



**GREATER
DANDENONG**
City of Opportunity

AGENDA

MONDAY 13 JULY 2020

ORDINARY COUNCIL MEETING

Statement - Coronavirus (COVID-19)

At the time of printing this Agenda the Council Meeting to be held on Monday 13 July 2020 will be closed to the public under the *COVID-19 Omnibus (Emergency Measures) Act 2020* and the *Local Government Act 2020*.

To view the webcast please visit Council's website:

<https://greaterdandenong.com/cgdmeetinglive>

The meeting will also be webcast live on the Big Screen in Harmony Square (Please note social distancing protocols will apply within the Harmony Square precinct).

Please stay informed about the status of the Council Meeting by visiting Council's website at:

<https://greaterdandenong.com/cgdagendasminutes>

COUNCIL CHAMBERS

225 Lonsdale Street, Dandenong VIC 3175

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	MEETING OPENING	1
1.1	ATTENDANCE	1
1.2	ACKNOWLEDGEMENT OF TRADITIONAL OWNERS OF THE LAND	1
1.3	OFFERING OF PRAYER	2
1.4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	2
1.5	ASSEMBLIES OF COUNCIL	3
1.6	DISCLOSURES OF INTEREST	5
2	OFFICERS' REPORTS - PART ONE	6
2.1	DOCUMENTS FOR SEALING	6
	2.1.1 Documents for Sealing	6
2.2	DOCUMENTS FOR TABLING	9
	2.2.1 Petitions and Joint Letters	9
2.3	STATUTORY PLANNING APPLICATIONS	15
	2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01)	15
3	QUESTION TIME - PUBLIC	56
4	OFFICERS' REPORTS - PART TWO	58
4.1	CONTRACTS	58
	4.1.1 Contract No. 1920-01 Natural Resource Management	58
4.2	FINANCE AND BUDGET	65
	4.2.1 Audit and Risk Committee Charter	65
4.3	POLICY AND STRATEGY	77

4.3.1	New Policies Required Under the Local Government Act 2020	77
4.3.2	Governance Rules Required under the Local Government Act 2020	124
4.4	OTHER	181
4.4.1	Draft Minutes of Multicultural and People Seeking Asylum Advisory Committee Meeting - 7 April 2020	181
4.4.2	Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings - 9, 15 & 22 June 2020	188
4.4.3	List of Registered Correspondence to Mayor and Councillors	192
5	NOTICES OF MOTION	196
6	REPORTS FROM COUNCILLORS/DELEGATES AND COUNCILLORS' QUESTIONS	197
7	URGENT BUSINESS	198

1 MEETING OPENING

1.1 ATTENDANCE

Apologies

1.2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS OF THE LAND

Council acknowledges and pays respect to the past, present and future Traditional Custodians and Elders of this nation and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

1.3 OFFERING OF PRAYER

As part of Council's commitment to recognising the cultural and spiritual diversity of our community, the prayer this evening was provided prior to the meeting by Imam Ismail Hyka from the Albanian Sakie Mosque, Dandenong, a member of the Greater Dandenong Interfaith Network.

1.4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting of Council held 22 June 2020.

Recommendation

That the minutes of the Ordinary Meeting of Council held 22 June 2020 be confirmed.

1.5 ASSEMBLIES OF COUNCIL

The following assemblies of Council occurred in the period 19 June to 8 July 2020:

Date	Meeting Type	Councillors Attending	Apologies Received	Topics Discussed & Disclosures of Conflict of Interest
19/06/20	Audit Advisory Committee	Jim Memeti	Matthew Kirwan, Maria Sampey	- Audit Advisory Committee Meeting.
22/06/20	Pre-Council Meeting	Peter Brown, Youhorn Chea, Tim Dark (part), Matthew Kirwan, Angela Long, Zaynoun Melhem, Jim Memeti, Sean O'Reilly, Maria Sampey, Loi Truong.	Sophie Tan	- High level COVID-19 update. - Events likely to not be held in the current COVID-19 environment. - Acquisition of land for public open space (CONFIDENTIAL). - Agenda items for the Council Meeting of 22 June 2020.

1.5 ASSEMBLIES OF COUNCIL (Cont.)

Date	Meeting Type	Councillors Attending	Apologies Received	Topics Discussed & Disclosures of Conflict of Interest
6/07/20	Councillor Briefing Session	Peter Brown, Youhorn Chea, Tim Dark (part), Matthew Kirwan, Angela Long, Jim Memeti, Sean O'Reilly, Maria Sampey, Sophie Tan, Loi Truong	Zaynoun Melhem	<ul style="list-style-type: none">- High level COVID-19 update.- Review of Greater Dandenong Food and Tourism Strategies.- Draft Public Transparency Policy, Councillor Expenses Policy and Governance Rules.- Turner Reserve next steps.- Federal Grants Bids COVID-19.- Continuation of Rate relief for Job Seekers.- Acquisition of land for public open space (CONFIDENTIAL).- Agenda items for the Council Meeting of 13 July 2020.- CEO/Councillors Only –Dandenong Market Pty Ltd governance matters. (CONFIDENTIAL - Cr Jim Memeti disclosed a conflict of interest in this item and left the room during its discussion.)

Recommendation

That the assemblies of Council listed above be noted.

1.6 DISCLOSURES OF INTEREST

Any interest that a Councillor or staff member has deemed to be significant and has disclosed as either a direct or an indirect interest is now considered to be a conflict of interest. Conflict of Interest legislation is detailed in sections 77A, 77B, 78, 78A-E & 79 of the Local Government Act 1989. This legislation can be obtained by contacting the Greater Dandenong Governance Unit on 8571 5216 or by accessing the Victorian Legislation and Parliamentary Documents website at www.legislation.vic.gov.au.

If a Councillor discloses any interest in an item discussed at any Council Meeting (whether they attend or not) they must:

- complete a disclosure of interest form prior to the meeting.
- advise the chairperson of the interest immediately before the particular item is considered (if attending the meeting).
- leave the chamber while the item is being discussed and during any vote taken (if attending the meeting).

The Councillor will be advised to return to the chamber or meeting room immediately after the item has been considered and the vote is complete.

2 OFFICERS' REPORTS - PART ONE

2.1 DOCUMENTS FOR SEALING

2.1.1 Documents for Sealing

File Id:	A2683601
Responsible Officer:	Director Corporate Services

Report Summary

Under the Victorian Local Government Act, each Council is a body corporate and a legal entity in its own right. Each Council must therefore have a common seal (like any corporate entity) that is an official sanction of that Council.

Sealing a document makes it an official document of Council as a corporate body. Documents that require sealing include agreements, contracts, leases or any other contractual or legally binding document that binds Council to another party.

Recommendation Summary

This report recommends that the listed documents be signed and sealed.

2.1.1 Documents for Sealing (Cont.)

Item Summary

There are eleven [11] items being presented to Council's meeting of 13 July 2020 for signing and sealing as follows:

1. A letter of recognition to Marie Roussety, City Planning, Design and Amenity for 30 years of service to the City of Greater Dandenong;
2. An Instrument of Appointment of Authorised Officer under the provisions of *the Local Government Act 1989*, the *Environment Protection Act 1970*, the *Heritage Act 2017*, the *Land Acquisition and Compensation Act 1986*, the *Infringements Act 2006*, the *Planning and Environment Act 1987*, the *Sex Work Act 1994*, the *Subdivisions Act 1988*, the *Victorian Civil and Administrative Tribunal Act 1998* and the Regulations made under each of these Acts; the Local Laws made under the *Local Government Act 1989*; and any other Act, Regulation or delegated legislation (including the Greater Dandenong Planning Scheme) which relates to the powers of the Council made under the provisions and enactments described. This instrument enables the following Council officer to carry out the statutory responsibilities of the above Acts and is subject to policy and delegations previously adopted by Council:
 - Jessica Harrison;
3. An amended Instrument of Appointment of Authorised Officer under the provisions of *the Local Government Act 1989*, the *Environment Protection Act 1970*, the *Infringements Act 2006*, the *Planning and Environment Act 1987*, the *Public Health and Wellbeing Act 2008*, the *Road Management Act 2004*, the *Road Safety Act 1986*, the *Sex Work Act 1986*, the *Subdivisions Act 1988*, the *Summary Offences Act 1966*, the *Victorian Civil and Administrative Tribunal Act 1998* and the Regulations made under each of these Acts; the Local Laws made under the *Local Government Act 1989*; and any other Act, Regulation or delegated legislation (including the Greater Dandenong Planning Scheme) which relates to the powers of the Council made under the provisions and enactments described. This amended instrument enables the following Council officer to carry out the statutory responsibilities of the above Acts and is subject to policy and delegations previously adopted by Council:
 - David Keith Boyde; and

2.1.1 Documents for Sealing (Cont.)

4. An Instrument of Appointment of Authorised Officer under the provisions of *the Local Government Act 1989*, the *Environment Protection Act 1970*, the *Infringements Act 2006*, the *Planning and Environment Act 1987*, the *Public Health and Wellbeing Act 2008*, the *Road Management Act 2004*, the *Road Safety Act 1986*, the *Sex Work Act 1986*, the *Subdivisions Act 1988*, the *Summary Offences Act 1966*, the *Victorian Civil and Administrative Tribunal Act 1998* and the Regulations made under each of these Acts; the Local Laws made under the *Local Government Act 1989*; and any other Act, Regulation or delegated legislation (including the Greater Dandenong Planning Scheme) which relates to the powers of the Council made under the provisions and enactments described. This instrument enables the following Council officer to carry out the statutory responsibilities of the above Acts and is subject to policy and delegations previously adopted by Council:
 - Nathan Phillips.
5. A letter of recognition to Nanette Davis, Community Services for 10 years of service to the City of Greater Dandenong;
6. A letter of recognition to Alice Kilpatrick, Community Services for 10 years of service to the City of Greater Dandenong;
7. A letter of recognition to Ann Ly, Community Services for 10 years of service to the City of Greater Dandenong;
8. A letter of recognition to Puneet Kaur, Community Services for 10 years of service to the City of Greater Dandenong;
9. A letter of recognition to Peter Congedo, Community Services for 10 years of service to the City of Greater Dandenong;
10. A letter of recognition to Amanda Haines, Community Services for 20 years of service to the City of Greater Dandenong; and
11. A letter of recognition to Roshan Perera, Community Services for 20 years of service to the City of Greater Dandenong.

Recommendation

That the listed documents be signed and sealed.

2.2 DOCUMENTS FOR TABLING

2.2.1 Petitions and Joint Letters

File Id:	qA228025
Responsible Officer:	Director Corporate Services
Attachments:	Petitions and Joint Letters

Report Summary

Council receives a number of petitions and joint letters on a regular basis that deal with a variety of issues which have an impact upon the City.

Issues raised by petitions and joint letters will be investigated and reported back to Council if required.

A table containing all details relevant to current petitions and joint letters is provided in Attachment 1. It includes:

1. the full text of any petitions or joint letters received;
2. petitions or joint letters still being considered for Council response as pending a final response along with the date they were received; and
3. the final complete response to any outstanding petition or joint letter previously tabled along with the full text of the original petition or joint letter and the date it was responded to.

Note: On occasions, submissions are received that are addressed to Councillors which do not qualify as petitions or joint letters under Council's current Meeting Procedure Local Law. These are also tabled.

2.2.1 Petitions and Joint Letters (Cont.)

Petitions and Joint Letters Tabled

Council received one new (online) petition prior to the Council Meeting of 13 July 2020 as follows:

- A new petition has been received via change.org from 235 signatories (at time of printing) – “Let’s get the Keysborough South Community Hub right the first time” This petition has been forwarded to the relevant Council Business Unit/s for consideration.

N.B: Where relevant, a summary of the progress of ongoing change.org petitions and any other relevant petitions/joint letters/submissions will be provided in the attachment to this report.

Recommendation

That the listed items detailed in Attachment 1 and the current status of each, be received and noted.

2.2.1 Petitions and Joint Letters (Cont.)

DOCUMENTS FOR TABLING

PETITIONS AND JOINT LETTERS

ATTACHMENT 1

PETITIONS AND JOINT LETTERS

PAGES 4 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 1000.

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	Petition Text (Prayer)	No. of Petitioners	Status	Responsible Officer Response
1/7/2020	<p>Let's get the Keysborough South Community Hub Right the First Time.</p> <p>It is great that the Keysborough South Community Hub is going ahead on the corner of Villiers Rd and Chapel Rd. But the draft design is too heavily weighted towards children's services in an area where four new private childcare providers have or will be opening. There are growing demands for activities and programs for families, couples and singles of all ages.</p> <p>What is needed is:</p> <ul style="list-style-type: none"> (1) A small library branch, not just a pick-up/drop off service; (2) More non-bookable space for co-working and quiet study areas/rooms; (3) Sufficiently sized maker's space (wet room facilities) for arts/craft activities; and (4) A cafe to draw people to the hub - to share the cafe experience with friends and family while engaging with the hubs facilities and programs <p>It's important that this hub is built right the first time to ensure that it is successful from the day it opens and into the future.</p> <p><i>NB: This petition was submitted online via Change.org</i></p>	235 signatures as at 8/7/2020	New	<p>Tabled at Council Meeting 13 July 2020</p> <p>1/7/20 Responsible Officer – Director Business, Engineering & Major Projects.</p> <p>1/7/20 Acknowledgement Email sent to the head petitioner by Governance.</p>

If the details of the attachment are unclear, please contact Governance on 8571 1000.

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	• Petition Text (Prayer)	No. of Petitioners	Status	Responsible Officer Response

If the details of the attachment are unclear, please contact Governance on 8571 1000.

2.2.1 Petitions and Joint Letters (Cont.)

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2.3 STATUTORY PLANNING APPLICATIONS

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01)

File Id:	380995
Responsible Officer:	Director City Planning, Design and Amenity
Attachments:	Submitted Plans Submitted Alcohol Management Plan

Application Summary

Applicant:	Plans In Motion Pty Ltd
Proposal:	Amend the preamble of the permit which allows the use of land for an Indoor Recreation Facility to include Restricted Recreation Facility (Gymnasium) and the sale and consumption of liquor (on Premises License).
Zone:	Commercial 2 Zone
Overlay:	None
Ward:	Lightwood

This application is brought before Council as all applications in association with a liquor licence must be determined at a Council meeting.

It is proposed to amend the preamble of the permit which currently allows the use of land for an Indoor Recreation Facility to include Restricted Recreation Facility (Gymnasium) and the sale and consumption of liquor (on Premises License).

A permit is required pursuant to:

- Clause 34.02 – Commercial 2 Zone: A planning permit is required to use the land for a Restricted Recreation Facility (Gymnasium).
- Clause 52.27 - Licensed Premises: A permit is required to use land to sell or consume liquor.

Advertising Summary

The application was advertised to the surrounding area through the erection of an on-site sign and the mailing of notices to adjoining and surrounding owners and occupiers.

No objections were received.

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)**Assessment Summary**

The proposal has been assessed against the relevant requirements of the Greater Dandenong Planning Scheme and is considered appropriate to the site.

The proposed gymnasium and the sale and consumption of liquor is not considered to result in adverse amenity impacts to the site and neighbouring areas.

It is considered that the site has appropriate levels of car parking and the number of patrons on the site is not proposed to be increased.

The conditions of the planning permit, if issued, will ensure that the proposal is appropriately managed and operated.

Recommendation Summary

As assessed, the proposal is consistent with and appropriately responds to the provisions of the Greater Dandenong Planning Scheme. The proposal appropriately responds to the Planning Policy Frameworks as well as the purpose of the zone which applies to the subject site. This report recommends that the application be supported, and that an **amended permit** be granted subject to conditions as set out in the recommendation.

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

Subject Site and Surrounds

Subject Site

The subject site is identified as Lot 1 out of four (4) lots located at 6-12 Brough Street. The buildings within 6-12 Brough Street were constructed in 1995 but have since been subdivided. The subject building is identified as number ten (10) Brough Street.

The building has been allocated twenty-two (22) standard car spaces plus one (1) accessible car space (total of twenty three (23) car parking spaces) as shown and allocated on the plan of subdivision registered on the Title.

The site (Lot 1 on PS404765R) is provided with two (2) vehicular access points:

- A private driveway on the eastern boundary accessible from Brough Street. This driveway provides access to six (6) car spaces within the front setback.
- The site also shares a common accessway with the other three (3) lots to its west, which provides access to remaining seventeen (17) car spaces allocated to the building.

The building is currently used as an Indoor Recreation Facility (Indoor Beach Volleyball Centre). The building contains six (6) indoor volleyball courts and has a maximum capacity of seventy-two (72) patrons, with a maximum of eight (8) staff members. Operational hours permitted are between 10:00am and 11:00pm from Monday to Saturday.

Surrounding Area

The site is located within an established industrial/commercial area east of Princes Highway.

The subject site is located within a cul-de-sac which is accessed via Smith Road to the north.

The Sandown Indoor Sports Centre is also located on Brough Street neighbouring the subject site to the north.

The surrounding buildings are predominantly occupied by warehouse/manufacturing industries which operate during the day.

On-street vehicle car parking is available on Brough Street with no restrictions in place.

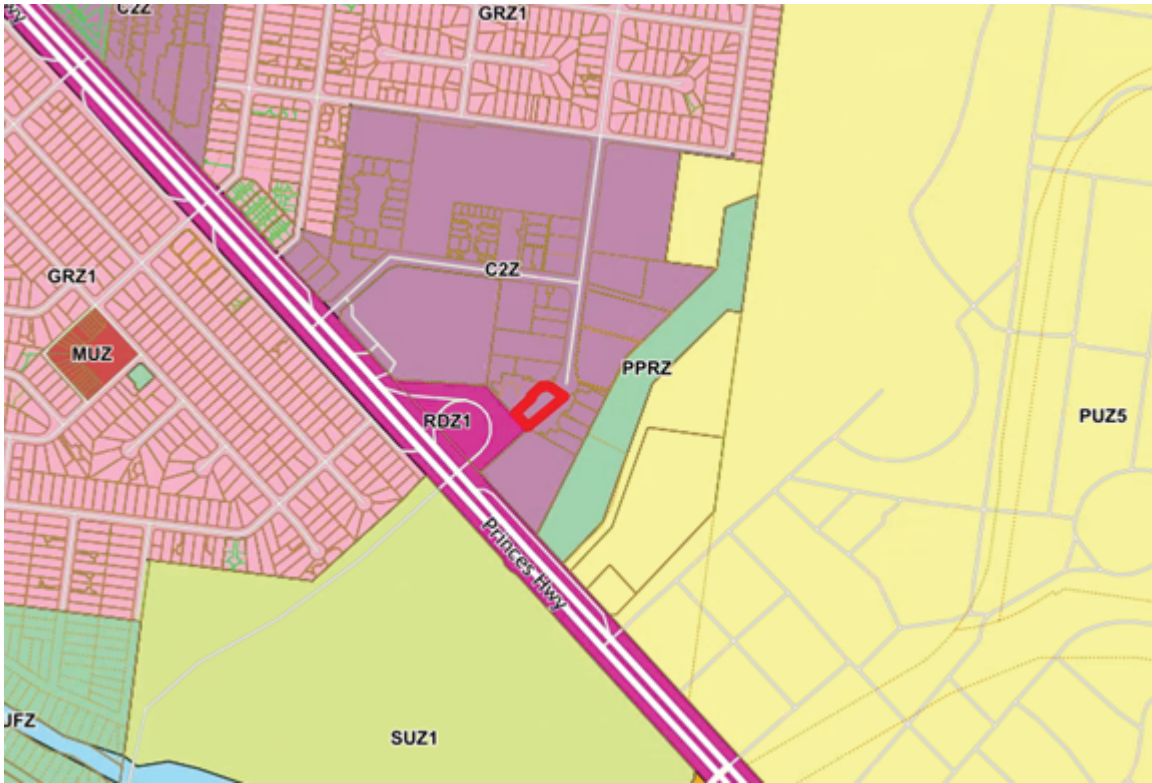
Princes Highway, a Road Zone, Category 1, is located 100m southwest of the site. Immediately adjoining the southwest boundary of the site is the access ramp which provides access from Princes Highway to the Sandown Racecourse to the south of Princes Highway.

