each implementation date.

COMMENTARY

- The Committee congratulated management on the complete implementation of the Local Government Act 2020 requirements by the recommended timelines as set out in the Act.
- Management responded by saying it is very pleasing to have achieved most of these throughout COVID.
- This implementation was completed with a new Councillor group which were required to understand new policies.

Resolution

That the Committee note Council's completion of all items within the required timelines to comply with the *Local Government Act 2020*.

Moved: Dr Irene Irvine

Seconded: Mr Greg Rimmer-Hollyman

CARRIED

1.15 INSURANCE REVIEW & ANALYSIS 2022/23

SUMMARY

1. The purpose of this report is to provide an overview of Council insurance renewal program and outline the associated costs and any significant changes to the package (all prices within report are GST excluded).
2. Councils' insurance package for 2022/23 totalled \$3,241,635 up 22.8% from the previous financial year.
3. Substantial increases in cost for Cyber Liability (+47.55%), Workcover Insurance (+35.29%) and Councillors and Officer Liability (+19.54%).
4. The Workcover Insurance premium increase can be attributed directly to the number and costs of Councils claims.

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COMMENTARY

- The internal auditor stated that premiums for cyber insurance is increasing across all sectors and asked if the 48% increase in Council's premium is a result of Council having more coverage or are these simply higher premiums.
- The Risk and Assurance Coordinator advised that the increase is a result of the higher premiums and not due to extra coverage requested however Council is undertaking a review to ensure Council has the right coverage
- The Committee questioned the excessive premiums for motor vehicle incidences and work cover premiums
- The Risk and Assurance Coordinator advised the Committee that there is a significant focus on training and strategies currently under review in order to minimise the amount of motor vehicle claims.
- The Manager of People & Culture advise the Committee that Council is still feeling the negative impacts of higher WorkCover claims in 2020 and Council will have one further year of a higher Workcover premiums before is reassessed to align with the current lower levels

Resolution

That the Committee:

1. Note the increase in the overall premium base for 2022/23.
2. Note the increase in the WorkCover Premium for 2022/23.
3. Note the significant reduction in the number of claims to date since 1 January 2022.

Moved: Dr Irene Irvine

Seconded: Mr Greg Rimmer-Hollyman

CARRIED

1.16 QUARTERLY SAFETY METRICS REPORT - 1 JUNE 2022 TO 31 AUGUST 2022

SUMMARY

1. The following report details information from across Council for the period of June to August 2022 and is presented to the Committee for noting.
2. The last three months has considerable increase in reporting with (44) Hazards, (12) Near miss and (65) Incidents reported across all our Directorates. The increase in Hazard reporting represents a push to proactive reporting (lead factors) rather than reactive reporting in line with Council's drive for continuous improvement.
3. The top causes of incidents reported continue to be muscular skeletal including strains and sprains and slips from the Community Wellbeing (Family & Community Services) & Assets and City Services (Parks and Natural Environment).
4. Open WorkCover claims remain unchanged at 44. Throughout this period, the number of claims closed (7) equalled the number of claims received (7).
5. WorkCover Premium for the 2022/23 has been capped as expected at \$1.398 million. The Premium again is expected to be capped for 2023/24.
6. The Organisational Safety and Wellbeing Committee meetings and the Directorate Committees continue to work well together and the membership, including HSR's, is refreshed to ensure good engagement in all Directorates.

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COMMENTARY

- The Committee asked for some context around an incident regarding an electrical shock to a contractor. The Manager of People and Culture advised that this incident resulted in no injury to the contractor who did not report the incident, it was the facilities manager who noticed the incident place the report. Work safe and the contractor supervisors were immediately notified about the incident by Council.

Resolution

That the Committee note:

- The quarterly safety metrics and trend data.
- The increased engagement across the Organisation with regards to Safety & Wellbeing.

Moved: Prof Stuart Kells
Seconded: Dr Irene Irvine

CARRIED

The following reports were for noting and resolved in block.

1.8 ENTERPRISE RISK UPDATE - STATUS REPORT - PR5 CONTROLS AND ACTIONS

SUMMARY

1. Over the last 2 years, Council has seen a significant increase in the maturity of its Risk Management approach. This has provided management with the appropriate level of detail to make proportionate and informed risk-based decisions.
2. Council has 124 Enterprise Risks in its profile, which are separated amongst 10 overarching parent risks. As recommended by the Committee at their June 2022 meeting, this report highlights the scoring, controls and actions associated with current key risk PR5 "Incident occurs that threatens the health, safety and/or wellbeing of staff"
3. This status report takes into consideration the crucial areas of operational focus that, when embedded, will see a significant improvement in the effectiveness of Council's control environment.

Resolution

That the Committee note

- the progress undertaken by Council to develop and deliver all PR5 controls by 31 December 2022:

Moved: Dr Irene Irvine
Seconded: Mr Greg Rimmer-Hollyman

CARRIED

MINUTES BANYULE AUDIT & RISK COMMITTEE

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1.9 PROVISION OF INTERNAL AUDIT - CONTRACT NO 1202-2022

SUMMARY

1. This report is to advise the Committee on the awarding of Contract No 1202-2022 for the Provision of Internal Audit Services.
2. The purpose of the Internal Audit function is to provide independent and objective assurance and advisory services that add value and improve financial and operational controls for Council.
3. The Tender Evaluation Panel (TEP) has recommended awarding the contract to Pitcher Partners Consulting Pty Ltd in accordance with the tender and conditions as determined by Council.
4. Tenders were received from four companies.
5. The contract will commence 1 October 2022. The Initial Contract Term shall be for a maximum initial period of three (3) years with the option to extend for further periods of any duration up to a maximum extension period of two (2) years based on satisfactory performance and meeting Council objectives.
6. At its meeting on 5 September 2022, Council resolved to award Contract No. 1202-2022- Provision of Internal Audit Services to Pitcher Partners Consulting Pty Ltd for a maximum period of five (5) years. Details of the Council resolution are in this report.

Resolution

That the Committee note:

1. The current tender (Contract 0920-2017) awarded to Findex (Aust) Pty Ltd trading as Crowe Australasia will conclude on 30 September 2022
2. Council has resolved to award Contract No 1202-2022 for the Provision of Internal Audit Services to Pitcher Partners Consulting Pty Ltd for a maximum period of five (5) years.

Moved: Dr Irene Irvine

Seconded: Mr Greg Rimmer-Hollyman

CARRIED

1.10 FOLLOW UP ACTIONS ARISING FROM 17 JUNE 2022

SUMMARY

1. The Audit & Risk Committee meeting was held Friday 17 June 2021.
2. This report provides a summary of actions arising from that meeting.
3. Actions arise from Committee resolutions and on occasion commentary or observation.
4. This report covers any action or commentary that does not require separate reporting
5. The report provides a mechanism to ensure the actions are addressed.
6. Recommendations are made to the Audit & Risk Committee to note the updates and resolve to accept reports arising from the follow up actions requested at the meeting on Friday 17 June 2021.

Resolution

That the Audit & Risk Committee note the updates and accept the reports arising from the follow up actions requested at the meeting on Friday 17 June 2022

MINUTES BANYULE AUDIT & RISK COMMITTEE

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Moved: Dr Irene Irvine

Seconded: Mr Greg Rimmer-Hollyman

CARRIED

1.12 ANNUAL WORK PLAN - SEPTEMBER 2022

SUMMARY

1. An Annual Work Plan is developed that sets out the Audit and Risk work program for the year, it outlines the audits, work and the review of items including timing and frequency of reporting to the Audit and Risk Committee.
2. The *Local Government Act 2020* requires all Victorian Councils to adopt an annual work program.
3. The plan is mapped against the Functions and Responsibilities of the Audit and Risk Committee Charter.
4. 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
 - Other
5. A summary of reports due to the 22 September 2022 meeting are listed in this report.

Resolution

That the Audit & Risk Committee note:

1. Reporting on the implementation of the Local Government Act 2020 is completed and will be removed from the Annual Work Plan.
2. The Strategic Internal Audit Plan will be developed in October due to the Provision of Internal Audit contract being undertaken.

Moved: Dr Irene Irvine

Seconded: Mr Greg Rimmer-Hollyman

CARRIED

1.13 BUDGET 2022-2026

SUMMARY

1. Effective planning, budgeting, and reporting by Councils is essential for ensuring transparency and accountability to the community and other levels of government.
2. Council developed, prepared and adopted its budget 2022-2026 within the legislative framework to meet the requirements of *the Local Government Act 2020* and *Local Government (Planning and Reporting) Regulations 2020*.
3. Council officers confirm that:
 - I. Budget 2022-2026 was developed within the legislative framework.

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- II. Integrated Planning documents were adopted on 27 June 2022 and consisted of the Budget 2022-2026, Revenue and Rating Plan 2022-2026, Financial Plan 2022-2032, Asset Plan 2022-2032, and Council Plan 2021-2025 – Year 2 Annual Action Plan 2022/23.
- III. Council sought feedback on these integrated planning documents from the public in alignment with Banyule City Councils Community Engagement Policy.
- IV. In the medium-term Council remains financially sound according to the key financial indicators as outlined in the Budget 2022-2026.

Resolution

That the Committee:

1. Note the adoption of the Budget 2022-2026.
2. Note Council separated out the cost of providing waste and recycling services into two new waste rates.
3. Note the impacts of COVID-19 on the Council's budget development process.
4. Acknowledge that in the medium-term Council operations remain financially sound according to the key financial sustainability indicators.
5. Monitor Council's financial performance in line with the Committee's annual work plan.

Moved: Dr Irene Irvine

Seconded: Mr Greg Rimmer-Hollyman

CARRIED

**1.17 COMPUTER ASSISTED AUDIT TECHNIQUES (CAAT'S) - QUARTERLY REPORT
EXECUTIVE SUMMARY**

1. Computer Assisted Audit Techniques (CAATs) tests have been undertaken internally by Banyule City Council Officers and the results reported to Audit & Risk Advisory Committee.
2. The purpose of this report is to provide the Audit & Risk Advisory with the proposed CAATs works program for the 2022/23 financial year, and the CAATs test results for Accounts Payable for the period.
3. The attached proposed work programs for 2022/23 include:
 - Maintaining the audited functions – **Accounts Payable**, Payroll, Procurement, Rates, General Ledger, Depreciation, and Infringements, totalling of 74 tests.
 - Removed accounts payable test - duplicated addresses - as this is adequately covered when testing duplicate transactions.
 - Introducing payroll test – superannuation paid on parental leave – compliance with EA.
4. The relevant controls, processes, and practices for Accounts Payable are operating effectively. Detailed findings and actions are provided in this report.

Resolution

That the Committee:

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1. Note the CAAT's Quarterly Report is Accounts Payable controls, processes, and practices.
2. Note that the Accounts Payable controls, processes, and practices are operating effectively.
3. Endorse the CAATs work program 2022/23 (as attached).

Moved: Dr Irene Irvine

Seconded: Mr Greg Rimmer-Hollyman

CARRIED

2. Verbal Updates

3. Other Business

The Committee requested the next meeting to commence at 10:00am

Next Meeting

9 December 2022 at 10:00am

Closure of Meeting

The meeting was closed at 2:15pm

Quarterly Financial Management Report – September 2022

CM9 : D22/238696



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1 Executive Overview

1.1 Introduction and overview

- The Monthly Financial Report for September 2022 has been prepared in accordance with Australian Accounting Standards.
- This monthly report is designed to identify and report on major variances against the adopted Annual Budget 2022/23 at an organisational level.
- The 30 September 2022 monthly Financial Management report comprises a review of the current performance against year to date budget, full year budget and full year forecast, and other key financial information.

1.2 Key financial highlights and overview

	YTD Actual \$000	YTD Budget \$000	YTD Variance \$000	Forecast \$000	Annual Budget \$000	Annual Variance \$000
Total income	126,972	127,997	(1,025)	181,553	183,585	(2,032)
Total expense	38,118	41,701	3,583	170,162	168,475	(1,688)
Operating Surplus for the year	88,854	86,296	2,558	11,391	15,110	(3,720)
Adj. Underlying Surplus/(Deficit)	85,597	84,691	906	(6,736)	(4,096)	(2,641)
Total capital works expenditure	4,283	5,684	1,401	53,510	61,549	8,039

- The September forecast is projected to be an operating surplus of \$11.391m compared to the adopted budget surplus of \$15.110m (\$3.720m unfavourable).
- The 2022/23 underlying operating deficit is forecast to be \$6.736m compared to a budgeted underlying deficit result of \$4.096m (\$2.641 unfavourable).
- Full Year Forecast: Total Income (\$181.553m) is projected to be \$2.032m less than the budget with carry-forward Capital Grant income and additional Public Open Space (POS) contribution. Total expenses (\$170.162m) will exceed budget by \$1.688m mainly due to project cost carried from the last financial year. (see Notes 2.1.1).
- As of 30 September 2022 a total of \$4.283m has been spent on capital works. The Capital works expenditure is forecast to be \$53.510m compared to the adopted capital budget of \$61.549m. The decrease of forecast consists of projects expected to be deferred Watsonia Village Town Square \$4.230m and Rosanna Library \$4.800m (refer section 3 for further details on the key project variances between budget and forecast)

Financial Sustainability – the VAGO ratios

September 2022	Net Results	Underlying Results	Liquidity	Internal Financing	Indebtedness	Capital Replacement	Renewal Gap
Forecast	6.27%	(4.12%)	2.52	102.90%	17.54%	2.23	1.99

- The 'red' Adjusted Underlying Results will be managed through continuing to maintain the operational returns and maximising revenue from commercial activities and property sales over the next few years. In a normal year, Council aims for 5% or greater against the ratio.

2 Financial Performance

2.1 Income Statement

As of 30 September 2022 full year forecast is projected to be a \$6.391m surplus compared to the adopted budget surplus of \$15.110m (\$8.720m unfavourable movement). The underlying deficit is forecast to be \$11.736m after adjusting for \$18.127m of capital grants / contributions (Budget deficit is \$7.641m)

Material variances are explained – variances greater than \$0.500m is considered material for the financial year 2022/2023.