The Springvale Botanical Cemetery is located 120m to the east.

The nearest residential area is 170m to the west. There are also residential developments located 360m to the north.

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

Locality Plan



Subject Site Melways Map 80D7 North é

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

An aerial map of the site and surrounding properties is provided below (October 2019):



Background

Previous Applications

A search of Council records revealed that Council has previously considered the following planning applications for the site:

- Planning Permit PLN16/0174 was issued on 21 June 2016 for the use of the land for the purpose of an Indoor Recreation Facility.
- Planning Permit 1998/119 was issued for 'Subdivision x 4' on 18 March 1998.

Proposal

The application proposes to amend the current preamble of the permit which allows the use of land for an Indoor Recreation Facility to include Restricted Recreation Facility (Gymnasium) and the sale and consumption of liquor (On Premises License).

The land currently has a permit for:

- Use of the land for the purpose of an Indoor Recreation Facility.

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

It is proposed to amend the permit to:

- Use of the land for the purpose of an Indoor Recreation Facility, Restricted Recreation Facility (Gymnasium) and the sale and consumption of liquor (On Premises License).

The proposed (retrospective) Restricted Recreation Facility (Gymnasium) would operate separately from the Indoor Recreation Facility (Indoor Beach Volleyball Centre). The gymnasium would occupy 272 square metres of the subject building, in the area previously reserved as a 'Players' Lounge', and the 'Players' Lounge' would be relocated to the first floor. The gymnasium would have a maximum of 20 members at any given time and would have a maximum of 4 staff at any given time.

The current permit allows a maximum of seventy two (72) patrons at any one time. The application does not propose to increase the permitted number of patrons on the site. When the gymnasium is in operation, the total number of patrons within the indoor beach volleyball centre would be fifty two (52)

The hours of operation for the proposed gymnasium would be the same as the existing indoor beach volleyball centre which are between 10:00am and 11:00pm Monday to Saturday.

The main access to the gymnasium is via a double pedestrian door at the northern splay of the building whilst access to the indoor beach volleyball centre is via the single pedestrian door to the northeast (next to Court 1 on the site plan).

Liquor is proposed to be sold and consumed throughout the entire ground floor of the existing Indoor Recreation Facility as well as throughout the first-floor (mezzanine floor). Liquor is proposed to be sold from the 'Counter' area on the ground floor. Liquor is not proposed within the gymnasium.

The proposed liquor license is intended to service patrons to the indoor beach volleyball centre only.

Liquor is proposed to be sold and consumed during the following hours:

- 12noon – 11pm Monday to Saturday.

Basic snacks (packaged goods) would continue to be supplied to customers. This would be ancillary to the use of the site as an Indoor Recreation Facility.

A copy of the submitted plans is included as Attachment 1.

Victorian Charter of Human Rights and Responsibilities

All matters relevant to the Victorian Human Rights Charter have been considered in the preparation of this report and are consistent with the standards set by the Charter.

Financial Implications

No financial resources are impacted by this report.

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

Planning Scheme and Policy Frameworks

Pursuant to the Greater Dandenong Planning Scheme, a planning permit is required:

- Clause 34.02 – Commercial 2 Zone: A planning permit is required to use the land for a Restricted Recreation Facility (Gymnasium).
- Clause 52.27 - Licensed Premises: A permit is required to use land to sell or consume liquor.

The relevant controls and policies are as follows:

Zoning Controls

The subject site is located in a Commercial 2 Zone, as is the surrounding area to the north, east and west. The land to the southwest is a Road Zone Category 1 being the access ramp from Princes Highway to the Sandown Racecourse to the south of Princes Highway.

The purpose of the Commercial 2 Zone outlined at Clause 34.02 is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*
- *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.*

Pursuant to Clause 34.02-1, a permit is required, a planning permit is required to use the land for a Restricted Recreation Facility (Gymnasium).

Overlay Controls

No overlays affect the subject site or surrounding area.

Planning Policy Framework

There are a number of specific objectives contained within the Planning Policy Framework that need to be considered under this application, which follow.

Economic Development (Clause 17)

Under this clause, it notes that planning is to provide for a strong and innovative economy, where all sectors of the economy are critical to economic prosperity, and planning is to contribute to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating decisions, and resolving land use conflicts so that each district may build on its strengths and achieve its economic potential.

Clause 17.02-1S (Business) has the objective to encourage development which meets the community's needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

Local Planning Policy Framework

The Local Planning Policy Framework (LPPF) includes the Municipal Strategic Statement (MSS) and Local Policies. The MSS is contained at Clause 21 of the Scheme. At Clause 21.03-2, the MSS identifies a number of key focus areas and strategic directions, including:

- Economic Well-being – Strategies that facilitate employment and investment in the key economic areas of the municipality and stimulate its economic growth and wellbeing.
- Healthy Communities– Strategies that create health promoting environments that are welcoming, inclusive and make a positive contribution to the health and wellbeing of Greater Dandenong’s diverse communities.

The objectives and strategies of the MSS are under four (4) main themes including: land use; built form; open space and natural environment; and, infrastructure and transportation (considered individually under Clauses 21.04 to 21.07). Of particular relevance to this application are Clauses 21.04-2 (Retail, commerce and entertainment) and 21.05-1 (Urban design, character, streetscapes and landscapes).

Land Use (Clause 21.04)

“Economic issues – Greater Dandenong’s retail, commercial, industrial and entertainment uses provide a range of jobs. Strengthening these assets will attract visitors from outside the municipality and improve employment opportunities. With suitable promotion, they could realise increased economic benefits for the City.”

Particular Provisions

Car Parking (Clause 52.06)

The purposes of this provision are:

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Clause 52.06-2 notes that before a new use commence, the number of car parking spaces required under Clause 52.06-5 must be provided on the land.

The required spaces are identified in the table to Clause 52.06-5.

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

Clause 52.06-5 states that if in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces is to be rounded down to the nearest whole number.

The subject land is not within the Principal Public Transport Network Area and Column A of Clause 52.06-5 is applicable.

'Restricted Recreation Facility', 'Minor sports and recreation facility' or 'Gymnasium' are not uses specified in Table 1 of Clause 52.06-5. Therefore, car parking must be provided to the satisfaction of the Responsible Authority.

Licensed Premises (Clause 52.27)

The purposes of this provision are:

- *To ensure that licensed premises are situated in appropriate locations.*
- *To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.*

A planning permit is required to use land to sell or consume liquor.

General Provisions

Clause 65 – Decision Guidelines needs to be considered, as is the case with all applications. For this application the requirements of Clause 65.01 for the approval of an application or plan is of relevance. This Clause outlines the requirements that the responsible authority must consider when determining the application.

Council Policy

Alcohol Management Policy

Council's Alcohol Management Policy has been developed to support the City's economic vitality, while enhancing safety, amenity, health and wellbeing in the City of Greater Dandenong through the effective assessment and enforcement of matters relevant to alcohol supply and use within the municipality.

The Policy is intended to apply to all new liquor licences, including those for events and activities in Council venues. The Policy creates a consistent and integrated approach across planning, regulation, enforcement and community safety activities of Council.

The Policy ensures that applicants for planning permits where a liquor licence is required, prepare an Alcohol Management Plan as part of their application. An Alcohol Management Plan must be completed in order to manage and mitigate potential risks with the provision of alcohol.

Information Guidelines have been developed to assist applicants with the preparation of Alcohol Management Plans. The draft Guidelines also provide a checklist to explain to applicants how Council planners will assess liquor licence applications and to seek to improve future applicant's understanding of the responsibilities and potential risks associated with the sale of alcohol.

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

This policy was adopted on 9 December 2013 and re-adopted on 9 April 2018.

Restrictive Covenants

There are no restrictive covenants or restrictions on the Certificate of Title to the land.

Council Plan 2017-2021 – Strategic Objectives, Strategies and Plans

The Council Plan describes the kind of future the Council is working for, and how Council will do this over four years. In accordance with the commitment in Council's Annual Plan, all applications are considered on their merits.

Diversity (Access & Equity)

It is not considered that the proposal raises any diversity issues affecting the planning assessment of this application.

Community Safety

It is considered that there would be no adverse community safety implications in permitting the proposal subject to strict conditions on any planning permit issued.

Safe Design Guidelines

Consideration of the relevant requirements of these Guidelines has been undertaken within the Assessment of this application.

Referrals

Pursuant to Section 52 of the Planning and Environment Act 1987, the application was externally referred to:

Referral Authority	Comments
Victorian Commission for Gambling and Liquor Regulation.	No objection.
Victoria Police - Springvale	No objection, subject to conditions.
APA Gasnet Australia	No objection.

Internal

The application was internally referred to:

Department	Comments
Community Services	No objection, subject to conditions.

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

Health Department	No objection, subject to conditions
Transport Planning	No objection.

Advertising

The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing one (1) sign on the subject site facing Brough Street.

The notification has been carried out correctly.

No objections have been received to date.

Assessment

The proposal has been assessed against the relevant provisions of the Planning Policy Framework and Local Planning Policy Framework, the zoning of the land and the relevant particular provisions of car parking, licenced premises and the decision guidelines of Clause 65.

Use

To determine the suitability of the use, the Decision Guidelines at Clause 34.02-2 (Commercial 2 Zone) and Clause 52.17 (Licensed Premises) of the Greater Dandenong Planning Scheme need to be considered.

Broadly, the proposal seeks to use a part of the existing building for a gymnasium and allow patrons to consume liquor after a game of beach volleyball in addition to the existing Indoor Recreation Facility.

Gymnasium

The Indoor Recreation Facility (Indoor Beach Volleyball Centre) and Restricted Recreation Centre (Gymnasium) fall within the nesting diagram of Leisure and Recreation at Clause 73.04-6 (Nesting Diagram – Leisure and Recreation Group). Whilst the two (2) uses would operate independently, it is considered that the two (2) uses would co-exist well within the same building and be complimentary to each other without resulting in adverse detriment to each other or to the surrounding properties. It is considered that the inclusion of the gym within the existing building would offer additional recreational facilities to workers and residents within the surrounding.

It is considered that the addition of the proposed gym would provide a net benefit to the community by way of employment opportunities, economic viability and entertainment, without compromising the local amenity of the surrounding land uses. The proposal meets the objectives of Clause 17

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

(Economic Development) and Clause 17.02-1S (Business) of the Planning Policy Framework in that it is considered to meet the community's needs for accessible entertainment facilities located within the municipality.

Liquor Licence

In terms of the sale and consumption of liquor, it is considered that liquor would only be sold to those utilising the building for sporting purposes or for spectators and would not be generally open to the public. The nearest residential development is located 170m to the west of the subject site with residential developments also located 360m to the north. There is no direct vehicle or pedestrian access from Brough Street to the residential developments to the west. Brough Street connects to Smith Road to the north and in turn, connects to Princes Highway.

Whilst there is direct link from the site to the residential developments to the north, those residential developments being located 360m from the site, would unlikely to be adversely affected by the proposed uses.

With regards to noise, it is considered that the 170m distance of the site from the residential development to the west and 360m distance from the residential developments to the north provides an adequate separation and that the proposed uses would not result in noise to the existing residential developments.

The applicant has supplied an Alcohol Management Plan (AMP) that details the house policy for the responsible service of alcohol. This seeks to minimise any anti-social behaviour that can be caused through intoxication.

The AMP documentation has been reviewed by Council's Community Services department who suggested that the Redline Plan be limited to the first-floor 'Players' Lounge' area only (excluding the storeroom, adjacent stairs and ground floor facilities) due to potential risks associated with alcohol within the toilets, storeroom, staff areas and volleyball courts. This suggestion is also in-line with the comments received from Victoria Police.

However, as liquor is to be sold from the ground floor counter and that there would be no counter within the first floor 'Players' Lounge' it would be necessary to include the ground floor 'Counter' and a pedestrian path from the 'Counter' and stairs.

It is therefore recommended that the Redline Plan be amended to include only the first-floor 'Players' Lounge', ground floor 'Counter' pedestrian accessway way from the 'Counter' to the stairs and the stairs. This could be conditioned (Condition 1.1).

The Alcohol Management Plan, once endorsed, will form part of this permit, with any performance review measures outlined within the AMP to be strictly adhered to.

In accordance with DPCP Practice Note 61 "Licensed Premises: Assessing Cumulative Impact", a cumulative impact assessment is required if both the clustering and hours of operation tests are met, specifically, if the premises trades *after* 11pm; and in an area where there is a 'cluster' of licensed

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

premises. The site is not within an area which form a cluster of licensed premises, and the proposed hours of operation do not exceed 11pm. As such, there is no trigger for the provisions of a cumulative impact assessment.

Based on the above, it is considered that the proposal is appropriately located and would be managed to avoid any impact on the amenity of the surrounding area, subject to modification to the Alcohol Management Plan and removal of the outdoor seating area.

Car Parking

Car parking provisions are provided under Clause 52.06 of the Planning Scheme. Clause 52.06-1 requires that a new use provides for the appropriate number of parking spaces.

'Restricted Recreation Facility', 'Minor sports and recreation facility' or 'Gymnasium' are not uses specified in Table 1 of Clause 52.06-5. As such, pursuant to Clause 52.06- 6, before a new use commences or the floor area or site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority.

The subject site is allocated twenty-two (22) standard car spaces plus one (1) accessible car space as shown on the title / plan of subdivision (twenty three (23) car parking spaces in total).

It is noted that the planning report for the existing Indoor Recreation Facility used the car parking ratio for a Place of Assembly as a guide. A Place of Assembly requires 0.3 car spaces to each patron permitted. Based on this rate, the report considered that the maximum seventy two (72) patrons on the site requires twenty one (21) car spaces. As the site has twenty three (23) car spaces, the maximum of seventy two (72) patrons is considered appropriate with the of patron number restricted under Condition 2 of the existing permit.

The two (2) independent uses would operate during the same hours of operation from 10am to 11pm Monday to Saturday. The maximum number of patrons to the gymnasium is twenty (20). The maximum number of patrons to the indoor beach volleyball centre generally peak at forty two (42). However, during some events, the maximum number of patrons to the indoor beach volleyball centre could peak at seventy two (72). The application does not propose to increase the number of patrons on the site as the gymnasium would not be in operation during special events within the indoor beach volleyball centre.

It is considered that the number of patrons for the two (2) independent uses should not be restricted to each use and that the maximum of seventy two (72) patrons should be restricted for the overall site as per the current condition of permit.

As the maximum number of patrons on the site is not proposed to be increased, it is considered that the uses would not result in car parking detriment to the surrounding properties.

Amendment to Permit Conditions

Planning permit PLN16/0174 contains twelve (12) conditions which would be included on any amended permit to be granted, but would be required to be re-numbered as additional conditions would be included as a result of the proposal.

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

The requirement to modify the Redline Plan to allow liquor only within the first floor 'Players' Lounge' would be included as Condition 1.1 of the permit. The current conditions would require to be renumbered accordingly.

The condition restricting the hours from 10:00am to 11pm Monday to Saturday should be amended to indicate that these hours of operation are for the indoor beach volleyball centre and gymnasium only (Condition 5). A new condition restricting the hours of operation for the sale and consumption of liquor to between 12noon to 11pm Monday to Saturday would be included (Condition 6).

Additional conditions would be included to govern the proposed sale and consumption of liquor on the site including the hours of operation (Conditions 14 to 21).

Environmentally Sustainable Development

An Environmentally Sustainable Design assessment is only required for the development of land.

The proposed changes to the land use do not require an Environmentally Sustainable Design assessment.

Conclusion

The application has been assessed against the relevant sections of the Greater Dandenong Planning Scheme, including the Planning Policy Framework and Local Planning Policy Framework, Municipal Strategic Statement, zones, overlays and Clause 65.

Overall it is considered that the proposed amendment to the use and Red Line Area is appropriate having regard to the site's location within an established recreational facility within a Commercial 2 Zone considering the context of the site.

Recommendation

That Council resolves to Grant an amended planning permit in respect of the land known and described as 10 Brough Street, Springvale for the use of the land for the purpose of an Indoor Recreation Facility, Restricted Recreation Facility (Gymnasium) and the sale and consumption of liquor (On Premises License) in accordance with the plans submitted with the application subject to the following conditions:

- 1. Before the use starts, two (2) copies of an amended plan/plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit.**

The plans must be generally in accordance with the plans submitted with the application, or some other specified plans, but modified to show:

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

- 1.1. The Redline Plan and Alcohol Management Plan amended to allow the sale and consumption of alcohol only in the first-floor 'Players' Lounge', the ground floor 'Counter', a pedestrian path from the 'Counter' to the stairs and the stairs (excluding the Storeroom, staff room, volleyball courts and amenities).**

All to the satisfaction of the Responsible Authority.

- 2. The use as shown on the endorsed plans must not be altered without the further written consent of the Responsible Authority.**
- 3. Not more than seventy-two (72) patrons may be present on the site at any one time.**
- 4. Not more than eight (8) staff members may be present on the site at any one time.**
- 5. The use of land for the Indoor Recreation Facility (Indoor Beach Volleyball Centre) and Restricted Recreation Facility (Gymnasium) must only operate between the hours of 10:00am – 11:00pm between Monday – Saturday.**
- 6. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only operate between 12noon to 11pm, Monday to Saturday.**
- 7. The amenity of the area must not be adversely affected by the use or development as a result of the:**
 - 7.1. transport of materials, goods or commodities to or from the land;**
 - 7.2. appearance of any building, works, stored goods, or materials; and**
 - 7.3. emission of noise, artificial light, vibration and waste products.**
- 8. Goods, materials, equipment and the like associated with the use of the land must not be displayed or stored outside the building, without the further written consent of the Responsible Authority.**
- 9. Car parking spaces must be easily identifiable to staff and patrons through the provision of signage above each space and/or markings on each space in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.**
- 10. The car parking area must be lit if in use of hours of darkness, and all lights must be designed, fitted with suitable baffles and located to prevent any adverse effect on adjoining land, all to the satisfaction of the Responsible Authority.**
- 11. The operator under this permit must make all reasonable attempts to ensure that no vehicle under the operators control, or the operator's staff, are parked in the streets nearby, to the satisfaction of the Responsible Authority.**

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

12. The car parking provided on the land must always be kept available for its intended purpose at all times. No measures must be taken to restrict access to the car park.
13. Car spaces, access lanes, loading bays and driveways must be maintained (including line marking) and kept available for these purposes at all times.
14. Except with the prior written consent of the Responsible Authority, gaming machines, amusement machines, or similar must not be installed or used on the premises.
15. The licensed area shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority and VCGLR (Victorian Commission for Gambling and Liquor Regulation).
16. The sale and consumption of liquor must comply with the endorsed Alcohol Management Plan at all times.
17. All rubbish from the premises must be immediately collected and disposed of in an appropriate receptacle to the satisfaction of the Responsible Authority.
18. The operator or security staff of the premises must take reasonable steps to ensure that patrons leaving the premises act in an orderly manner and to the extent reasonably practicable must discourage patrons from loitering within the vicinity of surrounding residences.
19. At all times when the approved use is operating, a person over the age of 18 years (Manager) must be present at the premises. The Manager must ensure that activities on the land and the conduct of persons entering, leaving and present on the land do not have a detrimental impact on the amenity of the area to the satisfaction of the Responsible Authority.
20. The operator must authorise the Manager on behalf of the operator to make statements at any time to any officer of the Responsible Authority, the Victoria Police or an authorised person defined under the Liquor Control Reform Act 1998 and to take action in accordance with a direction by such officer.
21. House Rules signage is to include the Redline Map at entry/exit points, in the car park/s, at the bottom and top of the stairwell, on doors into toilets, stating that:
 - 21.1. Alcohol must not to be consumed beyond the Redline Map.
 - 21.2. Alcohol must not to be consumed in any public place in the municipality, such as in the car park and connected areas. Up to a \$1,000 Local Laws fine applies.
 - 21.3. The safety and amenity of pedestrians, residents, businesses and property in surrounding areas must be respected upon leaving the premises.