Table 1 – Income Statement

	YTD Actual \$000	YTD Budget \$000	YTD Variance \$000	Forecast \$000	Annual Budget \$000	Annual Variance \$000	Notes
Income							
Rates and charges	110,925	111,318	(393)	111,817	111,880	(63)	
Grants - Operating	2,262	3,462	(1,200)	12,046	12,504	(458)	1
Grants - Capital	747	882	(135)	13,226	15,968	(2,742)	2
Statutory fees and fines	1,638	2,310	(672)	9,941	10,422	(481)	3
User fees and charges	7,189	7,424	(235)	21,182	21,323	(141)	
Contributions income	2,623	1,322	1,301	6,730	5,442	1,288	4
Interest income	260	343	(83)	2,026	2,025	1	
Rental income	792	778	14	3,126	3,112	14	
Net gain/(loss) on disposal assets	36	14	22	261	54	207	
Other income	500	144	356	1,198	855	343	
Total income	126,972	127,997	(1,025)	181,553	183,585	(2,032)	
Expenses							
Employee costs	17,789	18,737	948	75,054	75,272	218	5
Materials and services	10,384	12,039	1,655	53,065	51,041	(2,024)	6
Utility charges	1,060	1,194	134	4,711	4,776	64	
Depreciation	5,974	5,973	(1)	23,892	23,892	0	
Amortisation – intangible asset	55	55	0	220	220	0	
Amortisation – right of use assets	120	139	19	563	551	(12)	
Borrowing costs	418	418	0	1,741	1,741	0	
Finance cost - leases	23	4	(19)	16	16	0	
Donations expenditure	92	480	388	1,118	1,157	39	
Contribution expense	1,601	2,018	417	7,607	7,568	(39)	
Other expenses	602	644	42	2,175	2,241	66	
Total expenses	38,118	41,701	3,583	170,162	168,475	(1,688)	
Surplus/ (Deficit) for the year	88,854	86,296	2,558	11,391	15,110	(3,720)	
Grants – Non-recurrent Capital	747	359	388	11,795	14,009	(2,214)	7
Capital Contributions – Other	2,510	1,246	1,264	6,332	5,197	1,135	8
Adj. Underlying Surplus	85,597	84,691	906	(6,736)	(4,096)	(2,641)	

2.1.1 Notes to the income statement

The significant contributions to the variance are:

1. **Grants – Operating:** The \$1.200m YTD Variance is unfavourable to YTD Budget mainly due to the timing of grant receipt.
 - The variance is represented by Aged Services, Early Childhood, MCH & immunisation and Youth Services funding grants not fully receipted, a total of \$0.300m, and Victoria Grants Commission of \$0.579m prepaid in 2021/2022.
 - Various Business areas have additional or unbudgeted Grants; Home modifications \$0.179m, Somali Safer Communities \$0.161m, COVID Safe Outdoor Activation \$0.141m, Regulation Reform Incentive programs \$0.211m.
 - Victoria Grants Commission (Forecast \$2.055m) is expected to be \$1.136m unfavourable to the budget \$3.192m due to the timing of grant receipt. 25% of 2022/23 grant was brought forward and received in 2021/22 financial year).

2. **Grants – Capital:** is \$0.135m unfavourable to the YTD budget, and \$2.742m unfavourable to the Annual budget. The variance is mainly determined by the timing of recognising capital project funding based on the project progression.

The unfavourable YTD variance is the \$0.222m in Asset management capital project delivery yet to commence offset by Somalia Safe Communities (\$0.032m not budget) and Eash Ivanhoe Preschool Upgrade (\$0.046m) that has been received earlier than expected.

The unfavourable forecast variance is mainly due to projects which will be deferred or those projects that are under consideration to proceed due to increase of costs. The significant projects that impact Grants are Watsonia Village Town Square Development \$4.230m, Rosanna Library \$0.350m, East West Powerline Easement Bike Path \$0.250m, East Ivanhoe Preschool \$1.000m and various Preschool, toilets and reserve upgrade projects not expecting Grants income totalling \$0.358m.

3. **Statutory fees and fines:** is \$0.672m and \$0.481m unfavourable respectively against the YTD variance and forecast. The YTD variance of income comprises \$0.572m in Parking Management and is expected to impact annual income, \$0.508m forecast adjustment. Development planning permit income YTD is \$0.076m below where we expect, but will not impact on Forecast.
4. **Contributions income:** The \$1.301m favourable YTD variance is mainly derived from the additional Public Open Space contribution (POS) and Development Contribution plan (DCP), also reflected in the forecast.
5. **Employee costs:** the YTD variance and Forecast variance are \$0.948m and \$0.218m favourable to the budget respectively. The favourable YTD variance was partially offset by the 2021/22 carry-forwards (\$0.447m) and unbudgeted operation depot overtime excluded in error in the forecast (\$0.260m).

Savings from general vacant positions and staff turnover represent the majority of the favourable variance with some of the vacant positions backfilled through agency staff (refer to materials and services expenditure). Examples of staffing vacancies include Olympic Leisure Centre employee costs savings with the centre's closure due to significant emergency works. In addition, some grant-funded projects were not budgeted under employee costs, but instead material and contract costs (reallocation of expenditure types).

The timing of the labour cost capitalisation is anticipated to be posted at the end of each quarter and Unexpended grants, mainly for Home Care and Maternal & Child Health, will be expensed before the end of the year and results in no impact on the forecast.

Banyule City Council	YTD Actual \$000	YTD Budget \$000	YTD Variance \$000	Forecast \$000	Annual Budget \$000	Annual Variance \$000
Employee Costs	17,789	18,737	948	75,054	75,272	218
Agency - Operations	643	331	(312)	1,463	1,328	(135)
Agency - Initiatives	212	0	(212)	236	0	(236)
Total Employee and Agency Cost	18,644	19,068	425	76,753	76,600	(154)

A small portion of the current employee cost savings to date has been and will continue to be expensed as Agency costs to cover vacant positions.

- When incorporating Agency expenditure, the YTD variance is \$0.524m unfavourable with \$0.371m unfavourable against the full year forecast. The higher agency usage against the net savings in employee costs is continuously analysed and reported in the Financial Management Report. Also, refer to section 5: Materials and Services.
- Spending on agency throughout the year is expected to have an corresponding reduction in employee costs and is closely monitored by management.

6. Materials and Services: The Forecast is \$2.024m unfavourable to budget. It is due to the approval of carry forwards from FY2021/2022 for the Operating and Initiatives (\$0.626m and \$6.845m respectively), which is partially offset by IT projects carried to the next financial year after assessing its deliverability.

Variance Table – 30 September 2022:

Banyule City Council	YTD Actual \$000	YTD Budget \$000	YTD Variance \$000	Forecast \$000	Annual Budget \$000	Annual Variance \$000
Agency (Operations)	643	331	(312)	1,463	1,328	(135)
Consultancy (Operations)	126	257	131	1,108	1,101	(7)
Contractor (Operations)	2,808	3,872	1,065	16,219	15,658	(561)
Initiatives Expenditure	957	1,312	355	7,284	6,967	(317)
Other Materials and services	5,850	6,267	416	26,991	25,986	(1,005)
Total (rounding variances)	10,384	12,039	1,655	53,065	51,040	(2,024)

A number of initiative projects costed in Materials and Services within the Adopted Budget have now been adjusted from this activity line to employee costs. Of the \$7.284m in Initiatives, \$3.151m is expenditure for the IT & Digital Transformation initiatives.

The significant variances are explained as follows:

- Contractor Costs \$1.065m (YTD favourable) is mainly the result of the timing of invoices with purchase orders raised and/or expected to be raised within these business areas for the relevant spend. The

\$0.561m unfavourable forecast variance consists of increase in the following areas; Routine Street Tree Maintenance \$0.134m, Parking Management \$0.089m, Power Upgrade at Ivanhoe Gold \$0.060m and Bellfield Community Hub \$0.075m (identified costs increase at Bellfield Community Hub will be taken from the budgets in Immunisation and early child services).

- Other Material and Services of \$1.005 (FY unfavourable) consists of General Waste Disposal \$0.600m (corresponding increase in user's fees and charges), and additional projection of Vehicle Costs (rising Fuel prices) \$0.420m.