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)**22. This permit will expire if:**

22.1 The use does not start within two (2) years of the date of this amended permit, or

22.2 The use is discontinued for a period of two (2) years.

Before the permit expires or within six (6) months afterwards, the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

Notes:

- **As food products are proposed to be sold on site, a registration/notification (dependent on type of food being sold) is required with Council's Health Services under the *Food Act 1984*. To commence the registration process, application must be made to Council's Health Services.**
- **Premises required to be registered under the *Food Act 1984* are to comply with the requirements of the *Food Act 1984*, the Food Standards Code, and AS:4674-2004 Design, Construction and Fit Out of Food Premises.**
- **Waste water disposal is to be through approved wastewater disposal systems. Waste water is not to be discharged to the surrounding environment.**
- **Should a grease arrestor unit be required to be installed on the premises (subject to requirement from South East Water), the unit is not to be installed in areas where food products, food handling equipment, and/or items relating to the food business are handled, used, or stored. Further, in the process of emptying and/or cleaning of a grease arrestor on site, any equipment used as part of this process is not to enter or pass through any areas used for the handling and/or storage of food products and food handling equipment.**
- **Waste disposal units (garbage and recycling) are to be stored in a designated area where they are able to be fully contained, are to be of a size sufficient to accommodate the waste generated on the premises, and not pose a risk to public health, food safety, or the surrounding environment.**
- **The premises is to be designed and operated in such a way as not to allow or cause a nuisance to exist on the premises, including but not limited to, unreasonable noise and odour, excessive waste storage, and harbourage of pests.**

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

STATUTORY PLANNING APPLICATIONS

**TOWN PLANNING APPLICATION – NO. 10 BROUGH STREET,
SPRINGVALE (PLANNING APPLICATION NO. PLN16/0174.01)**

ATTACHMENT 1

SUBMITTED PLANS

PAGES 5 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

DENOTES CAR PARKING SPACES ALLOCATED FOR FACTORY 1



P E T E R W R I G H T ARCHITECTS
 8 A S S O C I A T E S P T Y L T D ARCHITECTS
 5-66 BAY ROAD SANDRINGHAM VIC 3199
 T 03 9501 9233 F 03 9501 8296
 A N N 5 2 4 7 2 5 7 4 8

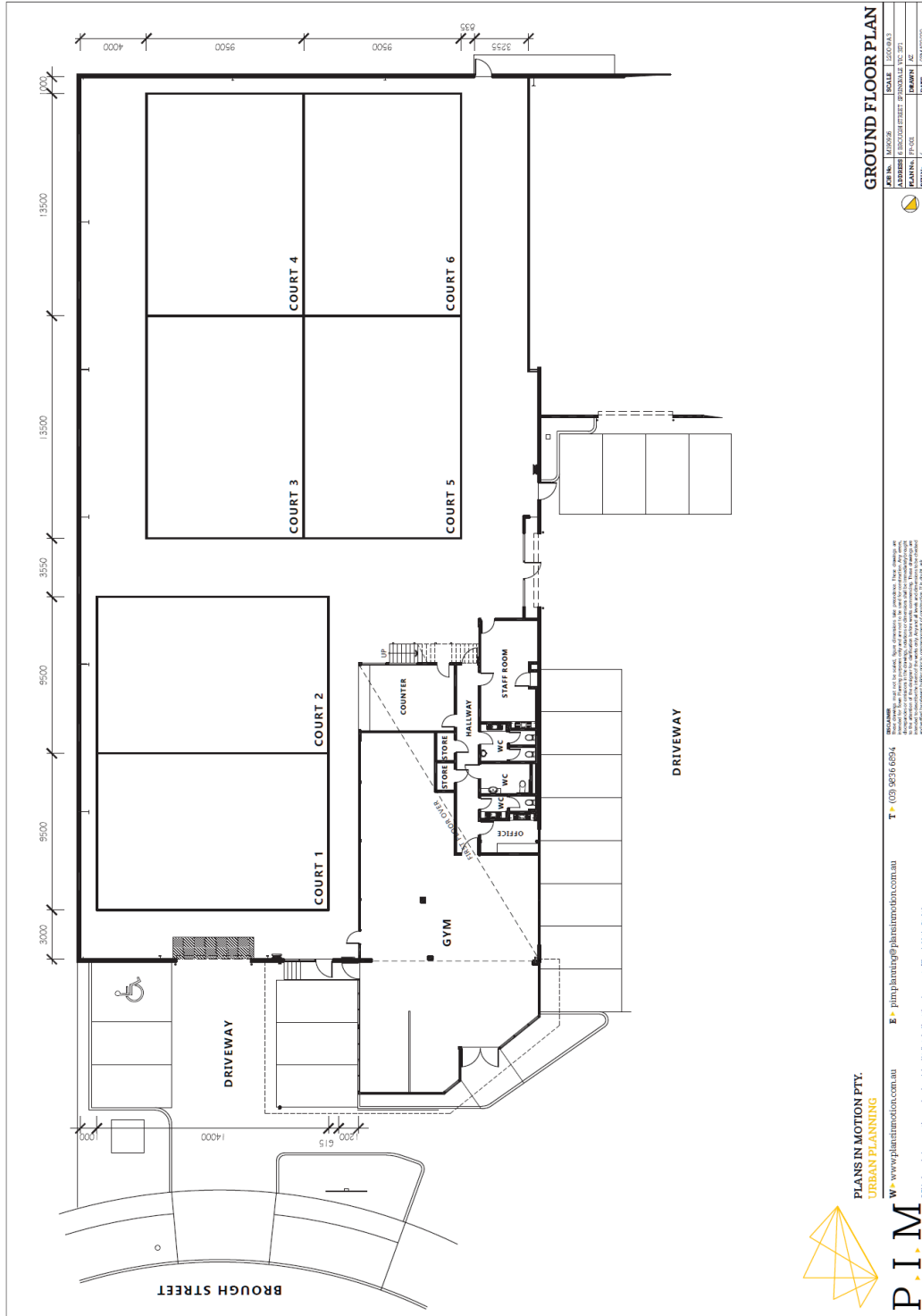
A COUNCIL REQUEST FOR FURTHER INFO 13/24/16
 code amendment
 0018 1188
 north drawing
 drawing no. 3983-TP 01
 issue TOWN PLANNING
 scale 1:500 @ A3
 down M.V.
 date FEBRUARY 2016
 job no. 16-3983

proposed indoor volleyball internal fitout
 at FACT 1 / NO.10 BROUGH STREET, SPRINGVALE
 for MR MILAN VUCIC



site layout plan

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)



GROUND FLOOR PLAN

APP NO.	16/02/08	SCALE	1:200 (A3)
ADDRESS	10 BROUGH STREET, SPRINGVALE VIC 3171	DATE	12/07/2020
CLIENT	P I M	PROJECT	16/02/08
DESIGNER	P I M	DATE	12/07/2020

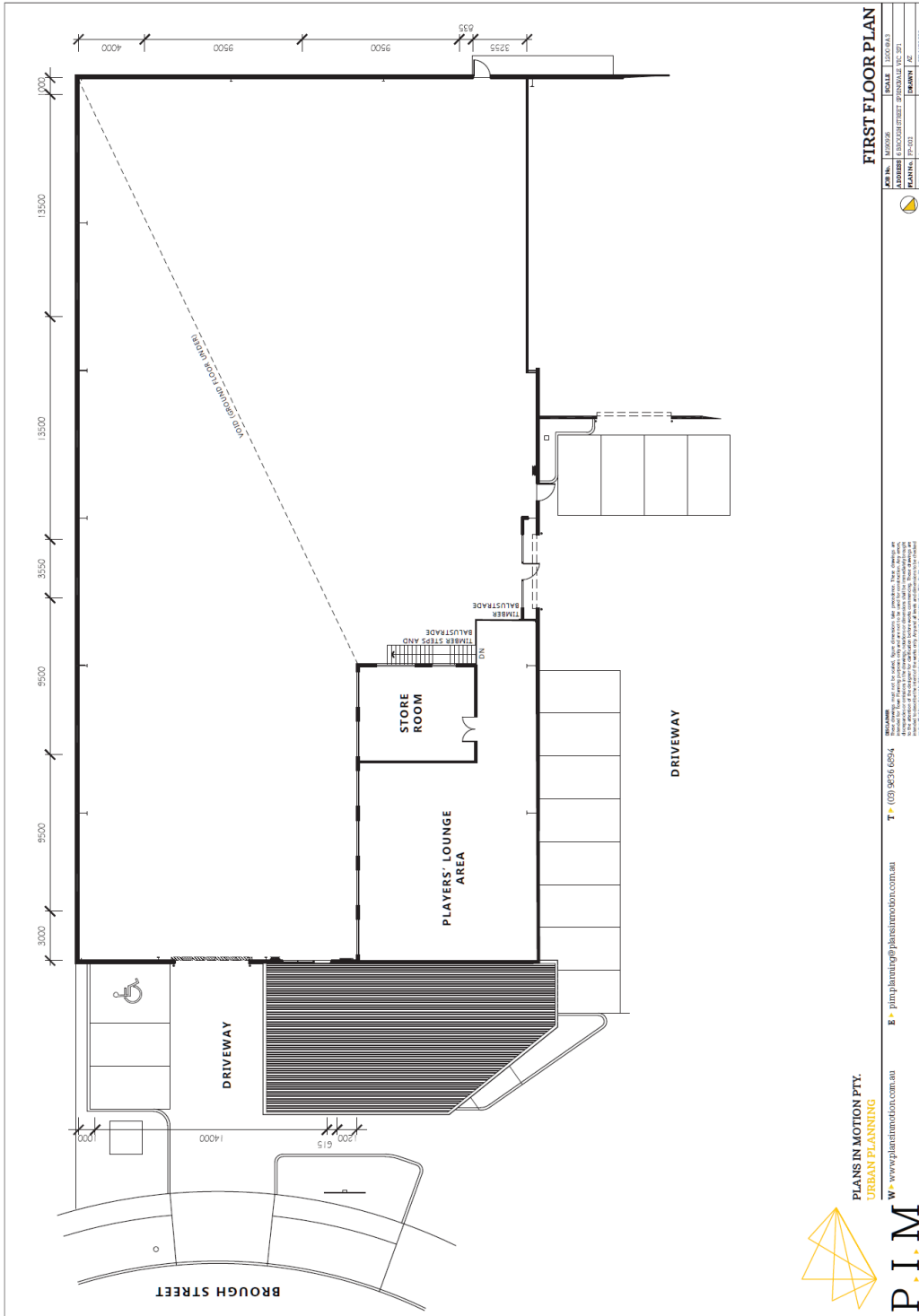
PLANS IN MOTION PTY.
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 W www.plansinmotion.com.au
 E plansinmotion@plansinmotion.com.au
 T 03 9234 6634

P I M

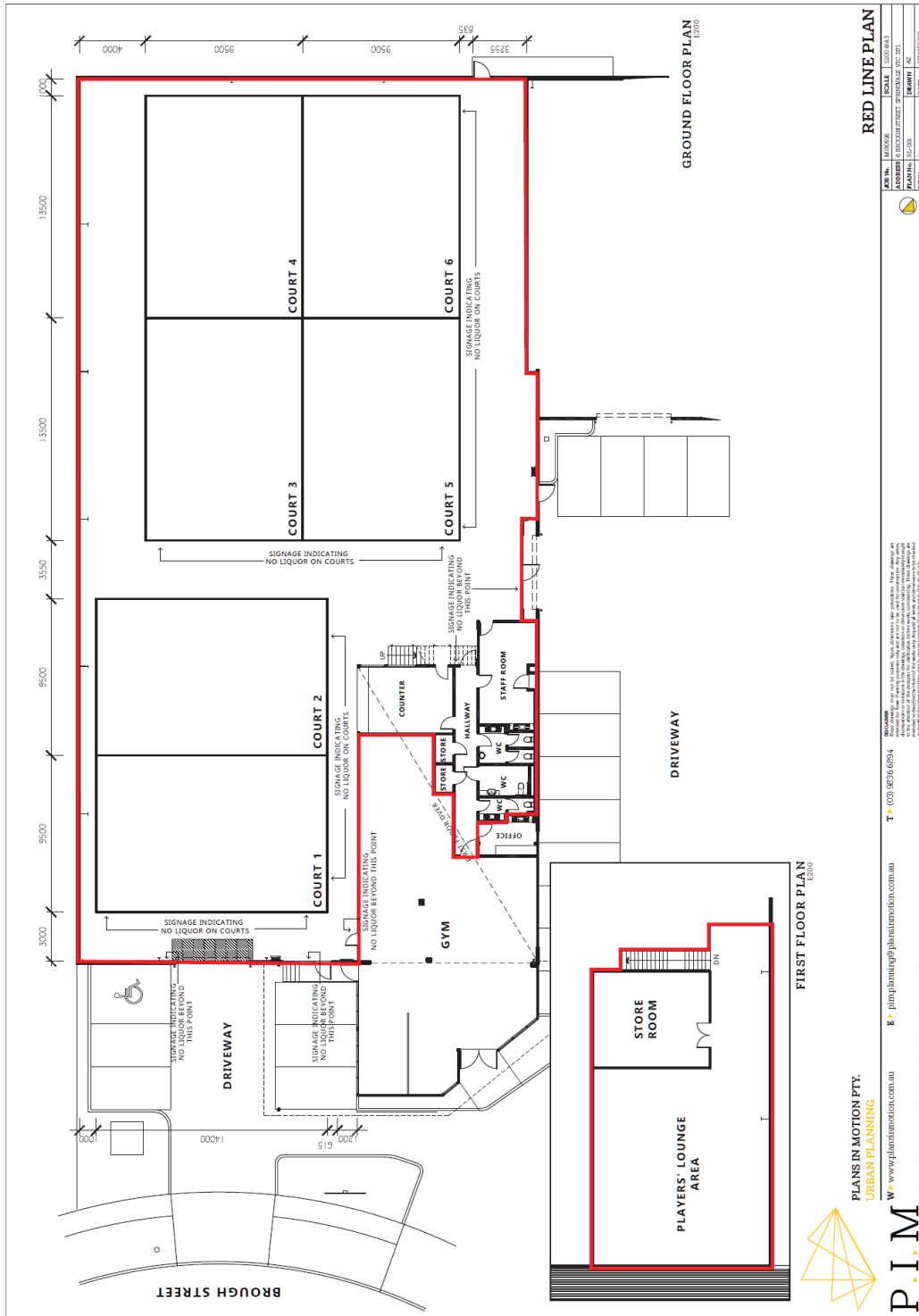
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2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)



2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)



2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

STATUTORY PLANNING APPLICATIONS

**TOWN PLANNING APPLICATION – NO. 10 BROUGH STREET,
SPRINGVALE (PLANNING APPLICATION NO. PLN16/0174.01)**

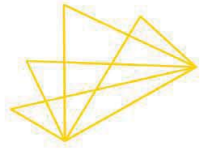
ATTACHMENT 2

ALCOHOL MANAGEMENT PLAN

PAGES 19 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)



P . I . M

PLANS IN MOTION | URBAN PLANNING

ALCOHOL MANAGEMENT PLAN

Date: December 2019

10 Brough Street
SPRINGVALE VIC 3171

City of Greater Dandenong

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

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2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)



Alcohol Management Plan | 10 Brough Street, Springvale | 3

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Report Number	001-AMP

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ACN 167 991 979

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

Alcohol Management Plan | 10 Brough Street, Springvale | 4

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2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

Alcohol Management Plan | 10 Brough Street, Springvale | 5

Table of Contents

Table of Contents	5
Alcohol Management Plan 10 Brough Street, Springvale	6
1. Alcohol Management Plan Summary	6
2. Glossary	6
3. Introduction and Context	7
3.1 Planning Permit PLN16/0174	7
3.2 Liquor Licence	7
4. Risks and Strategies	8
4.1 Compliance Risks	8
4.2 Behavioural Risks	9
4.3 Amenity Risks	10
5. Limitations and Conclusion	11
Appendices	12
Appendix A - Licensed Premises Signage Fact Sheet	12

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

Alcohol Management Plan | 10 Brough Street, Springvale | 6

Alcohol Management Plan 10 Brough Street, Springvale

1. Alcohol Management Plan Summary

- ▶ The operator (as defined below) shall maintain responsibility for ensuring compliance with the following Alcohol Management Plan.
- ▶ The operator shall take the appropriate steps to manage the risks associated with the sale and consumption of alcohol.
- ▶ Patron capacity shall be limited to 72, consistent with Planning Permit PLN16/0174.
- ▶ Service of alcohol shall be in line with the following legal obligations:
 - Responsible service of alcohol;
 - Encourage responsible drinking;
 - Prevent under-age drinking;
 - Reduce premises impact;
 - Ensure safety in the premises.
- ▶ The subject site is not within a cluster.

2. Glossary

Operator Refers to the owner or occupier (lessee) who shall manage site operations and be the licence holder.

Staff Refers to those who are employed by the operator.

VCGLR Refers to the Victorian Commission for Gambling and Liquor Regulation.

Cluster Refers to an area where there are three or more licensed premises (including the proposed) within a radius of 100 metres or 15 or more licensed premises (including the proposed) within a radius of 500 metres from the subject land (Planning Practice Note 61, 2015).

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

Alcohol Management Plan | 10 Brough Street, Springvale | 7

3. Introduction and Context

3.1 Planning Permit PLN16/0174

Planning Permit PLN16/0174 was issued on 21 June 2016 for the use of the land for the purpose of an Indoor Recreation Facility.

This Planning Application relates to amending the original Planning Permit to allow the use of land for a bar and associated amendments to the endorsed plans.

This Alcohol Management Plan has been prepared to accompany the application for the sale and consumption of liquor on the subject site (on-premises licence) associated with proposed use for a bar.

3.2 Liquor Licence

The liquor license intended to be applied for is an **on-premises licence** which would authorise the sale of liquor for consumption on the premises. The holder of an on-premises licence is allowed to supply alcohol to people within the licensed area. For an on-premises licence, people who are supplied alcohol are only able to drink it within the licensed area. Alcohol cannot be supplied to take away.

Planning Permit PLN16/0174 allows for a maximum capacity of 72 patrons and 8 staff at any one time, the on-premises licence would continue to allow for and enforce this patron capacity.

As the predominant use of the site would be for an Indoor Recreation Facility with the bar as an ancillary service, on-site security would not be required. The subject site is located within an established industrial precinct and as such would not impact on residential amenity. Further, the site is not within a cluster and would therefore not contribute to cumulative impact should amplified or live music be adopted by the venue. Amplified or loud music would be restricted to after usual business hours (between 5pm - 11pm Monday to Friday, and on weekends).