7. Grants - Non-recurrent Capital:

The \$0.388m favourable variance to the YTD budget due to the timing of recognising capital grant income. The \$2.214m forecast unfavourable variance is mainly driven by Capital grants carried forward into 2022/23. Refer to Note 2.

8. Capital Contributions - Other:

The \$1.264 and \$1.135m favourable variance to the YTD budget and forecast is due to the additional POS and DCP contribution.

2.2 Financial Sustainability

The current assessment of the Financial Sustainability of the Organisation is measured against the VAGO indicators.

September 2022	Net Results	Underlying Results	Liquidity	Internal Financing	Indebtedness	Capital Replacement	Renewal Gap
Forecast	6.27%	(4.12%)	2.52	102.90%	17.54%	2.23	1.99

- The adjusted underlying result measures an entities ability to generate surpluses in the ordinary course of business. It is calculated as *(Adjusted underlying surplus or deficit) / (Adjusted underlying revenue)*. It specifically excludes non-recurrent capital grants, other contributions to capital expenditure (including Open Space Contributions) and non-monetary asset contributions (n/a for Banyule).
 - The 'red' Adjusted Underlying Results (deficit) will need to be managed through continuing to maintain the operational returns (reduction in expenditure and to incorporate all IT investment benefits when realised). This result has also been significantly impacted by the carry-forward expenditures.
 - In a normal year, Council aims for 5% or greater against the ratio.

2.3 Council Resolutions: impact on financial performance

The table below lists 2022/23 resolutions carried by Council as of 30 September 2022, which will impact the financial statements.

Resolution	Description	EFT	Impact on Forecast	\$'000
CO2022/40	Community Bus Feasibility Study		Material and Contract cost	100
CO2022/115	Waive Outdoor Dining permit fee		User fees and charges	36
CO2022/150	Inclusive Banyule		Material and Contract cost	200
CO2022/174	Special Charge - Watsonia Shopping Centre		Contributions Expense	27
CO2022/175	Special Charge – Macleod Village Shopping Centre		Contributions Expense	18
CO2022/176	Special Charge – Greensborough Town Centre		Contributions Expense	105
CO2022/177	Special Charge – Eaglemont Village		Contributions Expense	13
	Expenditure		Total Operating	499
CO2022/140	Reconstruction of Beverley Road Oval		Capital Expenditure	227
CO2022/166	Ivanhoe Aquatic Centre Stage 2		Capital Expenditure	304
	Expenditure		Total Capital Works	531

The above table does not include confidential resolutions.

3 Capital Works Expenditure

As at 30 September 2022, a total of \$4.283m has been spent on capital works. The Forecast for Capital works expenditure is forecast to be \$53.510m (Budget 2022/23 \$61.549m). The favourable Forecast variance of \$8.039m is made up of projections being delayed or postponed to be completed next year.

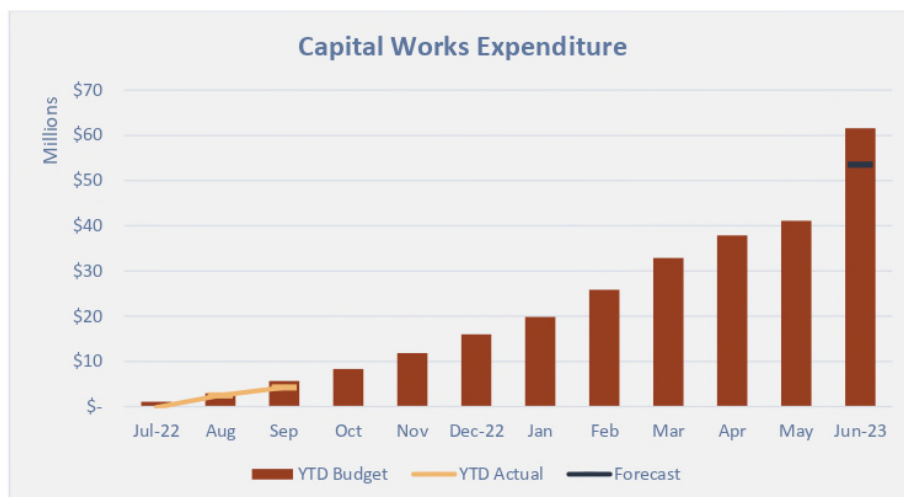


Table 2 – Statement of Capital Works

	YTD Actual \$000	YTD Budget \$000	YTD Variance \$000	Forecast \$000	Annual Budget \$000	Annual Variance \$000
Infrastructure						
Roads, streets and bridges	2,426	3,147	721	11,687	16,256	4,569
Drainage	63	70	7	1,260	1,550	290
Parks and gardens	276	399	123	12,842	12,153	(689)
Playgrounds	0	100	100	590	680	90
Total infrastructure	2,765	3,716	951	26,379	30,639	4,260
Property						
Freehold buildings	815	1,498	683	18,260	27,971	9,711
Total property	815	1,498	683	18,260	27,971	9,711
Plant and equipment						
Motor vehicles	0	285	285	5,598	1,140	(4,458)
Plant and equipment	496	135	(361)	2,741	1,404	(1,337)
Furniture and fittings	157	50	(107)	265	235	(30)
Total plant & equipment	653	470	(183)	8,604	2,779	(5,825)
Other assets						
Intangible assets	0	0	0	0	0	0
Art collection	50	0	(50)	267	160	(107)
Total capital works expenditure	4,283	5,684	1,401	53,510	61,549	8,039

4 Investment Activity

The current short-term term deposit interest rates held by Council are in the range of 0.50% to 3.68%. The current weighted average return is 1.72% and is expected to increase significantly when the short-term deposits mature and monies are reinvested at the higher returns on offer. The RBA cash rate has increased 6 consecutive months from 0.10% (April 2022) to 2.60% as of 5 October 2022.

The tenure of the term deposits range between 3 to 12 months. Banyule City Council aims to spread maturities throughout the year to match cash outflows, considering income from rates that will supplement other inflows from which to pay staff salaries and supplier invoices during the year.

The budget against actual cash as depicted in the graph below, results from a higher cash opening balance than budget projections as of 30 June 2022. This is mainly due to deferred Capital Works Projects planned in the prior year for completion and forecast for completion in this financial year.

Rate instalment payment dates are in September, November, February & May. The usual trend of higher cash receipts in these months is depicted in the graph 'Cash Investments'.



Note: Liquidity threshold represents the liquidity position 2:1 to cover budgeted short-term liabilities of \$40.574m for the year end 30 June 2022 as per the adopted Budget 2022-2026.

The current cash holding of \$89.814m is below the 2:1 liquidity threshold (\$81.148m). All cash investments are directly invested by Council in Australian financial institutions in accordance with our investment policy, using the Standard & Poor's (S&P) short term credit rating.

Reserve Balances		2022/23
		\$'000
Statutory Reserves		
Public Open Space		5,191,748
Off Street Parking		251,969
Total Statutory		5,443,717
Discretionary Reserves		
General		-
Debt Redemption		-
Plant and Equipment		12,130,592
IT & Digital		2,120,991
BPI Investment		90,851
Asset Renewal		1,923,131
Strategic Properties		7,151,073
Car Parking Meter		5,004,447
Total Discretionary		28,421,085
Total Reserves		33,864,802

Council maintains reserves of separately identified funds to meet specific purposes in the future for which there is no existing liability. The Reserve balances forecast as at 30 September 2022 are split between statutory reserves \$5.444m and Discretionary Reserves \$28.421m.

Statutory reserves must remain available for their specific purpose. The remaining reserves are discretionary and while not restricted, Council has made decisions regarding the future use of these funds and they should be used for those earmarked purposes.

The reserve projections are outlined in detail in the Financial Plan and Budget documents.

The portfolio diversification of investments is outlined in the chart below:

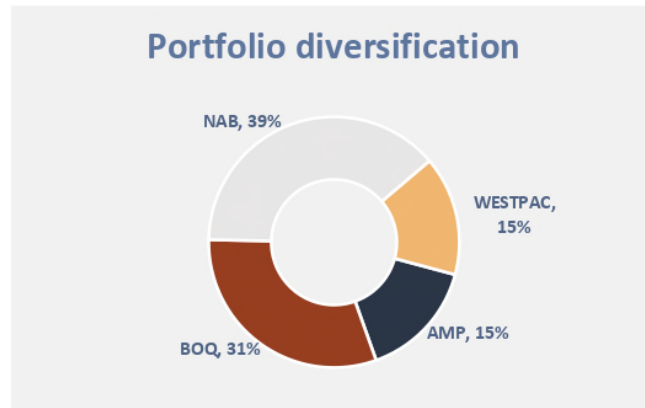


Table 3 – Investment Portfolio and Financial Institutions

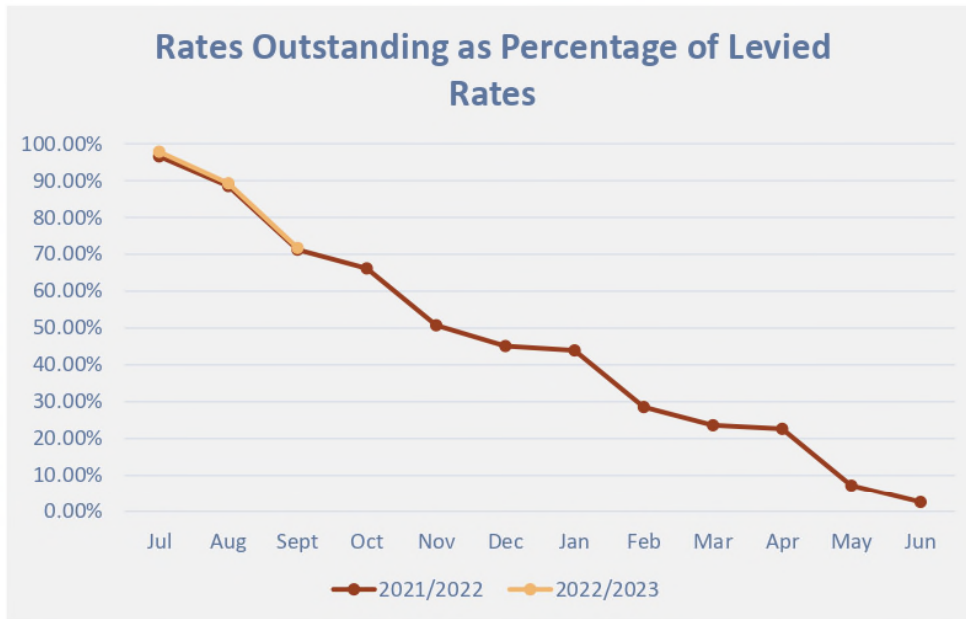
S&P rating	Banks	Investment portfolio	Maximum % holding in a single Financial Institution	Maximum % holding in a single credit rating level
A 1 +	NAB	39%	50%	
	Westpac	15%	50%	
Total A1+		54%		100%
A 2	BOQ	31%	30%	
	AMP	15%	30%	
Total A 2		46%		50%

- Table 3 – ‘Investment Portfolio and Financial Institutions’ above does not comply with Council investment policy. Specifically the holding with BOQ exceeds the maximum holding by 1%. This will be rectified with a term deposit with BOQ maturing in early 2023. Rebalancing is also pending the outcomes of a strategic property investment proposed (i.e. Term deposits that matured in September 2022 were not reinvested pending the outcome of an offer to be made by Council in October 2022.)
- To achieve an enhanced return on investment and capital growth Banyule City Council developed an Investment Strategy and updated the Investment Policy in August 2021 and February 2022 respectively.
- The Investment Policy allows for investment in the Victorian Funds Management Corporation (VFMC), as an authorised manner of investment for all Victorian councils. This was approved on 21 June 2022 to enable Council to outsource the defensive Asset allocation component of the Investment Policy.
- Management will invest \$5m in a Cash Enhanced Fund with VFMC in October 2022.

5 Other Financial Information

5.1 Rates Outstanding

For the 2022/23 financial year Banyule City Council has levied in total \$113.791m in rates revenue (includes waste charges from the schedule of fees and charges and excludes the fire services property levy). The total outstanding balance as of 30 September 2022 is \$81,649m, 71.72% of the current year levied rate income.



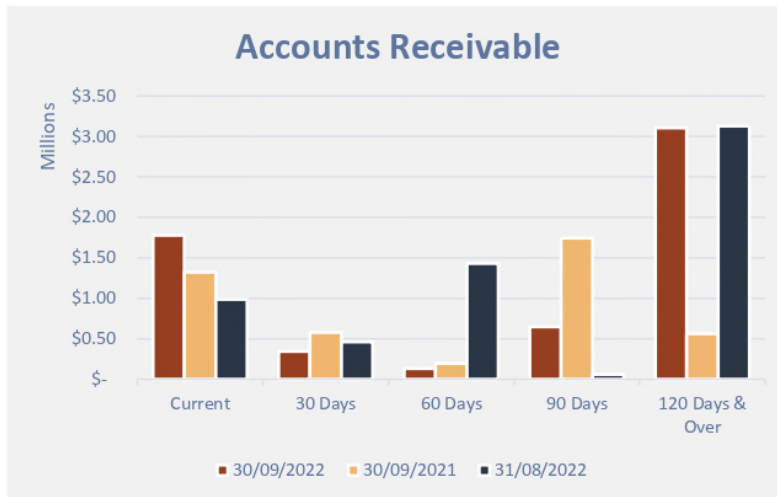
Rate and interest waivers may be granted under the current Rates Financial Hardship Policy.

Waivers are designed to be granted as short-term assistance. Rate payers who meet the points scoring matrix will be eligible to either penalty interest being held for 6 months or waived/held for 12 months and/or eligibility for a rate waiver of 33% to a maximum \$500 (refer Rates Financial Hardship Assistance Policy 2022/23). Only owner-occupiers of residential properties are eligible for the partial rate waiver.

As of the end of September 2022, 185 online Applications were received. Hardship waivers processed to date total \$23,013. A significant number of applications are yet to be processed for the current financial year due to system constraints.

5.2 Accounts Receivable

The accounts receivable function of Council raises revenue and collects payments for Children’s centres, Aged & Disability services, Health Department, Leisure bookings, Banyule BPI and sundry accounts. (This function does not include revenue for the Planning Department, Animal Registrations and Parking Infringements as these are currently decentralised).



- As of 30 September 2022, the total outstanding debtors’ balance was \$6.008m (August 2022: \$6.060m). The majority of this outstanding debtor balance relates to Watermarc. The WaterMarc service provider has a debtor balance of \$2.916m as of June 2022, \$1.045m and \$1.871m from and 2020/21 and 2021/22, respectively. The liability to pay the outstanding balance by WaterMarc service provider is dependent on the Shared Loss arrangements under the contract and their financial performance, which is expected to be certified by October 2022. It has been forecasted a Shared Loss of \$1.839 payable for the 2021/22 financial year as the impact of COVID-19 on the financial performance of the organisation.
- The remaining outstanding debtor balance represents Development Contributions; Public Open Space Contributions; Operations depot, Grants and other sundry clients.