The on-premises licence is intended to accompany the use for Indoor Recreation Facility while providing a social outlet for surrounding workers within the commercial precinct.

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

Alcohol Management Plan | 10 Brough Street, Springvale | 8

4. Risks and Strategies

4.1 Compliance Risks

The following strategies will be employed in order to comply with Victorian State Law regarding the sale and consumption of liquor in accordance with the *Liquor Control Reform Act 1998* and the *Planning and Environment Act 1987*.

The operator shall ensure that staff are appropriately trained for the Responsible Service of Alcohol (RSA) by a Registered Training Organisation to ensure that they have the skills and knowledge necessary to contribute to a safe, enjoyable environment in licensed premises.

Further, the operator would be required to provide evidence of new entrant training, which has been designed to ensure that licence applicants have an adequate knowledge of liquor law.

Both the operator and staff will remain up-to-date with their RSA by partaking in regular refresher courses.

The operator and staff will be capable of the following:

- ▶ Serving alcohol according to the requirements of the *Liquor Control Reform Act 1998*;
- ▶ Providing accurate information to customers on alcoholic beverages;
- ▶ Preparing and serving standard drinks according to industry requirements;
- ▶ Recognising and monitoring drinking behaviour to prevent possible intoxication;
- ▶ Identifying changes in behaviour, observing emotional and physical state of customers, as indicators of intoxication;
- ▶ Requesting and obtaining proof of age before sale or service of alcohol;
- ▶ Refusing sale or service of alcohol where customer may be intoxicated or underage; and
- ▶ Identifying and diffusing, through the use of appropriate communication and conflict resolution skills, difficult situations relating to the refusal of service of alcohol.

The operator will be responsible for ensuring that all staff are appropriately trained and remain up to date throughout their employment. Records will be kept on the premises and be easily accessible to ensure that staff remain up-to-date with their training and any changes to liquor licensing.

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

Alcohol Management Plan | 10 Brough Street, Springvale | 9

Signage to be displayed on the premises will be in clear view of the public in line with the recommendations by the VCGLR (Appendix A).

The operator will ensure compliance with the standards of Department of Justice *Design Guidelines for Licensed Premises* by adhering to the relevant recommended responses in the sale and consumption of liquor within the licensed area.

As part of compliance risk minimisation, the operator shall work with all relevant authorities to comply with regulations and permit conditions, be aware of the Local Liquor Licensees Forum and participate where appropriate, while supporting raising awareness among young people about the harms associated with drinking.

4.2 Behavioural Risks

House Policies will be developed at the discretion of the operator and be generally in accordance with recommendations by the City of Greater Dandenong including, but not limited to:

- ▶ A Code of Practice that discourages drinking promotions resulting in rapid alcohol consumption.
- ▶ Policies to address crowd behaviour including safe visitor queuing and dispersal.
- ▶ A Safe Transport Strategy that outlines how people get home safely (including availability of taxis).
- ▶ Encourage and facilitate appropriate behaviour by patrons, particularly when leaving the premises.

It is important to note, there are no sensitive uses identified surrounding the premises as it is within a commercial zone. Additionally, alcohol would not be permitted on any of the designated volleyball court areas.

Free water will be available at the bar provided via an easily accessible water dispenser. It will be the responsibility of the operator or staff to ensure that the dispenser is maintained in good condition.

Incidents involving broken glass will be avoided through the use of tempered glass where possible, and quick cleaning response by the operator or staff in the instance of broken glass to ensure injury minimisation.

Operator and staff training and regular maintenance of RSA status will ensure that all those working within the restaurant are equipped with the skills and knowledge to minimise the risks associated with behaviour and alcohol consumption. Priority will be for the safety and well-being of all patrons to the restaurant.

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

Alcohol Management Plan | 10 Brough Street, Springvale | 10

4.3 Amenity Risks

External amenity impacts will be avoided through adopting the recommended principles throughout the *Design Guidelines for Licensed Venues* (Department of Justice, 2009). Methods for minimising amenity impacts on surrounding uses include the following:

- ▶ Locating the venue in an industrial precinct, remote from residential areas;
- ▶ Using the outdoor area as a transitional space between the exit and restaurant area - ensuring it is well lit and has an active staff presence;
- ▶ Minimise noise impacts on the street by slowing down patrons as they move from the venue through minimising points of exit;
- ▶ Encourage a quiet exit as patrons leave the restaurant by providing mints, lollipops or other treats at exit points (e.g. at payment counter);
- ▶ Maintain clear sightlines and maximise opportunities for passive surveillance of spaces;
- ▶ Regular cleaning of indoor and outdoor areas - providing accessible bins with lids to prevent windblown rubbish;
- ▶ Providing ashtrays in smoking designated areas where appropriate to prevent littering; and
- ▶ Leading by example through maintaining welcoming, clean and orderly indoor and outdoor areas.

As the predominant use of the site would be for an Indoor Recreation Facility, and there is no increase proposed to the maximum patron capacity, it is considered that potential amenity impacts on surrounding uses is minimal. No live or loud music is proposed to be incorporated, and the site is not proposed for late-night activity.

The subject site is within a commercial area and the proposed hours of operation are as follows:

- ▶ Bar: 12pm - 11pm Monday to Saturday

The bar will only operate during operational hours of the associated Indoor Recreation Facility reducing the potential risk of alcohol being sold outside of permissible times.

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

Alcohol Management Plan | 10 Brough Street, Springvale | 11

5. Limitations and Conclusion

This report is intended to provide an Alcohol Management Plan to satisfy the requirements of the City of Greater Dandenong's Alcohol Management Policy last adopted on 9 April 2018.

This report addresses the requirements outlined in Council's policy with a focus on compliance, behavioural and amenity risks including:

- ▶ Ensuring the operator and staff are well trained and up-to-date with their RSA requirements;
- ▶ Reducing the likelihood of alcohol-related anti-social behaviour, violence, vandalism or disorderly conduct;
- ▶ Complying with the recommendations by the VCGLR and the Department of Justice; and
- ▶ Maintaining a welcoming, orderly and supportive environment with a focus on the service of food and encouraging responsible service and consumption of alcohol.

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

Alcohol Management Plan | 10 Brough Street, Springvale | 12

Appendices

Appendix A - Licensed Premises Signage Fact Sheet

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

SEPTEMBER 2018



Liquor Licensing Fact Sheet
Required signage for licensed premises

It is important that licensees and the community are aware of Victorian liquor laws relating to underage drinking, drunkenness and public safety issues.

Licensees must display the following signage around their licensed premises.

The signage is available for downloading and printing from the VCGLR website: vcglr.vic.gov.au

Correct signage for display (effective 29 June 2018)

Keycode	VOGLR0012018V1	VOGLR0022018V1	VOGLR0032018V1	VOGLR0042018V1	VOGLR0052018V1	VOGLR0062018V1	—
Licence type							
Packaged liquor, including late night (packaged liquor)	●	●		●			●
General, including late night (general)		●	●	●			
On-premises, including late night (on-premises)		●	●	●			
On-premises (with restaurant conditions)		●		●			
Restaurant and cafe		●		●			
Club (full and restricted)		●		●			
Producer's		●		●			
Limited		●		●			
BYO permit		●					
BYO Permit (Party bus)					●	●	

Victorian Commission for Gambling and Liquor Regulation



2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

Important information

- Printing guidelines apply (see following page). Ensure you have the most recent version by checking the keycode located on the bottom left of the sign against the VCGLR website: vcglr.vic.gov.au.
- Posters are to be displayed in view of the public.
- The maximum penalty for non-display of posters exceeds \$700 under Section 102 of the *Liquor Control Reform Act 1998*.
- Under the Code of Conduct for packaged liquor licensees, holders of these licences must display the free call number for Directline (counselling, information and referral line for people with alcohol and drug problems – 1800 888 236). This sign is available from the VCGLR.
- In addition to the minimum requirements, licensees may choose to display any of the available posters.

Frequently asked questions

Where do I get the posters?

Visit the VCGLR website, click the "Print my signage" icon on the front page then click on the "print my liquor signage" heading under the related links on the right side of the next page to navigate to the Liquor section required posters.

How do I know if I have the correct version of a poster?

Check the keycode (located in the bottom left-hand corner of the poster) against the keycode on the VCGLR website to ensure you are using the current version.

What happens if I display an old poster?

Licensees must display any notice that the Commission requires to be displayed on the licensed premises. Licensees may be fined for displaying incorrect or out-of-date posters. Licensees are encouraged to regularly check the website to ensure that they are displaying the most up-to-date posters and meeting their regulatory requirements.

Will the VCGLR still provide hard copies if requested?

Yes. VCGLR staff can print the posters in-house and mail them out upon request.

Where can I go for more information?

Contact the VCGLR on 1300 182 457 or contact@vcglr.vic.gov.au.

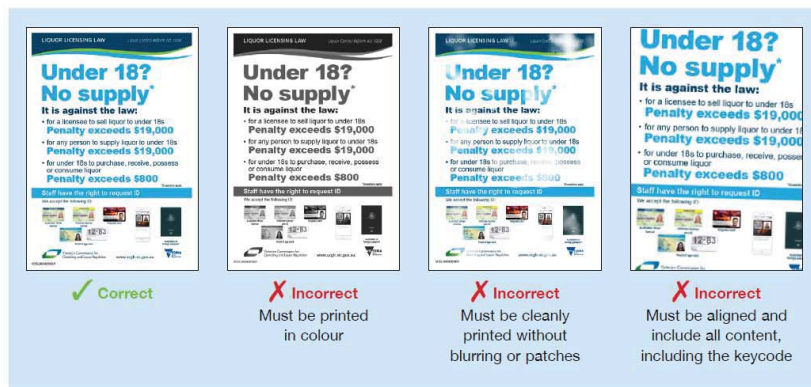
This publication avoids the use of legal language. Information about the law may have been summarised or expressed in general statements. This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation. Authorised by the Victorian Government.

Level 3, 12 Shelley Street, Richmond VIC 3121
1300 182 457 vcglr.vic.gov.au
contact@vcglr.vic.gov.au

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

Printing guidelines

- Posters must be printed in the original form as downloaded from the VCGLR website: vcglr.vic.gov.au. No modification to the form or content of the posters is permitted.
- Posters must be printed in colour on A4 (210 x 297mm) paper.
- Posters must be printed at a sufficient quality to ensure that the keycode in the bottom left-hand corner is clearly legible by VCGLR inspectors.
- Posters must be displayed so that the information contained in them is clearly visible to the public.



Do the posters have to be printed on special paper?

No. For durability/longevity, the VCGLR recommends using a heavier paper stock (120 – 200gsm) but this is not a legal requirement.

Can I laminate or frame the posters?

Yes – providing all content, including the keycode, is clearly visible and not obscured. The posters have been designed with a sufficient margin to allow display in a simple frame.

Where can I go for more information?

Contact the VCGLR on 1300 182 457 or contact@vcglr.vic.gov.au.

This publication avoids the use of legal language. Information about the law may have been summarised or expressed in general statements. This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation. Authorised by the Victorian Government.

Level 3, 12 Shelley Street, Richmond VIC 3121
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2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

LIQUOR LICENSING LAW

Liquor Control Reform Act 1998

Intoxicated? Drunk? Disorderly?

It is against the law:

- for a licensee to supply liquor to an intoxicated person
Penalty exceeds \$19,000
- for a licensee to allow a drunk or disorderly person on the premises
Penalty exceeds \$19,000
- for a drunk, violent or quarrelsome person to refuse a request to leave a licensed premises
Penalty exceeds \$8,000



Victorian Commission for
Gambling and Liquor Regulation

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VCGLR0022018V1

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

LIQUOR LICENSING LAW

Liquor Control Reform Act 1998

Under 18? Can you enter?

It is against the law:

- if you are under 18 to be on licensed premises;
 - without a responsible adult
 - unless you are having a meal
 - unless you are permitted by other exceptions in the Act.
- to falsely represent yourself to be over 18 years of age

Penalty exceeds \$800

Staff have the right to request ID

We accept the following ID:



Australian driver licence



Victorian learner permit



Keypass card



Proof of age card



Australian or foreign passport



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Gambling and Liquor Regulation

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VCGLR0032018V1

2.3.1 Town Planning Application - No. 10 Brough Street, Springvale (Planning Application No. PLN16/0174.01) (Cont.)

LIQUOR LICENSING LAW

Liquor Control Reform Act 1998

Under 18? No supply*

It is against the law:

- for a licensee to sell liquor to under 18s
Penalty exceeds \$19,000
- for any person to supply liquor to under 18s
Penalty exceeds \$19,000
- for under 18s to purchase, receive, possess or consume liquor
Penalty exceeds \$800

*Exceptions apply

Staff have the right to request ID

We accept the following ID:



Australian driver licence



Victorian learner permit



Keypass card



Proof of age card



Australian or foreign passport



Victorian Commission for
Gambling and Liquor Regulation

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VCGLR0042018V1

3 QUESTION TIME - PUBLIC

Question Time at Council meetings provides an opportunity for members of the public in the gallery to address questions to the councillors and/or officers of the Greater Dandenong City Council. Questions must comply with clause 31 of Council's current Meeting Procedure Local Law.

QUESTIONS FROM THE GALLERY

Questions are limited to a maximum of three (3) questions per individual. Where time constraints deem it likely that not all questions can be answered within the time allowed for Question Time, the Mayor at his/her discretion may determine only the first question may be presented verbally with others deferred to be managed in the same manner as public questions not verbally presented.

Priority will be given to questions that relate to items on the Council Agenda for that meeting. Questions including any preamble should not exceed 300 words.

b) All such questions must be received in writing on the prescribed form or as provided for on Council's website and at Ordinary meetings of Council. Where there are more than three (3) questions received from any one individual person, the Chief Executive Officer will determine the three (3) questions to be considered at the meeting.

c) All such questions must clearly note a request to verbally present the question and must be received by the Chief Executive Officer or other person authorised for this purpose by the Chief Executive Officer no later than:

- i) the commencement time (7.00pm) of the Ordinary meeting if questions are submitted in person; or
- ii) noon on the day of the Ordinary meeting if questions are submitted by electronic medium.

d) A question can only be presented to the meeting if the Chairperson and/or Chief Executive Officer has determined that the question:

- i) does not relate to a matter of the type described in section 89(2) of the Act (confidential matters);
- ii) does not relate to a matter in respect of which Council has no power to act;
- iii) is not defamatory, indecent, abusive or objectionable in language or substance, and is not asked to embarrass a Councillor or Council officer; and
- iv) is not repetitive of a question already asked or answered (whether at the same or an earlier meeting).

e) If the Chairperson and/or Chief Executive Officer has determined that the question may not be presented to the Meeting, then the Chairperson and/or Chief Executive Officer:

- i) must advise the Meeting accordingly; and
- ii) will make the question available to Councillors upon request.

3 QUESTION TIME - PUBLIC (Cont.)

f) The Chairperson shall call on members of the gallery who have submitted an accepted question to ask their question verbally if they wish.

g) The Chairperson, Chief Executive Officer or delegate may then direct that question to be answered by a nominated Councillor or member of Council staff.

h) No debate on, or discussion of, a question or an answer will be permitted other than for the purposes of clarification.

i) A Councillor or member of Council staff nominated to answer a question may:

i) seek clarification of the question from the person who submitted it;

ii) seek the assistance of another person in answering the question; and

iii) defer answering the question, so that the answer may be researched and a written response be provided within ten (10) working days following the Meeting (the question thereby being taken on notice).

j) Question time for verbal presentations is limited in duration to not more than twenty (20) minutes. If it appears likely that this time is to be exceeded then a resolution from Council will be required to extend that time if it is deemed appropriate to complete this item.

k) The text of each question asked and the response will be recorded in the minutes of the Meeting.

4 OFFICERS' REPORTS - PART TWO

4.1 CONTRACTS

4.1.1 Contract No. 1920-01 Natural Resource Management

File Id: qA403903
Responsible Officer: Director Business, Engineering & Major Projects

Report Summary

This report outlines the tender process undertaken to select a panel of suitably qualified and experienced contractors for the provision of Natural Resource Management works for bushland reserves.

The initial contract term is four (4) years from the date of commencement with an option to extend the contract by two (2) two year extensions at the sole and absolute discretion of Council.

This is a Schedule of Rates based contract.

Recommendation Summary

This report recommends that Council awards Contract 1920-01 to a panel of four (4) contractors for the provision of Core Bushland Management Works (Schedule A) comprising of the following tenderers;

- 1. Graham Petersen trading as Eco-Repair**
- 2. SEEDS Bushland Restoration Pty Ltd**
- 3. Australian Ecosystems Pty Ltd**
- 4. Envirotechniques Pty Ltd**

4.1.1 Contract No. 1920-01 Natural Resource Management (Cont.)

Introduction

The current Weed Control and Associated Works Contract Panel ended in March 2020. Following a review of the operational requirements of these services, a Natural Resource Management Contract Panel has been developed.

The works will take place at various sites within the municipal boundary of the City of Greater Dandenong.

The intent of this contract is to engage a panel of contractors specialising in bushland management operations that are capable of undertaking prescribed works that will assist the Parks Team with the management of bushland reserves throughout the municipality.

The panel of contractors will be engaged in both a package of works scenario (quotation process) and ad-hoc works orders applying a schedule of rates option.

Tender Process

This tender was advertised on Saturday 5 October 2019 in The Age Newspaper, VendorPanel and Council's website. The tender closed at 2pm on Tuesday 29 October 2019.

At the close of the tender advertising period submissions were received from twenty one (21) contractors as listed below:

1. Abzeco Unit Trust trading as Abzeco Pty Ltd
2. Australian Ecosystems Pty Ltd
3. Stephen Berry trading as Back 2 Bush
4. Graham Petersen trading as Eco-Repair
5. Eco-Restore Pty Ltd
6. Envirotechniques Pty Ltd
7. The Trustee For The Chynoweth Family Trust trading as Felix Botanica Pty Ltd
8. Haughton Marsden Pty Ltd trading as Habitat Creations
9. Hallyburton Engineering trading as Woods Environmental Services
10. Indigenous Design Environmental Services Pty Ltd
11. Land Management Systems Pty Ltd
12. Landlinks Environmental Services Pty Ltd
13. Naturelinks Landscape Management Pty Ltd
14. Mark Fenby trading as Outfoxed Pest Control
15. SEEDS Bushland Restoration Pty Ltd
16. Skyline Landscape Services (Vic) Pty Ltd
17. Ten Rivers Pty Ltd
18. Greenlink Sandbelt Inc (non-conforming)
19. HLM Aust Pty Ltd trading as Habitat Land Management (non-conforming)

4.1.1 Contract No. 1920-01 Natural Resource Management (Cont.)

20. Mark Elliston trading as Plants of Provenance (non-conforming)

21. High Country Tree Services (non-conforming) (Registered but No submission)

Tenderers were requested to submit a schedule of rates for service types as listed below:

Schedule of Rates A – Core bushland management works,

Schedule of Rates B – Supply & disposal of materials for bushland works,

Schedule of Rates C – Nursery production,

Schedule of Rates D – Pest animal control to support bushland management,

Schedule of Rates E – Other works to support bushland management.

Tender Evaluation

This evaluation process was initially delayed due to the requirement for tenderer clarification on pricing, but more significantly delays related to the Coronavirus (Covid-19 pandemic).

The evaluation panel comprised of Council's Team Leader Conservation & Horticultural Services, Open Space Contracts Coordinator, Conservation Programs Co-ordinator and Senior Contracts Officer with Occupational Health & Safety Consultant providing specialist advice.

The following companies were classed as non-conforming and therefore excluded from the tender evaluation process. They are;

- a. High Country was registered as a tender submission but did not contain any tender documents or pricing.
- b. Greenlink Sandbelt, Habitat Land Management and Plants of Provenance did not include all of Council's compulsory tender schedules with their submission.
- c. Back 2 Bush, Eco-Restore, Habitat Creations and Skyline failed to submit all schedule of rates price line items to qualify for contract consideration & assessment.

The Parks Services Unit has determined that the following Natural Resource Management service areas are not required for this Contract. They are;

Schedule B – Supply & disposal of materials for bushland works,

Schedule C – Nursery production,

Schedule D – Pest animal control to support bushland management,

Schedule E – Other works to support bushland management.

These services are of lower financial cost and following assessment of tender submissions received it was determined that it would be more flexible and cost effective to manage these minor works via quotation process.

4.1.1 Contract No. 1920-01 Natural Resource Management (Cont.)

The tenders were evaluated using Council's Weighted Attributed Value Selection Method. The advertised evaluation criteria and the allocated weightings for evaluation are as follows:

	Evaluation Criteria	Weighting
1	Price/Rates	30%
2	Relevant Experience	30%
3	Capability/Resourcing	30%
4	Social Procurement	5%
5	Local Industry	5%
6	OH&S Management Systems (OH&S)	Pass / Fail
7	Environmental Management Systems (EMS)	Pass / Fail

The Evaluation Criteria 1 – 5 are given a point score between 0 and 5 as detailed in the following table. The Evaluation Criteria 6 and 7 are given a Pass or Fail.

Score	Description
5	Excellent
4	Very Good
3	Good, better than average
2	Acceptable
1	Marginally acceptable (Success not assured)
0	Not Acceptable

Each submission was assessed against all evaluation criteria, to ensure that the tenderers met the standards required for Council contractors.

The pricing assessment was based on the rates provided for Schedule A - Core Bushland Management Work service items multiplied by estimated quantities.

These rankings are then multiplied by the weighting to give a weighted attribute ranking for each criterion and totalled to give an overall evaluation score for all criteria as shown in the following table.

4.1.1 Contract No. 1920-01 Natural Resource Management (Cont.)

Core Bushland Management Works – Schedule A

Tenderer	Price Points	Non-Price Points	OH&S	EMS	Total Score
Eco-Repair	0.92	3.30	PASS	PASS	4.22
SEEDS Bushland Restoration	0.81	3.40	PASS	PASS	4.21
Australian Ecosystems	0.56	3.48	PASS	PASS	4.04
Envirotechniques	0.85	3.00	PASS	PASS	3.85
Felix Botanica	0.73	3.03	Not Assessed	Not Assessed	3.76
Indigenous Design Environmental Management	0.69	2.90	Not Assessed	Not Assessed	3.59
Landlinks Environmental Services	0.90	2.43	Not Assessed	Not Assessed	3.33
Hallyburton t/as Woods Environmental Services	0.75	2.43	Not Assessed	Not Assessed	3.18
Ten Rivers	0.37	2.53	Not Assessed	Not Assessed	2.90
Naturelinks Landscape Management	0.66	1.85	Not Assessed	Not Assessed	2.51
Land Management Systems	0.75	1.75	Not Assessed	Not Assessed	2.50

Based on the above point score the evaluation panel agreed that Contracts should be awarded to the following contractors. They are – 1) Graham Petersen trading as Eco-Repair , 2) SEEDS Bushland Restoration Pty Ltd, 3) Australian Ecosystems Pty Ltd and 4) Envirotechniques Pty Ltd.

Relevant Experience/Track Record/Capability

Eco Repair have been successfully working in the bushland management industry for the past 20 years with a variety of experience in government and private contracts undertaking works of a similar nature to those required of this contract. The company has local government contract experience, excellent reference checks and are adequately resourced with plant, equipment and suitably trained staff to undertake the works Council require.

4.1.1 Contract No. 1920-01 Natural Resource Management (Cont.)

SEEDS Bushland Restoration have been successfully working in the bushland management industry for the past 15 years with a variety of experience in government and private contracts undertaking works of a similar nature to those required of this contract. The company has local government contract experience, excellent reference checks and are adequately resourced with plant, equipment and suitably trained staff to undertake the works Council require.

Australian Ecosystems have been successfully working in the bushland management industry for the past 15 years with a variety of experience in government and private contracts undertaking works of a similar nature to those required of this contract. The company has local government contract experience, excellent reference checks and are adequately resourced with plant, equipment and suitably trained staff to undertake the works Council require.

Envirotechniques have been successfully working in the bushland management industry for the past 26 years with a variety of experience in government and private contracts undertaking works of a similar nature to those required of this contract. The company has local government contract experience, excellent reference checks and are adequately resourced with plant, equipment and suitably trained staff to undertake the works Council require.

Financial Implications

This is a schedule of rates contract.

The estimated cost of this Contract over the initial four (4) year term is \$4,300,000.00. Resource requirements are in accordance with existing budgetary allocation

A combination of a schedule of rates and quotations, may be used throughout the life of the contract to administer ongoing maintenance packages and works in line with the contract specifications.

Note: Schedule of Rates – A schedule of rates contract is one under which the amount that is payable to the contractor is calculated by applying an agreed schedule of rates to the quantity of work that is actually performed.

Social Procurement

All conforming tenders have been evaluated and scored upon their individual contribution to Social Procurement. Good scores in this area relate to examples such as the bidders' relationships with indigenous and charity groups both through physical works and financial donations.

Local Industry

All conforming tenders have been evaluated and scored upon their individual contribution to Local Industry. Good scores often related to examples such as commitments to sourcing local labour and hardware and building supplies and being located within the City of Greater Dandenong municipal boundary.

4.1.1 Contract No. 1920-01 Natural Resource Management (Cont.)

Consultation

During the tender evaluation process and in preparation of this report, relevant Council Officers from Council's Parks Services, Risk Management & OHS and Environmental Planning were all consulted.

Conclusion

At the conclusion of the tender evaluation process the evaluation panel agreed that the tender submissions from 1) Graham Petersen trading as Eco-Repair , 2) SEEDS Bushland Restoration Pty Ltd, 3) Australian Ecosystems Pty Ltd and 4) Envirotechniques Pty Ltd should be accepted. The evaluation panel is satisfied that these companies have the relevant experience, capability, staff resources and equipment to successfully provide **Core Bushland Management Works** and represent the best value outcome for Council.

All companies have provided this type of service to Council and or other Victorian Local Governments, Parks Victoria and private organisations for many years and are expected to provide a Best Value Service to Council for this contract.

All recommended tenderers have received a Pass for their Occupational Health and Safety (OH&S) and Environmental Management Systems (EMS).

The evaluation matrix and other supporting documents have been placed in the relevant Objective Contract Procurement file.

Recommendation

That Council:

1. **awards Contract No. 1920-01 for the provision of Natural Resource Management works for bushland reserves within the City of Greater Dandenong to a panel of four (4) contractors for Core Bushland Management Works (Schedule A) comprising of:**
 - (1) **Graham Petersen trading as Eco-Repair;**
 - (2) **SEEDS Bushland Restoration Pty Ltd;**
 - (3) **Australian Ecosystems Pty Ltd; and**
 - (4) **Envirotechniques Pty Ltd;****at the tendered Schedule of Rates for an initial period of four (4) years;**
2. **reserves the option to extend the initial contract term by two (2) two year extensions at the sole and absolute discretion of Council; and**
3. **signs and seals the contract documents when prepared.**

4.2 FINANCE AND BUDGET

4.2.1 Audit and Risk Committee Charter

File Id:

Responsible Officer:

Director Corporate Services

Attachments:

Audit and Risk Committee Charter Updated May 2020

Report Summary

As one of its early obligations under the implementation of the *Local Government Act 2020*,

Council is required to establish an Audit & Risk Committee. This further includes an obligation to approve an Audit & Risk Committee Charter.

Council has until 1 September 2020 to meet these requirements.

This report recommends to Council the establishment of an Audit & Risk Committee and proposes the adoption of a Charter for this Committee.

Recommendation Summary

This report recommends that appoints the Audit & Risk Committee and adopts the Charter for this Committee.

4.2.1 Audit and Risk Committee Charter (Cont.)

Background

Council currently has in place an Audit Advisory Committee (AAC) which largely fulfils the roles outlined in the new Local Government Act.

The new Act does however have two key requirements that Council needs to fulfil prior to 1 September 2020 which is for Council to appoint an Audit & Risk Committee (ARC) and to adopt a charter for this Committee.

The first recommendation in this report will be for Council to establish the ARC in line with Section 53(1) of the *Local Government Act 2020*.

Given that the ARC is essentially a new Committee rather than a continuation of the previous Audit Advisory Committee, it does require external members to be appointed to the Committee rather than a reliance that the previous appointments simply carry over. It would also be worthwhile to take the opportunity to review the remuneration paid to each member given this was last reviewed by Council in October 2017.

Councils current three members of the existing AAC (Mr David Ashmore, Mr Mick Ulbrick and Mr Geoff Harry) all share common term expiry dates of 9 October 2020. Mr Ashmore and Mr Ulbrick have been members of the committee since October 2012 with Mr Harry joining the Committee in 2017.

Whilst the model industry guidelines for the ARC Charter have not yet been finalised, early drafts of the model have suggested that industry best practice should limit members to a maximum term of nine years. Whilst the ARC is a new Committee, previous time served on the Audit Advisory Committee should be taken into account.

Accordingly, it is recommended in this report that Mr Ashmore and Mr Ulbrick be appointed as external members on the ARC until 9 October 2021 and that Mr Harry be appointed as an external member for a three-year term concluding 13 July 2023.

In terms of remuneration, external members are paid on a per meeting basis. The current remuneration levels that were established in 2017 were \$1,750 per meeting for the Chair of the Committee and \$1,500 per meeting for the other members.

In order to index this amount for the future is recommended that these levels be amended to \$2,000 for the Chair role and \$1,750 for the remaining external members.

In respect of the requirement for Council to adopt a Charter for the newly established Audit and Risk Committee, Local Government Victoria is periodically releasing model guides in respect of meeting the legislative requirements. Whilst an early draft model was released by LGV, this model received considerable feedback and was withdrawn from the LGV website. As at 29 June 2020, a revised model has not yet been published.

Given the timing of Councils AAC meeting held on 19 June 2020, the model guidelines for the ARC Charter were not complete at the time of this meeting.

4.2.1 Audit and Risk Committee Charter (Cont.)

As such, Councils existing AAC Charter was amended to include the new legislative requirements for the ARC rather than commencing with a completely new document. The AAC was satisfied with this approach on the basis that Council again review the Charter in June 2021 at a point where there is more likely to be common agreement within the industry on a more consistent final model.

Some of the key changes as required by the new legislation in the Charter include:

- Requirements to oversee compliance of Council policies and procedures with the overarching governance principles within the Act;
- Adoption of an Annual Work Plan;
- Undertaking an annual assessment of its performance against the Charter and providing this to Council for tabling at a Council meeting;
- Preparation of a bi-annual audit and risk report with this also to be tabled at a Council meeting.

The AAC reviewed the draft amended Charter (attached) at its meeting and now recommends its adoption to Council.

Proposal

This report recommends that appoints the Audit & Risk Committee and adopts the Charter for this Committee.

Community Plan 'Imagine 2030' and Council Plan 2017-2021 – Strategic Objectives, Strategies and Plans

After consultation with the Greater Dandenong community on what kind of future they wanted to see for themselves and the City in 2030, the result was the Greater Dandenong Community Plan 'Imagine 2030'. This report is consistent with the following community visions:

Community Plan 'Imagine 2030'

Opportunity

- *Leadership by the Council* – The leading Council

Council Plan 2017-2021

The Council Plan describes the kind of future the Council is working for, and how Council will do this over four years. This report is consistent with the following goals:

Opportunity

- An open and effective Council

Financial Implications

There are no financial implications associated with this report other than the minor change to remuneration for external Audit & Risk Committee external members.

4.2.1 Audit and Risk Committee Charter (Cont.)

Consultation

The draft Audit & Risk Committee Charter was considered by the AAC at its meeting held on 19 June 2020. The Committee has recommended its adoption to Council.

Conclusion

As part of the implementation of the new *Local Government Act 2020*, Council is required to establish an Audit & Risk Committee and adopt a charter for that Committee. This report provides for Council to meet both of those legislative responsibilities prior to the required time of 1 September 2020.

Recommendation

That Council:

1. **in accordance with Section 53(1) of the *Local Government Act 2020*, establishes an Audit & Risk Committee (ARC);**
2. **appoints Mr David Ashmore and Mr Mick Ulbrick as external members on the ARC to 9 October 2021 and Mr Geoff Harry until 13 July 2023;**
3. **sets the remunerations levels for external members at \$2,000 per meeting for the role of the Chair and \$1,750 per meeting for the remaining members; and**
4. **adopts the Audit & Risk Committee Charter noting that a further review of the charter will occur in June 2021 and be re-tabled for future Council consideration.**

4.2.1 Audit and Risk Committee Charter (Cont.)

FINANCE AND BUDGET

AUDIT AND RISK COMMITTEE CHARTER

ATTACHMENT 1

AUDIT AND RISK COMMITTEE CHARTER

PAGES 8 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235

4.2.1 Audit and Risk Committee Charter (Cont.)



Audit and Risk Committee Charter

PURPOSE

Council has established an independent Audit and Risk Committee (the Committee) pursuant to section 53 of the Local Government Act 2020 (the Act). The primary purpose of the Committee is to support Council in discharging its oversight responsibilities related to financial reporting, risk management, maintenance of sound systems of internal control, assurance activities including internal and external audit and Council's performance with regard to legislative and regulatory compliance including its Codes of Conduct and governing principles.

AUTHORITY

The Committee is directly responsible to Council for discharging its responsibilities as set out in this Charter. The Committee has no delegated authority from Council unless specifically provided by Council from time to time and any such authority shall be temporary and may only relate to specific matters as directed by Council.

The Committee is empowered to:

- Resolve any disagreements between management and the external auditor on financial reporting issues;
- Retain independent counsel of relevant independent experts where it considers that is necessary in order to execute its duties, subject to prior agreement with the Chief Executive Officer;
- Seek any information it requires from Councillors, Council staff (including senior management, all of whom are directed to co-operate with the Committee's requests) and external parties;
- Meet with Council staff, internal and external auditors, or outside counsel, as necessary.

The Committee will, through the Chief Executive Officer, have access to appropriate management support to enable it to discharge its responsibilities effectively.

4.2.1 Audit and Risk Committee Charter (Cont.)

MEMBERSHIP

The Committee will comprise a minimum of *five (5)* members as follows:

- Two (2) Councillors; and
- Three (3) external independent persons.

All members shall have full voting rights. Council staff are prohibited from being members of the Committee.

External Members

External independent persons will have senior business audit or financial management/reporting knowledge and experience, be conversant with the financial and other reporting requirements of the Local Government sector and must have experience in public sector management. The evaluation of potential members will be undertaken by the Mayor and Chief Executive Officer (or delegates) taking account of the experience of candidates and their likely ability to apply appropriate analytical and strategic management skills, and a recommendation for appointment put to Council.

Appointments of external persons shall be made by Council resolution and be for a maximum term of three (3) years. By resolution, Council retains the option to renew the appointment of an existing external member for a further term.

If the Council proposes to remove a member of the Committee, it must give written notice to the member of its intention to do so and provide that member with the opportunity to be heard at a Council meeting which is open to the public, if that member so requests.

Remuneration will be paid to each independent member of the Committee (The basis will be a sitting fee set by Council periodically).

Council has a preference for continuity of experience and orderly rotation of members and the terms of appointment will be arranged to ensure this occurs. The appointment of external members may be staggered to ensure that at least one of the existing independent members remains on the audit committee each year.

All new external members of the Committee are to be provided with an induction to the Committee which includes as a minimum:

- Minutes of previous meetings for a minimum of 12 months
- All Internal audit reports received in the preceding 12 months;
- The proposed Internal Audit Program for the future and a listing of past audits completed in the previous three years;
- External Audit reports and management letters for the audit of the previous year financial report;
- Council Annual Report, Budget, Long Term Financial Strategy, Council Plan and other relevant strategic documents;
- A tour of key Council facilities including any areas that represent areas of risk
- Introductions to Mayor, Council Executive Management Team, Finance Manager and Risk Co-ordinator.

4.2.1 Audit and Risk Committee Charter (Cont.)

Councillor Members

Councillor members shall be appointed annually at the Special Council meeting to elect the Mayor.

Chairperson

The Chairperson shall be an external independent member elected annually by the five Committee members. In the absence of the Chairperson from a meeting, the meeting will appoint an acting Chairperson.

Quorum

A quorum shall be three (3), comprising at least two (2) external independent members.

Officers in attendance

The Chief Executive Officer, Director Corporate Services, Manager Financial Services and internal auditor (whether a member of staff or contractor) should attend all meetings, except when the Committee chooses to meet in camera. Other members of Council or Council staff may be invited to attend at the discretion of the Committee, to advise and provide information when required. Representatives of the external auditor should be invited to attend at the discretion of the Committee but must attend meetings considering the draft annual financial report and results of the external audit. The Committee has the discretion to meet in camera without any Officers in attendance. The Committee can further request the attendance of internal or external auditors to meet with the Committee without the attendance of Officers.

Conflict of Interest

In accordance with Division 2 of Part 6 of *the Act*, all members of the Committee are required to comply with Conflict of Interest requirements.

Members must be fully aware of their responsibilities with regard to the management of interests in discharging their duties as a member of the Committee.

Pursuant to Division 3 of Part 6 – Personal Interest Returns of *the Act*, Council also requires independent Committee members complete Personal Interest Returns.

MEETINGS

Council shall provide secretarial and administrative support to the Committee in the preparation of Agenda's and Minutes. The Audit Advisory Committee will frequently review matters that are confidential in nature and as such the meetings of the committee are not open to the public.

The Committee shall meet a minimum of four times per year and at least once every quarter. Additional meetings shall be convened at the discretion of the Chairperson or at the written request of the internal or external auditor. All Committee members are expected to attend each meeting. Virtual attendance is acceptable.

A schedule of meetings will be developed and agreed to by the members annually.

The Committee will develop an annual work plan.

4.2.1 Audit and Risk Committee Charter (Cont.)

REPORTING

The Committee shall after every meeting forward the minutes of that meeting to the next ordinary meeting of the Council (on the approval of the Chair);

The Committee shall report bi-annually to the Council summarising the activities of the Committee during the period. A copy of this report is to be provided to the Chief Executive Officer for tabling at the next Ordinary Council meeting following its completion.

The Chairperson will attend Council meetings on an "as needs basis"

The considerations of the Committee are assisted by the attendance at meetings by relevant Officers who have expertise in relation to the matter being discussed. The Committee can request the attendance of such Officers through the Chief Executive Officer.

The Committee can make recommendations to Council (via the Chief Executive Officer) seeking independent legal or professional advice, within the budgetary constraints of Council.

Council may from time to time make requests for the Committee to undertake reviews or investigations. Such requests need to include the appropriate level of resourcing to complete the request and be within the expertise of the Committee to undertake the request.

Performance Evaluation

The Committee shall undertake a process to evaluate its performance annually. A copy of the results of this assessment are to be provided to the Chief Executive Officer for tabling at the next Council meeting following the completion of the assessment.