5.3 Other Financial Statements

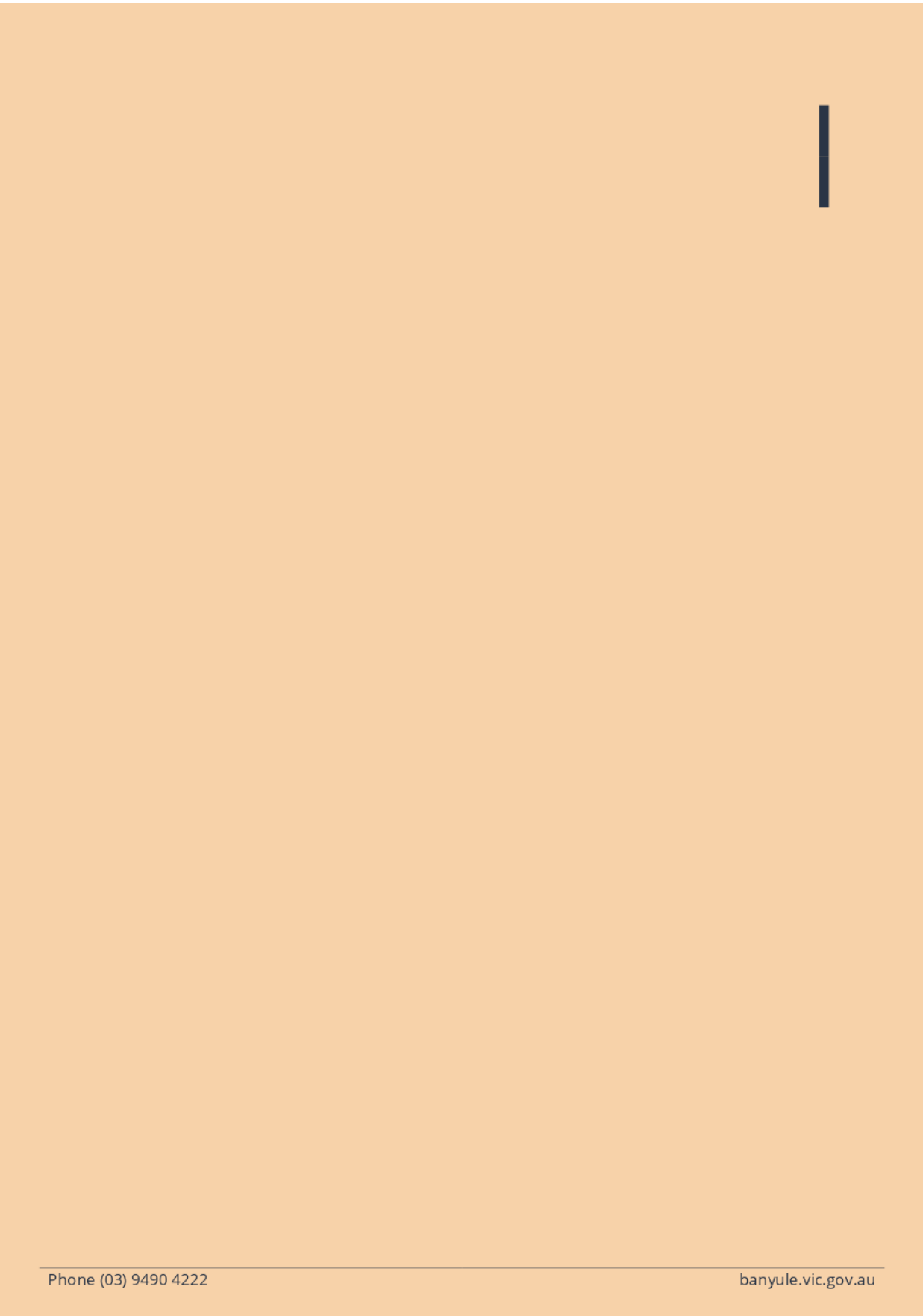
Table 4 – Balance Sheet

	2022/23 30 Sep \$'000	2022/23 31 Aug \$'000
Assets		
Current assets		
Cash and cash equivalents *	24,815	9,027
Trade and other receivables	98,789	124,643
Other financial assets*	65,000	65,000
Inventories	76	76
Assets held for sale	14,608	14,608
Other assets	1,877	1,877
Total current assets	205,165	215,231
Non-current assets		
Trade and other receivables	198	198
Investments in associates and joint ventures	3,719	3,719
Property, infrastructure, plant and equipment	1,797,510	1,797,550
Right-of-use assets	602	602
Intangible assets	451	469
Investment Property	26,811	26,811
Total non-current assets	1,829,291	1,829,349
Total assets	2,034,456	2,044,580
Liabilities		
Current liabilities		
Trade and other payables	8,509	9,262
Provisions	15,782	15,667
Interest-bearing loans and borrowings	5,539	5,707
Trust funds and deposits	5,853	5,853
Lease Liabilities	370	370
Unearned Income	11,945	12,074
Total current liabilities	47,998	48,933
Non-current liabilities		
Provisions	1,087	1,087
Interest-bearing loans and borrowings	14,790	14,790
Trust funds and deposits	1,151	1,151
Lease Liabilities	190	190
Total non-current liabilities	17,218	17,218
Total liabilities	65,216	66,151
Net assets	1,969,240	1,978,429
Equity		
Accumulated surplus	637,554	646,743
Reserves	1,331,686	1,331,686
Total equity	1,969,240	1,978,429

* The balance of 'cash and cash equivalents' and 'other financial assets' is \$89.815m (Sept 2021 \$97.473m).

Table 5 – Statement of Cash Flows

	2022/23 30 Sep \$'000	2022/23 31 Aug \$'000
	Inflows (Outflows)	Inflows (Outflows)
Cash flows from operating activities		
Receipts:		
Rates and charges	32,018	5,882
Grants - operating	2,553	2,440
Grants - capital	747	0
Statutory fees and fines	1,922	1,443
User fees and charges	7,400	4,633
Contributions - monetary	2,623	2,253
Interest received	151	149
Rental income	724	531
Other receipts	500	273
Payments:		
Employee costs	(19,435)	(11,631)
Materials and services	(15,696)	(11,068)
Utility charges	(1,060)	(557)
Other payments	(2,167)	(70)
Net cash provided by operating activities	10,280	(7,924)
Cash flows from investing activities		
Payments for property, infrastructure, plant and equipment	(4,284)	(2,316)
Proceeds from sale of property, plant and equipment	48	0
Net (purchases)/redemption of financial assets	0	0
Net cash (used in) investing activities	(4,236)	(2,316)
Cash flows from financing activities		
Borrowing costs - interest	(556)	(288)
Repayment of borrowings	(481)	(313)
Interest paid - lease liabilities	(23)	(5)
Repayment of lease liabilities	(127)	(85)
Net cash (used in) financing activities	(1,187)	(691)
Net increase/(decrease) in cash and cash equivalents	4,857	(10,931)
Cash and cash equivalents at the beginning of the financial year	19,958	19,958
Cash and cash equivalents at the end of the month	24,815	9,027