Misuse of Position and Confidential Information

Section 123 – Misuse of Position and Section 125 – Confidential Information of *the Act* apply to independent members of the Committee as if they were members of a delegated committee.

DUTIES AND RESPONSIBILITIES

The following are the duties of the Committee:

Internal Audit

1. To annually review the scope of the internal audit plan for the next year and the strategic internal audit plan (with a three-year outlook) and the effectiveness of the function. This review should consider whether, over a period of years the internal audit plan systematically addresses:
 - internal controls over significant areas of risk, including non-financial management control systems;
 - internal controls over revenue, expenditure, assets and liability processes;

ORDINARY COUNCIL MEETING - AGENDA

4.2.1 Audit and Risk Committee Charter (Cont.)

- the efficiency, effectiveness and economy of significant Council programs as identified through the risk profile;
 - compliance with regulations, policies, best practice guidelines, instructions; and
 - contractual arrangements.
2. Annually review the level of resources allocated to internal audit and the scope of its authority through the approval of the Annual Internal Audit Plan.
 3. Ensure the work of the Internal Auditor is not impeded and has the ability to seek answers and information relevant to the audit task;
 4. Review reports of internal audit and the extent to which Council and management react to matters raised by internal audit, by monitoring the implementation of recommendations made by internal audit.
 5. Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programs.
 6. Critically analyse and follow up any internal report that raises significant issues relating to risk management, internal control, financial reporting and other accountability or governance issues, and any other matters relevant under the Committee's terms of reference. Review management's response to, and actions taken as a result of the issues raised.
 7. To overview any additional work conducted by the internal auditor in areas beyond the established Internal Audit plan to ensure that this work does not impair the independence of the auditor or interfere with the delivery of planned audit work.
 8. To assist Council, via the Committee Chairperson, in reviewing and making recommendations to Council in respect of Internal Audit appointments.
 9. At least annually review significant accounting and external reporting issues, including complex or unusual transactions, transactions and balances in areas where judgement is required, changes to accounting policies, recent accounting, professional and regulatory pronouncements and legislative changes, and understand their effect on the annual financial report and the audit thereof;
 - a) Review the annual financial report and performance statement and consider whether they are complete, consistent with information known to Committee members, reflect appropriate accounting treatments and adequately disclose Council's position;
 - b) Review with management and the external auditors the results of the audit of the annual financial report and performance statement, including any difficulties encountered by the external auditors;
 - c) Recommend the adoption of the annual financial report and performance statement to Council;
 - d) Review the appropriateness of the format and content of periodic management financial reports to Council as required; and
 - e) Periodically monitor the status and content of the Performance Statement.

4.2.1 Audit and Risk Committee Charter (Cont.)

External Auditor

- 10 Discuss with the external auditor the scope of the audit and the planning of the audit.
- 11 Discuss with the external auditor issues arising from the audit, including any management letter issued by the auditor and the resolution of such matters.

Internal Control and Risk Management

- 12 Monitor the progress of any major lawsuits facing the Council.
- 13 The Committee will monitor the risk exposure of Council by determining if management has appropriate risk management processes, adequate management information systems and effective (tested) business continuity plans;
- 14 The Committee should review all financial policies and practices as they are periodically reviewed by management and make recommendations to Council in respect of the consideration of these policies;
- 15 As part of the overall risk management framework, the Committee should receive annual reports in respect of insurance claims lodged against Council and the adequacy of the proposed insurance arrangements moving forward.

Compliance and Ethics

- 16 Monitor the compliance of Council policies and procedures relating to:
 - a) Council's overarching governance principles; and the Local Government Act 2020 and associated regulations and any relevant Ministerial directions;
 - b) As part of its standing agenda, the Committee should request advice from Council management in respect of any known non-compliance with legislation.
17. The Committee should ensure that Council maintains and periodically reviews the Councillor Code of Conduct and Staff Code of Conduct.

4.2.1 Audit and Risk Committee Charter (Cont.)

Fraud Prevention and Control

18. Ensure regular reviews are carried out in respect of the probity and transparency of procurement framework.
19. Receive advice from management in respect of any reported fraud events;
20. Ensure that the organization has a regularly reviewed Public Interest Policy and procedure and that this is appropriately communicated within the organization.
21. That key fraud risks are identified and there is a mature fraud prevention and control policy in place.
22. That management provides regular fraud awareness training with staff

General

23. The Committee should address issues brought to its attention including responding to requests from Council for advice that are within the parameters of the Committee's Terms of Reference.
24. The Committee should receive and review Council's response to any performance audits conducted by VAGO, the Ombudsman, the Independent Broad-based Anti-Corruption Committee (IBAC) or other relevant authorities, including analysis of the potential opportunity for improved performance by the City of Greater Dandenong.
25. The Committee will undertake an annual review of performance of the Committee.
26. The Committee charter will be reviewed at least every three years.

4.3 POLICY AND STRATEGY

4.3.1 New Policies Required Under the Local Government Act 2020

File Id:

Responsible Officer:

Director Corporate Services

Attachments:

Draft Public Transparency Policy.
Draft Council Expenses, Support and
Accountability Policy

Report Summary

The *Local Government Act 2020* requires that Council develops and adopts a Public Transparency Policy and a Council Expenses Policy prior to 1 September 2020.

Recommendation Summary

This report recommends that Council's draft Public Transparency Policy and draft Council Expenses, Support and Accountability Policy as provided in Attachments 1 and 2 respectively be open to a community engagement process for a period of 28 days so that community feedback can be sought and considered by Council prior to endorsing the policies.

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

Background

The *Local Government Act 2020* (the Act) was proclaimed on 6 April 2020 with several sections coming into effect immediately on that date and then subsequently more sections coming into effect on 1 May 2020. Sections 41, 42, 57 and 58 came into effect on 1 May and essentially require Council to develop and adopt a Public Transparency Policy and a Council Expenses Policy prior to 1 September 2020.

In developing both of the required policies, Council officers were informed by Local Government Victoria templates and webinars and also consulted with a number of neighbouring councils and Local Government sector networks.

Public Transparency Policy

Section 57 of the *Local Government Act 2020* states the following:

1. A Council must adopt and maintain a public transparency policy.
2. A public transparency policy must:
 - a. give effect to the public transparency principles; and
 - b. describe the ways in which Council information is to be made publicly available; and
 - c. subject to section 58(b), specify which Council information must be publicly available, including all policies, plans and reports required under this Act or any other Act; and
 - d. include any other matters prescribed by the regulations.
3. A Council must adopt the first public transparency policy under this section on or before 1 September 2020.
4. For the purposes of the public transparency policy and the public transparency principles, information includes documents.

Section 58 of the *Local Government Act 2020* states the following:

The following are the public transparency principles:

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

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

In accordance with these two sections of the Act, Council officers have drafted a Public Transparency Policy which is provided in Attachment 1.

It should be noted that the Public Transparency Policy is a formalisation of practices that are already in place at Council.

Council Expenses Policy

Section 41 of the Local Government Act 2020 states that:

1. A Council must adopt and maintain an expenses policy in relation to the reimbursement of out-of-pocket expenses for Councillors and members of delegated committees.
2. A policy adopted by a Council under this section must:
 - a. specify procedures to be followed in applying for reimbursement and in reimbursing expenses; and
 - b. comply with any requirements prescribed by the regulations in relation to the reimbursement of expenses; and
 - c. provide for the reimbursement of child-care costs where the provision of child-care is reasonably required for a Councillor or member of a delegated committee to perform their role; and
 - d. have particular regard to expenses incurred by a Councillor who is a carer in a care relationship within the meaning of section 4 of the Carers Recognition Act 2012.
3. A Council must adopt the first expenses policy under this section on or before 1 September 2020.
4. Until a Council adopts a policy under this section, the policy adopted by the Council under section 75B of the Local Government Act 1989

Section 42 of the Act also states that a Council must make resources and facilities available to the Mayor and Councillors which are reasonably necessary to enable them to effectively perform their roles.

Under the *Local Government Act 1989*, Council was required to have a Reimbursement Policy and maintained its Councillor Reimbursement, Support and Accountability Policy accordingly. Changes have been made to this policy to adapt it to meet the new requirements of the *Local Government Act 2020*.

In accordance with the abovementioned two sections of the Act, Council officers have developed a Council Expenses, Support and Accountability Policy which is provided as a draft in Attachment 2. The changes between the existing document (the Councillor Reimbursement, Support and Accountability Policy) and the new document (the Council Expenses, Support and Accountability Policy) are highlighted in red.

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

Proposal

Community Plan 'Imagine 2030' and Council Plan 2017-2021 – Strategic Objectives, Strategies and Plans

After consultation with the Greater Dandenong community on what kind of future they wanted to see for themselves and the City in 2030, the result was the Greater Dandenong Community Plan 'Imagine 2030'. This report is consistent with the following community visions:

Community Plan 'Imagine 2030'

Opportunity

- *Education, Learning and Information* – Knowledge
- *Leadership by the Council* – The leading Council

Council Plan 2017-2021

The Council Plan describes the kind of future the Council is working for, and how Council will do this over four years. This report is consistent with the following goals:

Opportunity

- An open and effective Council

Victorian Charter of Human Rights and Responsibilities

All matters relevant to the Victorian Human Rights Charter have been considered in the preparation of this report and are consistent with the standards set by the Charter.

Financial Implications

There are no financial implications associated with this report. Any costs associated with the community engagement processes resulting from this report will be paid from existing budget allocations.

Community Engagement

While there is no legislative requirement for Council to undertake a community engagement process prior to formally endorsing these policies, it is considered that the nature and content of the policies will benefit from subjecting them to a community engagement process.

Councillors were presented with the draft documents at a Councillor Briefing Session held on Monday 6 July 2020 and expressed a desire for the following process to be undertaken.

- The draft documents be made available to the public for a period of 28 days with appropriate advertising and accessibility (advertised in the local paper and distributed via Council's website and at Council's libraries and customer service centres).
- Feedback and comment be sought from the community in relation to the content of the policies with appropriate mechanisms provided to receive such feedback and comments.

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

- An opportunity be provided for community members who wish to verbally provide or support their comments and feedback to do so to via an online meeting of Councillors, at a date and time to be established (likely to be Thursday 13 August 2020).
- Councillors will consider all comments and feedback received prior to the policies coming back to Council for endorsement on 24 August 2020.

Conclusion

The draft policies presented in Attachments 1 and 2 both meet the requirements of the *Local Government Act 2020* and are presented for in principle adoption so that a community engagement process can commence immediately.

Recommendation

That Council adopts, in principle, the draft Public Transparency Policy and the draft Council Expenses, Support and Accountability Policy and commences the process of community engagement for both documents as outlined in this report.

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

POLICY AND STRATEGY

**NEW POLICIES REQUIRED UNDER
THE LOCAL GOVERNMENT ACT 2020**

ATTACHMENT 1

**DRAFT
PUBLIC TRANSPARENCY POLICY**

PAGES 11 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)



Greater Dandenong Policy

Public Transparency Policy

Policy Endorsement:	Endorsement required by Council		
Policy Superseded by this Policy:	Not Applicable		
Directorate:	Corporate Services		
Responsible Officer:	Manager Governance		
Policy Type:	Legislative <i>Local Government Act 2020</i>		
File Number:		Version No:	001
1 st Adopted by Council	Minute No.	Last Adopted by Council:	Minute No.
Review Period:	4 years	Next Review:	February 2024

1. Purpose

Council must adopt and maintain a Public Transparency Policy under section 57 of the *Local Government Act 2020* (the Act). This policy gives effect to the *Public Transparency Principles* outlined in section 58 of the Act. (The *Public Transparency Principles* are outlined in Section 8 - Appendix 1 of this policy.)

Council is committed to the principles of public transparency, good governance, open and accountable conduct and making council information publicly available, except where that information is confidential under the provisions of the Act or contrary to the public's interest.

This policy aims to formalise Council's commitment to transparent decision-making processes and freely available public access to Council information. It supports and promotes:

- a) increased community confidence and trust in Council through greater understanding and awareness;
- b) improved Council visibility and performance; and
- c) access to information that is current and easily accessible.

This policy includes all forms of Council information and how it will be made available to the public and is an integral part of Council's governance framework.

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)



Greater Dandenong Policy

2. Background

The *Local Government Act 2020* requires that Council establishes a Public Transparency Policy by 1 September 2020.

3. Scope

This policy applies to all Councillors, delegated committees under the Act and council staff of Greater Dandenong City Council.

4. Human Rights and Responsibilities Charter – Compatibility Statement

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

5. References

- *Charter of Human Rights and Responsibilities Act 2006*
- *Equal Opportunity Act 2010*
- *Freedom of Information Act 1982*
- *Local Government Act 1989*
- *Local Government Act 2020*
- *Privacy and Data Protection Act 2014*
- *Public Records Act 1973*
- Greater Dandenong City Council's Governance Rules (to be developed prior to 1 September 2020)
- Greater Dandenong City Council's Legislative Compliance Framework Policy
- Greater Dandenong City Council's Community Engagement Policy (to be developed prior to 1 March 2021)
- Greater Dandenong City Council's Privacy and Personal Information Policy
- Greater Dandenong City Council's Freedom of Information Policy
- Greater Dandenong City Council's Information Security Policy

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)



Greater Dandenong Policy

6. Definitions

For the purposes of this policy, Council adopts the following definitions:

Community	<p>Community is a flexible term used to define groups of connected people. It can be used to describe people of a municipality generally, including individuals or groups who live, work, play, study, visit, invest in or pass through the municipality.</p> <p>More specifically, it can refer to everyone affiliated with the municipality, or smaller groups defined by interest, identity or location, and who are not necessarily the same in composition or views. Different types of communities often overlap and extend beyond municipal boundaries. Communities may be structured, as in clubs or associations or unstructured, such as teens. Communities are flexible and temporary, subject to individual identity and location.</p>
Consultation	<p>The process of seeking input on a matter.</p>
Public participation	<p>Public participation encompasses a range of public involvement and can include, but is not limited to, simply informing people about what Council is doing, delegating decisions to public groups, consulting with members of the community about their views on certain issues, community activities and projects addressing the common good, membership on Council reference groups or committees or volunteering activities.</p>
Stakeholder	<p>An individual or group with a strong interest in the decisions of Council who are directly impacted by the outcomes of those decisions.</p>
Closed meetings	<p>Under section 66(5) of the Act, Council may determine that a meeting is to be closed to the public to consider confidential information. A meeting may therefore be closed to the public if Council resolves to close the meeting, in order to consider a confidential matter regarding issues of a legal, contractual or personnel nature and other issues deemed not in the public interest.</p>
Transparency	<p>Transparency occurs when there is a lack of hidden agendas or conditions and all the information needed in order to collaborate, cooperate and make decisions effectively is available. Importantly, transparency is also a human right under the <i>Charter of Human Rights and Responsibilities Act 2006</i>, namely, "the right to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives.</p>

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)



Greater Dandenong Policy

Public interest test

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

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

DRAFT

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)



Greater Dandenong Policy

7. Council Policy

7.1 Transparency

Council will be transparent with:

- **Decision making at Council Meetings:**

- will be undertaken in accordance with the Act and the Governance Rules;
- will be conducted in an open and transparent forum, unless in accordance with the confidentiality provisions of the Act and the Governance Rules;
- will be informed through community engagement, in accordance with the *Community Engagement Principles of the Act* and Council's Community Engagement Policy (to be developed prior to 1 March 2021); and
- will be made fairly and on the merits of the issue at hand. Where any person whose rights will be directly affected by a decision of Council, that person will be entitled to communicate their views and have their interests considered.

- **Council Information**

Part II of the *Freedom of Information Act 1982* requires government agencies and local councils to publish a number of statements designed to assist members of the public in accessing the information it holds. A list of available information is provided in the Part II Statement published on Council's website at www.greaterdandenong.com in accordance with the *Freedom of Information Act 1982*. This information includes, but is not limited to:

Council information required under the Act (and the *Local Government Act 1989*) to be made available on Council's website:

- Agendas and Minutes of Council Meetings and Delegated Committees;
- Local Laws and Governance Rules;
- Council Plan and Annual Plan;
- Council Budget and Strategic Resource Plan;
- Code of Conduct – Councillors;
- Summary of Election Campaign Donation Returns;
- Summary of Personal Interest Returns; and
- Any other registers or records required to be published on Council's website under legislation or determined to be in the public interest.

Other Council documents and information to ensure the community is informed about Council's operations and functions to be made available on Council's website:

- Adopted Council policies, plans and strategies;
- Project and service plans;
- Terms of Reference or Charters for Council Committees and Groups;
- Consultations and community engagement processes undertaken by Council;
- Reporting from Advisory Committees and Reference Groups to Council;
- Audit and Risk Committee performance reporting;

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)



Greater Dandenong Policy

- Relevant technical reports and/or research that informs decision making;
- Practice notes and operating procedures;
- Guidelines and manuals;
- Application processes for approvals, permits, grants and access to Council services;
- Submissions made by Council;
- Register of planning permits and applications;
- Register of Building Permits, Occupancy Permits and temporary approvals;
- FOI Part II Statement; and
- Any other registers or records required to be published on Council's website under legislation or determined to be in the public interest.

Council documents and information to ensure the community is informed about Council's operations and functions that will be made available for inspection on request:

- Registers of delegation;
- Register of gifts, benefits and hospitality offered to Councillors or Council staff;
- Register of overseas and interstate travel undertaken by Councillors or Council staff;
- Register of conflicts of interest disclosed by Councillors or Council staff;
- Register of donations and grants made by Council;
- Register of leases entered into by Council, as lessor and lessee;
- Register of authorised officers;
- Submissions received under section 223 of the *Local Government Act 1989* until its repeal or received through a community engagement process undertaken by Council (if those submissions are not part of a Council report); and
- Any other registers or records required to be made available for public inspection under legislation.

- **Publications**

Council publishes a range of newsletters, reports and handbooks for residents, businesses and visitors to Council. These can be downloaded from www.greaterdandenong.com or by calling Council on 03 8571 5100 for a copy. Some of these publications are also available at Greater Dandenong's libraries at 225 Lonsdale Street, Dandenong and 5 Hillcrest Drive, Springvale.

7.2 Access to information

Members of the public have the right to make any request for information or documents to Council if that information is not readily available to the public on Council's website or at Council's offices. Council will respond to requests for information or documents in alignment with the Act, the *Public Transparency Principles* of the Act, this policy, the *Freedom of Information Act 1982* and the *Privacy and Data Protection Act 2014*.

Consideration will always be given to accessibility and cultural requirements in accordance with the *Charter of Human Rights and Responsibilities Act 2006*.

In relation to Freedom of Information (FOI), the *Freedom of Information Act 1982* gives an applicant the right of access to documents that Council holds subject to any exemptions that may apply. If

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)



Greater Dandenong Policy

documents required cannot be located on Council's website, Council's Governance Unit should be contacted prior to lodging an FOI application to check whether the document is readily available without an FOI application being necessary. (For example, many documents may be readily available under different instruments of legislation such as the Register of Planning Permit Applications under the *Planning and Environment Act 1987* and the Register of Building Permits under the *Building Act 1993*.) Council's Governance Unit can be contacted on telephone 8571 5100.

7.3 Information Not Available

Some Council information is not made publicly available. This will only occur if the information is confidential information, if its release would be contrary to the public interest, if its release does not comply with the *Privacy and Data Protection Act 2014* or if it is exempt material under the *Freedom of information Act 1982*.

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

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

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)



Greater Dandenong Policy

Confidential information under the 1989 Act Information that was confidential information for the purposes of section 77 of the *Local Government Act 1989*.

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

7.4 Responsibilities

It is the responsibility of every Councillor and Council officer to promote and facilitate access to council information in accordance with this policy and the *Public Transparency Principles* outlined in the *Local Government Act 2020*. The following table outlines the roles and responsibilities of Councillors and council staff.

Party/parties	Roles and responsibilities
Council/Councillors	<ul style="list-style-type: none">Champions the commitment and principles for public transparency through leadership, modelling practice and decision-making.
Executive Management Team	<ul style="list-style-type: none">Champions behaviours that foster transparency and drive the principles through policy, process and leadership.Monitors implementation of this policy.
Manager Governance	<ul style="list-style-type: none">Monitors implementation of this policy and conducts periodic reviews to drive continuous improvement.
Senior Management Team	<ul style="list-style-type: none">Manages areas of responsibility to ensure public transparency, good governance and community engagement are consistent with this policy.
All Staff	<ul style="list-style-type: none">Responsible for public transparency as appropriate to their role and function.All staff recognise that they are the custodians of the information they generate in their roles within Council and not the owners of that information.All staff store information in Council's electronic data and records management system as required under the Code of Conduct – Staff.All staff respond to requests for information and facilitate provision of information in consultation with their manager and in alignment with this policy and the <i>Freedom of Information Act 1982</i>.

7.5 Non-Compliance with this Policy

If a member of the community wishes to question a decision about the release of information, this should be raised directly with the officer handling the matter in the first instance. If the member of the community is still not satisfied and would like to contest the decision, this can be reported to Council's Manager Governance on 8571 5100.

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)



Greater Dandenong Policy

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

7.6 Monitoring, Evaluation and Review

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

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

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4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)



Greater Dandenong Policy

8. Appendix 1 - The Public Transparency Principles

The following are the public transparency principles as outlined in the *Local Government Act 2020*.

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

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

POLICY AND STRATEGY

**NEW POLICIES REQUIRED UNDER
THE *LOCAL GOVERNMENT ACT 2020***

ATTACHMENT 2

**DRAFT COUNCIL EXPENSES,
SUPPORT AND ACCOUNTABILITY POLICY**

PAGES 31 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)



Greater Dandenong Policy

Councillor Council Expenses, Support Reimbursement and Accountability Policy

Policy Endorsement:	Endorsement required by Council		
Policies superseded by this policy:	Councillor Reimbursement, Support and Accountability Policy		
Directorate:	Corporate		
Responsible Officer:	Manager Governance		
Policy Type:	Legislative and Discretionary <i>Local Government Act 2020</i>		
File Number:	A1294051	Version No:	006 007
1 st Adopted by Council:	29 June 2009, Minute No. 194	Last Adopted by Council:	8 July 2019, Minute No. 1114
Review Period:	Two Years	Next Review:	July 2023

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

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4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

Table of Contents

1	Purpose	4
2	Background	5
3	Scope	7
4	Definitions	8
5	References	9
6	Council Policy	10
6.1	Councillor Allowances	10
6.2	Travel.....	10
6.3	Child and Family Care	12
6.4	Dinners and Other Non-Council Functions.....	12
6.5	Information Technology	13
6.6	Civic Support, Equipment and Facilities	15
6.7	Professional Development.....	17
6.8	Other Support.....	18
6.9	Community Forums and Ward Meetings	18
6.10	Additional Support and Facilities for the Mayor	19
6.11	Reporting and Disclosure	19
6.12	Lost or Stolen Property.....	20
6.13	Acquisition and Return of Equipment and Facilities	20
6.14	Councillors Reimbursing Council.....	21
6.15	Caretaker Period	21
6.16	Exclusions	21
6.17	Procedure for Reimbursement of General Expenses.....	21
6.18	Councillor Mentor and Legal Support.....	22
6.19	Councillor Dispute Mediators.....	23
7	Responsibilities	25
8	Related Documents	26
9	Appendices	27

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

1 Purpose

This policy supports Councillors and Members of Delegated Committees to perform their roles, as defined under the *Local Government Act 2020*, by ensuring that expenses, reasonably incurred in the performance of those roles, are reimbursed.

This policy summarises also outlines the provisions of the *Local Government Act 1989 2020* in respect to Councillor allowances, expenses and support. It also confirms the facilities and support that may be provided to Councillors and Members of Delegated Committees to assist them in performing or discharging their official functions and duties.

This policy is guided by the following principles:

- Councillors and Members of Delegated Committees should not be out-of-pocket supported as a result of in performing and discharging their council functions and duties without disadvantage;
- any reimbursements claimed by Councillors and Members of Delegated Committees must be for expenses actually and necessarily incurred in performing and discharging their official council functions and duties; and
- the payment of Councillor allowances and the reimbursement of expenses must be accountable and transparent to the community.

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

2 Background

There is ~~increasing~~ an emphasis placed on the provision of adequate support and training to assist Councillors in the performance of their official council functions and duties.

Under the *Local Government Act 1989 2020* (LGA), sections ~~75, 75A, 75B and 75C~~ 40, 41 and 42 outline how Councillors and Members of Delegated Committees are entitled to resources, ~~and facilities~~ support, reimbursement of expenses and child-care costs which are reasonably necessary to enable them to effectively perform their roles. ~~related to their duties as a Councillor.~~

~~Section 75B of the *Local Government Act 1989* states:~~

- ~~1. A Council must adopt and maintain a policy in relation to the reimbursement of expenses for Councillors and members of Council committees.~~
- ~~2. A policy adopted by Council under this section must be consistent with:
 - ~~(a) the prescribed types of Councillor out-of-pocket expenses that must be reimbursed if the expenses are reasonable and bonafide; and~~
 - ~~(b) the prescribed procedures to be followed by Councils in relation to the reimbursement of out-of-pocket expenses.~~~~
- ~~3. A Council must keep a copy of the policy adopted and maintained under this section available for inspection at the office of the Council.~~

~~Section 40 of the *Local Government Act 2020* states:~~

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

~~Section 41 of the *Local Government Act 2020* states:~~

- ~~1. A Council must adopt and maintain an expenses policy in relation to the reimbursement of out-of-pocket expenses for Councillors and Members of Delegated Committees.~~
- ~~2. A policy adopted by a Council under this section must-
 - ~~(a) specify procedures to be followed in applying for reimbursement and in reimbursing expenses; and~~
 - ~~(b) comply with any requirements prescribed by the regulations in relation to the reimbursement of expenses; and~~
 - ~~(c) provide for the reimbursement of child-care costs where the provision of child-care is reasonably required for a Councillor or Member of a Delegated Committee to perform their role; and~~
 - ~~(d) have particular regard to expenses incurred by a Councillor who is a carer in a care relationship within the meaning of section 4 of the Carers Recognition Act 2012.~~~~
- ~~3. A Council must adopt the first expenses policy under this section on or before 1 September 2020.~~
- ~~4. Until a Council adopts a policy under this section, the policy adopted by the Council under section 75B of the *Local Government Act 1989* applies as if it had been adopted under this Act.~~

~~Section 42 of the *Local Government Act 2020* states:~~

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

1. A Council must make available to the Mayor and the Councillors the resources and facilities reasonably necessary to enable them to effectively perform their role.
2. Without limiting the generality of subsection (1), a Council must-
 - (a) consider the support that may be required by a Mayor, Deputy Mayor or Councillor because of a disability; and
 - (b) have particular regard to the support that may be required by a Councillor who is a carer in a care relationship within the meaning of section 4 of the Carers Recognition Act 2012.

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4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

3 Scope

This policy applies to the Mayor, Deputy Mayor, Councillors and Delegated Committee Members and is made in pursuant accordance with to Section 75.41 of the Local Government Act 1989-2020.

This policy indicates that payment of expenses and reimbursements to Councillors and Delegated Committee Members shall be limited to:

- traveling expenses including use of private vehicle for Council related activities;
- family care and child-care costs where appropriate; and
- costs paid by and for Councillors and Delegated Committee Members pertaining to the functions of their respective roles civic-office.

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4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

4 Definitions

- Delegated Committee** is a Delegated Committee established by Council under section 63 of the *Local Government Act 2020*, a Joint Delegated Committee established by two or more Councils under section 64 of the *Local Government Act 2020* or a Committee, other than an Asset Committee, exercising any power of a Council under the *Local Government Act 2020* or any other Act delegated to the Committee under the *Local Government Act 2020* or any other Act.
- Family Care** includes care provided by a carer in a care relationship within the meaning of section 4 of the *Carer's Recognition Act 2012*.

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4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

5 References

- Originally Adopted at the Ordinary Council Meeting on 29 June 2009 – re-adopted with changes 28 June 2010 , 14 May 2012, 28 October 2013, 10 August 2015 and 8 July 2019
- *Carer's Recognition Act 2012*
- Department of Planning and Community Development – *Mayor and Councillors Entitlements Information Guide*, November 2008
- *Greater Dandenong City Council* Catering and Civic Support Policy
- *Greater Dandenong City Council* Code of Conduct – Councillors
- *Greater Dandenong City Council* Fraud Prevention and Control Policy
- *Greater Dandenong City Council* Guidelines for Community Forums
- *Greater Dandenong City Council* Guidelines for Ward Meetings
- *City of Greater Dandenong Public Transparency Policy*
- *Greater Dandenong City Council* Travel Policy
- *Local Government Act 1989*
- *Local Government Act 2020*
- *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*
- *Victorian Local Authorities Award 2015*

Related Documents

- Mobile Phone Account Memo (Internal)
- Appendix 1 - General Expenses Claim Form
- Appendix 2 - Travel Claim Form
- Appendix 3 - Child/Family Care Claim Form
- Appendix 4 – Councillor Annual Statement Sign Off

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

6 Council Policy

Council's facilities and support services, as detailed in this policy, are available to the Mayor, Deputy Mayor, Councillors and Delegated Committee Members while performing or discharging their official duties. These facilities and services are not available for use by members of a Councillor's family unless the use is directly related to the Councillor's or Member's official roles duties.

Recognising the special role of the Office of Mayor, this policy also provides for expenses, facilities and support services specific to that office.

Councillors are personally responsible for any expenditure that does not fall within the criteria set out in this policy. The Manager Governance is available to assist Councillors and ensure they understand their entitlements and responsibilities.

6.1 COUNCILLOR ALLOWANCES

~~Section 39 of the Local Government Act 1989 2020 provides for Councillor and Mayoral (including the Deputy Mayor position) allowances to be set by determination of the Victorian Independent Remuneration Tribunal, fixed by an Order in Council, within upper and lower limits determined by the Minister. Current arrangements made under the Local Government Act 1989 will remain in place until the first determination made by the Tribunal comes into effect. This flexibility enables Councils to set a level appropriate to the municipality, taking into consideration the differentiation of the role of Councillors in various municipalities.~~

The Mayor, Deputy Mayor and Councillor allowances are noted in November each year at the Council Meeting for the Election of the Mayor. ~~Currently the allowances are the maximum available within the Category 3 range (the Mayoral allowance is inclusive of the Councillor allowance).~~

Payment Procedure

Payments for Councillor Allowances will be made through Council's electronic payroll system, either on a fortnightly or monthly basis at the agreement of individual Councillors. Deductions to the Australian Taxation Office will only occur following a written request to the Payroll Office from individual Councillors.

Payment in Advance

Where a Councillor is required to undertake interstate or overseas travel as part of their civic duties, that Councillor may request payment of their allowance in advance in anticipation of expenses that will be incurred during the course of the travel.

Corporate Credit Card

Each Councillor will be issued with a corporate credit card that can be used in conjunction with ~~the performance of their role at undertaking of civic functions, conferences and events duties~~ when other forms of payment are not available. A receipt must be signed (by the Councillor) and provided to the Mayor and Councillors Executive Assistant for every credit card purchase. If the receipt is lost or not available, then a *Claim for General Expenses Form* must be completed and signed by the Councillor (see Appendix 1).

6.2 TRAVEL

Where travel costs are borne by Council, it is expected that, where practicable, all travel be by the most direct route, and vehicles are shared where more than one Councillor attends the same function.

Use of Private Vehicles

Reimbursement of expenses is available for Councillors and Delegated Committee Members who use their own private vehicle and shall be in accordance with the Victorian Local Authorities Award 2015 as varied from time to time and as set out below. (For further details contact Organisational Development).

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

The reimbursement is payable for the use of a private vehicle for:

- attendance at **Meetings of Council**, Council Advisory, Reference Group or **Delegated** Committee Meetings, Ordinary, Committee or Sub-Committee Meetings of State, regional or local organisations where the Councillor has been elected as a Council's representative or liaison by Council resolution **or the person has been nominated as a Delegated Committee Member**;
- attendance at conferences and seminars where such attendance by a Councillor **or Delegated Committee Member** has been approved by Council, the Mayor, the Chief Executive Officer or such other authorised Committee designated by Council;
- attendance at inspections, meetings and functions within or outside the City relative to the duties of office as a Councillor **or Delegated Committee Member**;
- to and from the airport, rail or bus station, or other point from where travel to conferences and seminars commences; and
- attendance at official Council functions.

Where a Councillor **or Delegated Committee Member** uses his/her car to attend an approved interstate meeting, conference, seminar or engagement the total claim for use of a vehicle shall not exceed the cost of economy class air travel and transfers to the relevant destination.

Reimbursement Procedure for Private Vehicle Usage

- All claims for reimbursement of travel shall be made on a monthly basis (within 30 days from end of month).
- Details of kilometers and purpose of travel must be recorded by the relevant Councillor **or Delegated Committee Member**.
- Councillors and **Delegated Committee Members** must complete a **Councillor Claim for Travelling Expenses Form** (Appendix 2) and submit it to the Manager, Governance for authorisation.
- Payments will be made through Council's Electronic Payroll System **or such other electronic payment method as required**.
- It is the responsibility of Councillors **or Delegated Committee Members** to ensure that claims for reimbursement occur within the monthly time frame. Claims not submitted in a timely manner may be refused reimbursement at the discretion of the Mayor and Chief Executive Officer.
- All payments will be paid in arrears.

Cabcharge

Each Councillor **or Delegated Committee Member** may request a "Cab-Charge" voucher from Council for the payment of taxi service for events and activities as listed above. Cabcharge vouchers are available from the Mayor and Councillors Executive Assistant.

Council Vehicles

Where practicable, and by prior arrangement through the Chief Executive Officer, a Council vehicle may be made available to Councillors for travel outside the City where use of private vehicles or other means of transport is not available or convenient. The use of a Council vehicle is limited to 24 hours continuous use and the vehicle must be driven by the Councillor at all times.

Public Transport

Councillors **or Delegated Committee Members** may use public transport to travel to Council business related events, or to assist them to carry out their duties.

Reimbursement Procedure for Public Transport

For reimbursement of travel expenses incurred from use of public transport, Councillors **or Delegated Committee Members** must complete a **Claim for General Expenses Form** (Appendix 1) and submit it the Manager Governance for authorisation and processing. All payments will be made in arrears.

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

6.3 CHILD AND FAMILY CARE

Council will reimburse child and family care expenses when the care is necessary to allow the Councillor or **Delegated Committee Members** to attend:

- ~~Ordinary or Special~~ Meetings of Council, Council Advisory, Reference Group or **Delegated Committee Meetings**, Ordinary, Committee or Sub-Committee Meetings of State, regional or local organisations where the Councillor has been elected as a Council's representative or liaison by Council resolution or the person **has been nominated as a Delegated Committee Member**;
- inspections, meetings, Councillor Briefing Sessions, civic ceremonies and functions, conferences and training within or outside the City relative to the duties of office as a Councillor or **Delegated Committee Member**; and
- a meeting or function or other official role when deputising for, or representing, the Mayor.

Child-care and family carer expenses may consist of hourly fees, agency booking fees and/or reasonable traveling expenses. Fees are payable per hour or part of an hour subject to any minimum period, which is part of the provider's usual terms.

A receipt from the care provider (including their ABN) is required for the direct reimbursement of any expenses claimed.

Reimbursement will not be made to a person who:

- has a familial or similar relationship with the Councillor or **Delegated Committee Member**; or
- resides either permanently or temporarily with the Councillor or **Delegated Committee Member**; or
- **has any financial or pecuniary interest with the Councillor or Delegated Committee Member**, or
- has a relationship with the Councillor or **Delegated Committee Member** or ~~his or her~~ their partner such that it would be inappropriate for Council to reimburse monies paid to the care provider.

Reimbursement Procedure for Child or Family Care

- All claims for reimbursement of child or family care shall be made on a monthly basis (within 30 days from end of month).
- Councillors or **Delegated Committee Members** must complete a *Claim for Child/Family Care Form* (Appendix 3) and submit it to the Manager Governance and ~~Commercial Property~~ for authorisation and processing.
- It is the responsibility of Councillors or **Delegated Committee Members** to ensure that claims for reimbursement occur within the monthly time frame.
- Payments will be made through the Finance Unit.
- All payments will be made in arrears.

Variation to care – extenuating circumstances

A Councillor or **Delegated Committee Member** may make a written request to the Mayor and Chief Executive Officer, on the basis of extenuating circumstances (including unique familial care knowledge and experience) that the basis of any care be varied and thereby reimbursed.

Appeals

A Councillor or **Delegated Committee Member** is entitled to make a complaint or appeal in writing to the Mayor and Chief Executive Officer against any decision regarding a reimbursement.

6.4 DINNERS AND OTHER NON-COUNCIL FUNCTIONS

Attendance at Dinners and Other Non-Council Functions

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

Council will meet the cost of a Councillor's or **Delegated Committee Member's** attendance at non-Council functions to which they have been invited where they are attending in their role as Councillors or **Delegated Committee Members** and where topics pertain to matters concerning local government or where local government representation is relevant to Council.

If an invitation to a relevant non-Council function was not received and a **Councillor or Delegated Committee Member** wishes to attend, it will be at the Mayor's discretion and Mayoral approval will be sought via the Mayor and Councillors Executive Assistant.

Invitations outside of these parameters must be paid for by individual Councillors or **Delegated Committee Members** attending.

Council will meet the cost of the Mayor/Councillor's partner attending a non-Council function or dinner. Costs associated with either a **Councillor or Delegated Committee Member's** partner attending functions will be monitored by the Mayor and Councillors Executive Assistant and will be reported on the Mayoral and Councillors Expenses Spreadsheet (see Expenses Reporting).

Local Fundraising and Charitable Events

Council will cover the cost of ticketed events for Councillors or **Members of Delegated Committees** invited by written invitation to attend Local Fundraiser/Charitable Events, where the event benefits the City of Greater Dandenong.

The Chief Executive Officer in consultation with the Mayor, will determine appropriate events for Council to purchase 'a table', if invited to do so. A table will only be purchased if 50% or more Councillors are able to attend. Councillor attendance must have a demonstrated benefit to the local community.

All ticketed events must be paid for in advance of the event. Payment can be arranged by contacting the Manager Governance.

5.5 INFORMATION TECHNOLOGY

In January 2020, Council made a declaration of a climate and ecological emergency and committed the Greater Dandenong City Council to emergency action on climate change. Council is committed to reducing its carbon emissions and the impacts of the exposure of a climate change crisis. Councillors are encouraged to avoid the generation and use of hard copy paper-based products whenever possible.