enquiries@banyule.vic.gov.au



Capital Works Project Delivery Monthly Update – September 2022

CM9: D22/231338

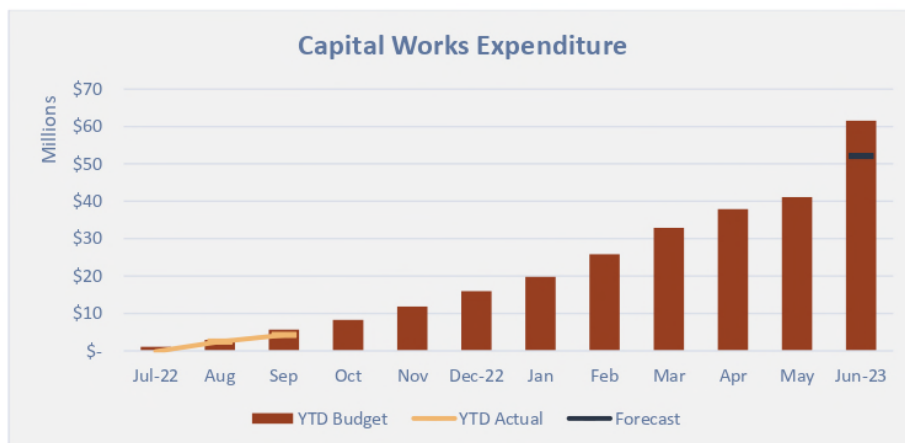
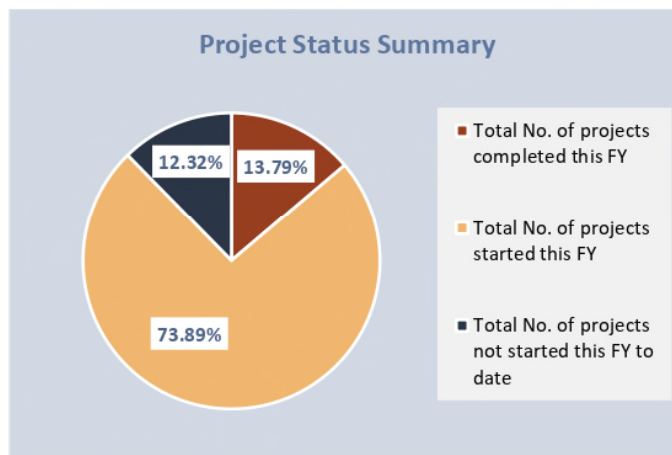


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2 Summary

Project Status Summary	
Total No. of projects completed this FY to date	28
Total No. of projects commenced but not completed this FY to date	150
Total No. of projects not started this FY to date	25
Total Number of projects programmed to be delivered this FY	203
Total No. of multi-year projects	15
Total No. of projects not proceeding this FY to date	9
Total No. of projects deferred this FY to be completed in 2023/2024	11
Total Number of projects	238



Status Key

Complete
 In progress
 Not commenced

3 Major Projects

Major Projects								
Project Name	2022/23 Budget (\$)	2022/23 Actual Spend to date (\$)	2022/23 Variance (\$)	Total Estimated Budget (\$)	Project Phase	Proposed Completion	Actual Completion	Comments
Ivanhoe Aquatic & Leisure Centre Stage 2	200,000	14,002	185,998	732,038 (NOTE: \$200,000 only expected to be spent 2022/23.)	Consultation	June 2022	June 2022	Following in principle adoption of aquatic strategy, consultation on revised masterplan has been completed
					Design	April 2023		Community consultation complete on concept designs. Consultation feedback strongly supports further expansion of the aquatics spaces to meet future demand. A QS estimate prepared. Council adopted concept plan at September Council meeting and agreed to undertake detailed design. This has commenced and is anticipated to be complete early 2023.
					Procurement	Oct 2023*		*Procurement of builder contingent on project funding
					Construction	Sept 2025*		*Construction commencement will be contingent on project funding
					Procurement	June 2022		Minor upgrades to entrance - Delayed procurement process due to resource availability constraints
					Construction	Oct 2022		Minor upgrades include works to entrance, paths, car park and surrounding landscape
Rosanna Library Upgrade	6,300,000	1,085	6,298,915	6,390,405	Consultation	June 2021	June 2021	Extensive community engagement completed. Statutory consultation for permit application has been completed

Major Projects								
Project Name	2022/23 Budget (\$)	2022/23 Actual Spend to date (\$)	2022/23 Variance (\$)	Total Estimated Budget (\$)	Project Phase	Proposed Completion	Actual Completion	Comments
				(NOTE: \$1,500,000 only expected to be spent 2022/23.)	Design/ Planning	Dec 2022		Development application under review by planning team. Report to go to Council in September 2022 regarding issue of amended permit to Woolworths. Temporary library facility secured Turhnam Avenue Streetscape concept design will not go to community consultation until permit has been issued and conditions regarding tree retention and external site works are understood Architect awarded contract for design of library fit out- K2LD. Workshops to commence once permit has been issued.
					Procurement	May 2023*		Procurement of a builder for this project will be undertaken by Woolworths with Senior Project Manager involved in selection process. Timing is contingent on permit being issued.
					Construction	Dec 2024		
Bellfield Community Centre - Development	500,000	351,011	148,989	15,207,678 (Life of Project)	Consultation	Dec 2019	Dec 2019	Complete
					Design	Sep 2020	Sep 2020	Complete
					Procurement	Dec 2020	Dec 2020	Complete

Major Projects								
Project Name	2022/23 Budget (\$)	2022/23 Actual Spend to date (\$)	2022/23 Variance (\$)	Total Estimated Budget (\$)	Project Phase	Proposed Completion	Actual Completion	Comments
					Construction	June 2022	Aug 2022	Hub construction is almost complete. CoO was obtained in Aug 2022 and builder was granted PC. Minor rectification works are being carried out. User groups are slowly being moved into the building. Official opening scheduled in Oct 2022

4 Grimshaw Ward

Grimshaw Ward Projects					
Project Name	Budget (\$)	Forecast/ Actual (\$)	Forecast Completion	Actual Completion	Comments
Bundoora Community Hall Refurbishment	609,000	450,000	May 2023		RFT issued and is currently being assessed. Construction slated to commence in October.
Gresswell Forest - Design & Installation of new GPT	183,000	202,935	May 2023		Design underway to modify the previously proposed GPT to be able to capture oil based pollutants. Design to be completed in October.
Redmond Court Wetland - Reconstruction and Creation of New Parkland Stage 2	1,717,670	1,747,256	TBC		Construction tenders closed in September, and currently being assessed. Report to go to November Council Meeting for adoption.
<i>Resurfacing Program</i> Daniel Court - Gleeson Dr To Cul-De-Sac (N), Bundoora	44,130	44,130	-	Aug 2022	Works complete.
<i>Resurfacing Program</i> Ricky Court - Daniel Ct To Cul-De-Sac (N), Bundoora	16,150	16,150	-	Aug 2022	Works complete.

5 Beale Ward

Beale Ward Projects					
Project Name	Budget (\$)	Forecast/ Actual (\$)	Forecast Completion	Actual Completion	Comments
Apollo Parkways Preschool - Children's bathroom refurbishment	118,000	136,365	Jan 2023		Final concept design has been signed off by the pre school and detailed design is now underway – nearing completion.
Wahroonga Preschool - Office and Storage Upgrade	50,000	165,436	Jan 2023		Concept plans signed off and are now working on detailed design. Final Detailed design complete. RFQ to be issued in late October.
Rebuilding Batting Cage for Greensborough Baseball Club	120,000	149,495	April 2023		Site measurements completed by consultants and design works underway. Design expected by end of October.
<i>Resurfacing Program</i> Natasha Close - Larool Av To Phoebe Ct, St Helena	14,290	14,290	Sept 2022		Works in progress as per the schedule and expected to finish by early October.
Car Park at Anthony Beale Reserve - Provision of additional parking capacity for peak times/seasons at the reserve - Construct	60,000	95,000	Dec 2022		Design completed, and currently assessing quotations.

6 Sherbourne Ward

Sherbourne Ward Projects					
Project Name	Budget (\$)	Forecast/ Actual (\$)	Forecast Completion	Actual Completion	Comments
Montmorency Bowling Club Improvements	1,091,231	1,096,603	July 2023		Construction tender released in August. Intend to award in October 2022.
Irrigation renewal Program - Glenside Baseball Ground & Irrigation system	210,000	210,000	Mar 2023		Design complete. Currently seeking quotations for works.
Harrington Reserve Playground	90,000	90,000	TBC		On track, with community consultation underway.
Were Street Pocket Park, Montmorency	-	1,180,105	Dec 2022		Works in progress, with works anticipated to be completed December 2022
Montmorency Village Precinct Streetscape Renewal	980,000	1,385,550	Dec 2022		Works in progress, with works anticipated to be completed December 2022

7 Bakewell Ward

Bakewell Ward Projects					
Project Name	Budget (\$)	Forecast/ Actual (\$)	Forecast Completion	Actual Completion	Comments
Henry Street, Greensborough – Pedestrian refuge and zebra crossing	40,000	40,000	Feb 2023		Concept has been developed and consultation is to commence soon.
Lorimer St, Greensborough, East of The Circuit - Raised school crossing and speed management - Design and construct	90,000	90,000	Apr 2023		Concept has been developed and consultation is to commence soon.
Watsonia Town Square	5,230,000	1,000,000	TBC		Community consultation is complete, and the preferred design was endorsed by Council in June 2022. Note that the project has been delayed to account for additional feedback from Councillors and the Watsonia Town Square Community Reference Group. Now in the detailed design phase which is forecast to be completed in late 2022.
<i>Resurfacing Program</i> Broad Street - Alexandra St To Howard St, Greensborough	49,100	49,100	-	Aug 2022	Works complete.
<i>Resurfacing Program</i> Ethel Street - Amiet St To Louis St, Greensborough	19,610	19,610	-	Aug 2022	Works complete.

8 Ibbott Ward

Ibbott Ward Projects					
Project Name	Budget (\$)	Forecast/ Actual (\$)	Forecast Completion	Actual Completion	Comments
Macleod Park Change Rooms - Stage 1 & 2	1,770,000	300,000	Dec 2023		Confirmation from planning team that we do not need to consult with Melbourne Water however we will need to get a permit as the site is covered by a Hertige overlay. Architect is currently preparing final concept pack to be reviewed prior to detailed design.
Heidelberg Theatre Storage Upgrade - Implementation	360,000	379,501	July 2023		Detailed design currently underway.
<i>Resurfacing Program</i> Grove Road - St James Rd To Station Rd, Rosanna	64,410	64,410	-	Aug 2022	Works complete.
<i>Resurfacing Program</i> Lindsay Street - Access To Somers Av, Macleod	31,890	31,890	-	Aug 2022	Works complete.

9 Olympia Ward

Olympia Ward Projects					
Project Name	Budget (\$)	Forecast/ Actual (\$)	Forecast Completion	Actual Completion	Comments
Olympic Park Program of Projects - Stage 3 & 4	6,743,159	5,000,000	TBC		<p>Construction of new Carpark, re-sheeting of old carpark complete.</p> <p>Lights on synthetic pitch installed.</p> <p>Sportsfield works tendered and contract awarded by Council at Sept meeting. Works to commence Oct 2022 and be completed by May 2023</p> <p>Concept designs for new pavilion and refurbishment of space for Barrbunin Beek completed.</p> <p>There is a budget shortfall to deliver new pavilion. Currently discussing with key stakeholders to assess opportunities for additional funding and timing variation for project delivery.</p>
Olympic Village Preschool Playspace Refurbishment	200,000	194,420	Feb 2023		Quotations for construction received and a contractor appointed.. Works anticipated to commence in November and conclude in late February.
Olympic Village Preschool - Bathroom Upgrade	0	92,000	Nov 2022		Construction contract awarded and works are currently underway and scheduled for completion in early November. Building Permit has been awarded.

Shelly Reserve Lighting Construction	365,000	365,000	Mar 2023		Tender awarded, works to be programmed subject to materials availability.
<i>Resurfacing Program</i> Oriel Road - East St To Dougharty Rd, Heidelberg West	245,630	245,630	Sept 2022		Works in progress as per the schedule and expected to finish by October.

10 Griffin Ward

Griffin Ward Projects					
Project Name	Budget (\$)	Forecast/ Actual (\$)	Forecast Completion	Actual Completion	Comments
Ivanhoe Park Sporting Precinct Plan	50,000	50,000	TBC		Final report to be presented back to Council for adoption in Novemeber. Design work to commence following adoption.
East Ivanhoe Pre School - Upgrade	2,500,000	1,500,000	Nov 2023		RFT issued for works, due back late October.
Beverley Road Oval Surface Full Renovation - Construction	1,330,000	1,761,001	Apr 2023		Contractor appointed and works have commenced.
East Ivanhoe Village precinct streetscape renewal	1,589,250	300,000	TBC		Community engagement continuing, informing concept design and potential staging of works. Detailed design work anticipated this financial year.
<i>Resurfacing Program</i> Glenard Drive - Glenard Dr To Glenard Dr,Eaglemont	28,350	28,350	-	July 2022	Works complete.

11 Hawdon Ward

Hawdon Ward Projects					
Project Name	Budget (\$)	Forecast/ Actual (\$)	Forecast Completion	Actual Completion	Comments
Viewbank Preschool - Yard Upgrade	50,000	-	Oct 2022	Oct 2022	Works complete
Installation of footpath adjacent to the intersection of Martins Lane & Lower Plenty Rd	20,000	20,000	Apr 2023		Concept has been developed and consultation is to commence soon.
Yallambie Park Change Rooms	350,000	-	TBC		Grant funding application was unsuccessful. Project to be reassessed based on available funding.
<i>Resurfacing Program</i> Martins Lane - Fosbery Cr To Rodney Ct, Viewbank	33,290	33,290	-	Aug 2022	Works complete.

12 Chelsworth Ward

Chelsworth Ward Projects					
Project Name	Budget (\$)	Forecast/ Actual (\$)	Forecast Completion	Actual Completion	Comments
Odenwald Road bridge - shared use zone improvements	40,000	40,000	Jun 2023		Design has been prepared and application has been submitted to MTM for approval.
Chelsworth Tennis Club Court, Lighting & Fencing Works	350,000	350,000	April 2023		RFT issued for project, closes end of October
Ivanhoe Golf Course car park upgrade	260,000	260,000	June 2023		Design complete. Works to be programmed for May 2023 to minimise disruption.
Waterdale Road Pocket Park	1,715,296	1,882,031	June 2023		Tenders currently being assessed, with report to Council in October to award contract.
Norman, Marshall and Maltravers, Ivanhoe - Traffic treatments and Pedestrian crossing facilities	80,000	111,620	Apr 2023		Consultation has been completed. Design being finalised.