To this end, Councillors will be provided with a range of hardware and software products and associated infrastructure to provide them with the information technology tools necessary to perform their role without the need to use hard-copy paper-based products. With the exception of a mobile phone and email, these products are all optional and vary according to the individual needs of each Councillor. They include, but are not necessarily limited to:

Mobile Phone

Council will provide a mobile telephone, which is compatible with Council's network, to all Councillors to facilitate communication for official purposes. Council will pay all connection, service and rental charges and will provide a maximum call charge (usage) allowance of \$100 per month for those on the Optus Corporate Plan and \$135 per month for those on the Telstra Corporate Plan.

The maximum limit per month provided within this policy is a reasonable usage allowance that provides Councillors with the ability to fulfill their official civic duties and for an incidental level of personal use.

Any call charges that exceed this usage limit will be deemed as beyond reasonable use and the amount will need to be reimbursed to Council, unless supporting evidentiary documentation is provided that verifies the amount as being relevant to a Councillor performing their official functions and civic duties. Usage over the limit and not reimbursed to Council will be reported on the Mayoral and Councillors Expenses Spreadsheet (see Expenses Reporting).

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

Where unique circumstance exist that prevent a Councillor from performing their official civic duties within the \$100 or \$135 per month usage limit, the Mayor and Chief Executive Officer can authorise an increase to this limit. Authorisation of an increase to the usage limit will be made on a case-by-case basis.

Councillors attending approved overseas travel may have their coverage upgraded to include international roaming for the duration of the trip in accordance with Council's Travel Policy. In this instance, reasonable usage will be determined by the Chief Executive Officer based on the destination and duration of the trip.

Payment Procedures for Private Use of Mobile Phones

If the usage level exceeds \$100 (Optus) or \$135 (Telstra), the Councillor involved will be provided with a copy of their monthly mobile phone account attached to a *Mobile Phone Account Memo*. Any personal calls considered beyond reasonable usage must be highlighted and reimbursed to Council within 30 days of receipt of the memo.

Any discrepancies found on mobile phone accounts must be brought to the attention of the Mayor and Councillors Executive Assistant immediately. A Councillor can request an itemised bill at any time, if they wish to reimburse any personal calls regardless of the above.

See also section 5.14 Councillors Reimbursing Council.

Computer (optional)

Councillors will be provided with a lap top computer and docking station with the current Greater Dandenong City Council software configuration to allow access to Council's network and the Internet. Support services to maintain functionality and access to the Greater Dandenong City Council network can be accessed in accordance with the following hours of operation:

Business Hours: Phone ITSERVICEDESK on 9239 5102
After Hours: 6.00pm – 10pm Monday to Friday
9.00am – 5.00pm Saturday & Sunday
Phone On-Call IT Support on 8571 5137

An IT Support officer will call and discuss any issues and the various options that can remedy the situation. This may include an on-site visit if the problem is critical and prevents a Councillor from carrying out Council duties. Council will provide the necessary maintenance and consumable products required for the operation of the equipment, upon request to the Mayor and Councillors Executive Assistant.

Email and Internet Usage

Use of email and internet is to be in accordance with the Greater Dandenong City Council Code of Conduct – Councillors and as outlined in this document.

The email address supplied to Councillors is owned by the Greater Dandenong City Council and will cease to exist at the end of a Councillor's term in office.

Facsimile/Telephone Equipment (optional)

Council will provide at either the residence of a Councillor or other designated location a multifunctional device for **landline (optional)**, printing, scanning, copying as well as sending and receiving facsimiles (optional) to facilitate the transmission of information relating to the Councillor's duties of office. Council will provide the necessary maintenance and consumable products required for the operation of this device upon request to the Mayor and Councillors Executive Assistant.

Council will arrange for the installation of the necessary telephone lines and associated equipment and meet all connection costs including, where necessary, power supply. The equipment will remain at all times at the residence of the Councillor, or such other designated location, during their term of office.

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

Ipad (optional)

Council will provide an Ipad with Wifi and 4G access to all Councillors to facilitate communication and document management for official Council purposes. Council is currently not charged for connection or usage fees for this resource however, if individual Councillor usage exceeds (1) terabyte per month (equivalent to one million megabytes per month), then usage charges will apply. Councillors will be alerted if their usage looks like exceeding this amount in any month.

Other Communication Sources

Where a councillor has chosen not to take up the offer of a Council provided mobile telephone they may choose to use a portion of the mobile phone allowance on other associated communication media ie. This could include home delivery of the Age and/or Herald Sun but must be approved ~~following approval~~ by the Director Corporate Services.

Communication and Information Technology Expenses Reporting

All expenses relating to communication and information will be reported on the Mayoral and Councillor Expenses Spreadsheet on Council's website. This spreadsheet will detail all costs associated with mobile telephone usage over ~~\$100 the designated amount~~ per month. ~~attendance at conferences and training, airfares, taxi/train fares, accommodation and meals, child and family care, vehicle/mileage and any other expenses claimed.~~ Generic costs ~~applicable to all Councillors~~ for the provision of services such as installation, NBN and line rental will not be listed on this spreadsheet. The spreadsheet will be updated on a monthly basis.

See also section 5.11 Reporting and Disclosure

6.6 CIVIC SUPPORT, EQUIPMENT AND FACILITIES

Council will provide the following support, equipment and facilities to assist Councillors in carrying out their duties of office. All equipment provided shall remain the property of Council and shall be returned within two weeks of retirement or termination of office

Stationery and Office Equipment

Each Councillor will be provided with a supply of the following stationery and office equipment that can be replenished/obtained upon request by contacting the Mayor and Councillors Executive Assistant.

- A4 'Councillor Office' letterhead and plain A4 paper (Note: Councillors are encouraged to avoid the use and generation of hard copy paper products whenever possible)
- corporate business cards
- name badge
- filing cabinet
- shredder (small model)
- diary, planner or equivalent
- minor stationery items.

In addition, Councillors are entitled to claim reimbursement for the acquisition of a desk/chair/bookcase to the combined value of ~~\$600~~1000 in any one Council term. Councillors should note that these items remain the property of Council during the term(s) of the Councillor. Upon retiring or leaving Council, Councillors may opt to purchase this equipment back from Council.

Reimbursement/Payment of Stationery and Office Equipment

For reimbursement of expenses incurred from the direct purchase of equipment, Councillors must;

- complete the 'Claim for General Expenses' form (Appendix 1); or

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

- contact the Mayor and Councillors Executive Assistant to arrange a purchase order.

See also section 5.17 Procedures for Councillor Reimbursement of Expenses.

Administrative Assistance

Administrative assistance will be made available to Councillors and **Members of Delegated Committees** for work directly related to **the performance of their respective roles. the duties of office.** All such work will be coordinated through the Mayor and Councillors Executive Assistant.

Mail

Each Councillor or **Delegated Committee Member** may leave standard mail items of Council designated business for postage through the external mail system. Such mail shall be contained within Council envelopes and coordinated through the Mayor and Councillors Executive Assistant.

Mail posted directly via Australia Post will require stamps to be affixed and will be at the Councillor's or **Delegated Committee Member's** own cost. Councillors and **Delegated Committee Members** will not be reimbursed for this expenditure.

Courier Service

Council will provide a courier service for delivery of the Council agenda and other papers to Councillors on a weekly basis or as required. Items delivered will be contained within a satchel and Councillors will be expected to return these satchels at the next Councillor Briefing Session.

Council will, upon request, provide specific mailboxes at a Councillor's place of residence, or other location nominated by Councillors, for secure delivery of such documents.

Councillor's Work Area

Councillors will be provided with a furnished office on a shared basis at Council's Civic Centre in Dandenong. This will incorporate access to Council's IT network, the internet, printer, furniture, photocopier, ~~fax~~ and telephone and facilitate the following activities:

- letter writing;
- interviewing;
- small meetings;
- reading and research; and
- other business activities relating directly to civic office.

At times, Members of Delegated Committees may also use the Councillor area at the Civic Centre in Dandenong which will be coordinated through the Mayor and Councillors Executive Assistant.

Meeting Rooms

Councillors can book a meeting room at Council's offices to facilitate meetings by contacting the Mayor and Councillors Executive Assistant.

After business hours access to general office areas other than designated Councillors work areas is only permitted subject to the approval of the responsible Director or Chief Executive Officer.

Building Access and Car Parking

Each Councillor and **Delegated Committee Member** will receive a swipe card allowing access to the councillor offices and chambers at the Civic Centre.

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

Limited parking spaces are available for Councillors at the Civic Centre offices (car identification permits are required). Permits will be made available by contacting the Mayor and Councillors Executive Assistant.

Website

Each Councillor will be provided with a page on Council's web site – containing a Councillor photo, Councillor profile, contact details, and ward map.

Meals/Refreshments

Where Council or Committee meetings are held at times which extend through normal meal-times, Council will provide suitable meals served on the premises in accordance with Council's Catering and Civic Support Policy

Tea/Coffee facilities and refreshments are available to Councillors and Members of Delegated Committees undertaking their duties at Council offices.

Memberships

Council will arrange and pay for collective Council/Councillor membership to peak Australian Local Government industry bodies as follows:

- Municipal Association of Victoria (MAV)
- Victorian Local Government Association (VLGA)
- Australian Local Government Association (ALGA)
- Australian Local Government Women's Association (ALGWA)

Publications

Councillors will be entitled to subscribe to relevant publications subject to the approval of the Chief Executive Officer.

Councillors will also be supplied, upon request, with appropriate links to the *Local Government Act 1989 2020*, *Planning and Environment Act 1987* and any other legislation as requested.

5.7 PROFESSIONAL DEVELOPMENT

Training and Education

Wherever possible Councillors will be provided with training in main competency areas such as, but not limited to:

- Federal, state and local government relationships;
- Councillors' statutory roles;
- Financial management;
- Councillor and staff relationships;
- Community representation;
- Meetings procedures for Council and committees;
- Councillors' performance;
- Media training; and
- Ongoing projects and major issues within the City and surrounding municipalities.

Upon request, Councillors will be provided with any necessary training/education/resources that will assist them in the use of equipment/software supplied by Council or the acquisition of information necessary in undertaking their duties as a Councillor.

Seminars and Conferences

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

Council will provide the following, *or reimbursement for the following*, to Councillors and *Members of Delegated Committees* attending conferences or seminars which have been authorised by Council, other Committees designated by Council, the Mayor or the CEO as set out in Council's Travel Policy:

- Registration fees for attendance at conferences and seminars;
- Conference dinner/meals within reasonable limits for the duration of the conferences/seminar;
- Accommodation where a Councillor or *Delegated Committee Member* requires an overnight stay for the purpose of attendance;
- Transportation to, from and during conferences and seminars. Councillors *or Delegated Committee Members* may choose the mode of transport which is most appropriate to their particular circumstances and in accordance with Council's Travel Policy;
- Corporate Credit Card (Councillors only) for the purpose of incidentals that may occur during the duration of the conference/seminar; and
- Carparking fees such as airport or hotel parking.

6.8 OTHER SUPPORT

Expenses and Facilities for Councillors or *Members of a Delegated Committee with Disabilities*

For any Councillor *or a Delegated Committee Member* with a disability *or particular needs*, Council will provide reasonable additional facilities and associated expenses in order to allow that Councillor or *Delegated Committee Member* to perform *their respective roles-civic duties*.

Cultural Diversity and Equity

The City of Greater Dandenong is home to many different cultures and faiths. Council acknowledges and actively cultivates and promotes its cultural diversity. Council also promotes equality and equity between men, women and those identifying as LGBTIQ+. ~~Council~~ Councillors or Members of Delegated Committees with specific cultural or personal needs will be accommodated to the best of Council's ability and understanding under this policy. ~~endeavour to meet any specific cultural needs of Councillors.~~

Insurance

Section ~~43 76A~~ of the *Local Government Act 1989* ~~2020~~ states that Council must take out insurance cover for Councillors *and Members of Delegated Committees*.

Councillors and *Delegated Committee Members* are covered by the following Council Insurance Policies on a 24-hour basis *while performing their respective roles discharging the duties of civic office* including attendance at meetings of external bodies as Council's representatives.

- Personal accident insurance;
- Public liability insurance;
- Professional indemnity insurance; and
- Councillors, *Delegated Committee Members* and Council officers liability insurance.

Council will pay the insurance policy excess in respect of any claim made against a Councillor or *Member of a Delegated Committee* arising from Council business where any claim is accepted by Council's Insurers, or admitted under Council's self-insurance program, whether defended or not.

The Mayor's partner will be covered under these insurance policies whilst carrying out the duties associated with the civic and ceremonial role of the Mayor.

Further details as to the extent of cover and conditions in respect to any of the above cover can be obtained from Council's Team Leader, Risk Management and OHS.

6.9 COMMUNITY FORUMS AND WARD MEETINGS

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

Council may hold community forums or ward meetings in different locations throughout the year if an issue of significant interest to a particular suburb would benefit from a discussion time with Council in the local area (determined by Councillors). The Guidelines for Community Forums and Ward Meetings are available on Council's website.

The Mayor of the Day will determine how and when they can make themselves available to meet with members of the community. As a general guide, appointments are best arranged through the Mayor and Councillors Executive Assistant. The availability of the Mayor will be dependent on their respective commitments.

6.10 ADDITIONAL SUPPORT AND FACILITIES FOR THE MAYOR

The Office of the Mayor operates to facilitate and enable the Mayor to represent the views and directions of Council in performing various roles and duties best carried out by the Mayor.

Mayoral Vehicle (optional)

Council will provide, at its expense, a fully registered, insured, maintained and fuelled vehicle for use by the Mayor for official duties and for private use. Council will also meet the cost of cleaning the Mayoral vehicle.

Unless approved by Council, the mayoral vehicle shall be driven by the Mayor or by the Mayor's spouse/family member, a Councillor or a council officer on the Mayor's behalf while the Mayor is in the vehicle.

Council will also provide an allotted parking space for the Mayor's vehicle at its municipal offices.

Office Facilities

Council will provide the following Mayoral office facilities:

- private office at Council's Civic Centre in Dandenong suitably equipped with computer and printer; with the current Greater Dandenong City Council configuration to allow access to Council's network and the Internet, furniture and shelving, including desk and meeting table; ~~facsimile~~; digital telephone connected to the Council's phone system with direct in-dial and direct line facilities; and
- Executive Assistance and Administrative Support during normal office hours and at other times by arrangement with the Manager Governance.

Other Facilities

The Mayor may be provided with other necessary assistance to enable ~~him or her~~ **them** to carry out the duties of civic office. Such assistance may include, but is not limited to, the following:

- a Corporate Credit Card made available to the Mayor for use while carrying out the duties and functions of the office;
- for the purpose of civic functions/ceremonies, ceremonial clothing including Mayoral robes and chains of office.

6.11 REPORTING AND DISCLOSURE

~~Under the provisions of sections 57 and 58 of the Local Government Act 2020, Council must maintain a Public Transparency Policy and specifically follow the public transparency principles.~~

~~Under the LGA, and~~ In the interests of transparency and accountability, the following documents and registers relating to Councillors duties will be made available for public inspection ~~upon request~~:

- Councillor ~~Expenses~~, Support and Accountability Policy;
- Details of current allowances fixed for the Mayor and Councillors; and
- Council's Travel Register.

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

In accordance with the above, the following details of Councillor expenditure will be published on Council's website as soon as practicable after the information is available:

- Mobile phone usage charges in excess of \$100 (Optus plan) and \$135 (Telstra plan) per month;
- Training and conferences attended;
- Travel expenses;
- Accommodation and meals;
- Child and family care reimbursements;
- Car mileage claimed;
- ~~Equipment; and~~
- Functions and events attended; and
- Any other associated costs reimbursed.

Councillors will be required to sign off on an annual statement, confirming that the individual Councillor expenses as published on Council's website during the corresponding financial year are true and correct (Appendix 4) within 90 days following the end of each financial year.

Further, Section 40 of the *Local Government Act 2020* requires that all details of reimbursements made to Councillors and Members of Delegated Committees be reported to the Audit and Risk Committee. A report will be made to this Committee biannually.

~~Councillors should be aware that~~ Accounting Standard AAS22 requires the disclosure of the names and remuneration paid to the directors of an entity. Councillors are required to adhere to this Standard which also requires the disclosure of certain types of transactions. Broadly, these transactions are those that could be perceived as affecting the independence of the elected member. The disclosure required is a listing of transactions and any other beneficial interests between Council and individual Councillors and their related businesses and parties. It is each Councillor's responsibility to ensure that details of such related party transactions are supplied to the ~~Director Corporate Services Mayor and Councillors Executive Assistant~~ for reporting purposes.

Councillors should also note that details of any expenses which are reimbursed can be further subject to public scrutiny via any Freedom of Information requests received by Council.

6.12 LOST OR STOLEN PROPERTY

Lost items will be replaced by Council upon receipt of a Statutory Declaration from the Councillor by the Manager Governance. Where items are lost or destroyed more than once per year, Councillors may be required to personally fund the replacement. All decisions to replace lost or stolen property will be made at the discretion of the Manager Governance.

Stolen items should also be reported to the police and the Manager Governance provided with a copy of the Victorian Police incident report. Replacement of the stolen council property will be made following receipt of a copy of the official police report.

Faulty items will be replaced as soon as practicable.

6.13 ACQUISITION AND RETURN OF EQUIPMENT AND FACILITIES

The equipment remains the property of Council and is recorded on Council's Assets Register.

Upon completion of a Councillor term in office, extended leave of absence or at the cessation of civic duties, all equipment and facilities must be returned to Council within two weeks. Arrangements are to be made through the Mayor and Councillors Executive Assistant.

Councillors who complete their term in office will be given the opportunity to purchase equipment previously allocated to them at an agreed fair market price.

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

6.14 COUNCILLORS REIMBURSING COUNCIL

A Councillor can only reimburse Council for personal expenses paid for by Council via:

- A written authorisation to deduct the amount from their next Councillor allowance payment (notification via e-mail is acceptable); or
- Direct payment to Council's cashing service (Customer Service). A copy of the receipt must be forwarded to the Mayor and Councillors Executive Assistant for recording purposes.

Councillors reimbursing Council for personal telephone calls must complete the 'Mobile Phone Account Memo' which is forwarded to them with a copy of their account and sign off on its accuracy.

6.15 CARETAKER PERIOD

Special conditions for expenses, facilities and resources for Councillors apply during the caretaker period prior to an election. The caretaker period is defined in the *Local Government Act 1989 2020* as the period that starts at the time that nominations close on nomination day and ends at 6.00pm on Election Day. ~~from entitlement day, when the voters roll close, until Election Day.~~

It is an established democratic principle that public resources must not be used in a way that would influence the way people vote in elections, except to support the actual election process. Council therefore commits to the principle that it will ensure that resources are not used inappropriately during a Council election as outlined in the Greater Dandenong City Council Code of Conduct – Councillors, *Council's Election Period (Caretaker) Policy*, *Council's Governance Rules* and Section 304 55(D) of the *LGA-Local Government Act 2020*.

Caretaker period applies to all Councillors whether they are seeking re-election or not.

Nothing in this policy shall preclude a Councillor from performing their job as a Councillor during the designated caretaker period or inhibit them from representing the interests of the city

Councillors may not use Council offices or property for any election related purposes.

6.16 EXCLUSIONS

Any expenses arising from a breach of road, traffic, parking or other regulations or laws will not be reimbursed or funded by Council in any way.

Any expenses for a Councillor's spouse or partner not expressly included within this policy or the Travel Policy will not be reimbursed or funded in any way.

Any expenses incurred by third parties cannot be claimed.

6.17 PROCEDURE FOR REIMBURSEMENT OF GENERAL EXPENSES

Councillors and Members of Delegated Committees must provide all relevant documentation as set out in this policy, including detailed original receipts, for all expense claims. Credit card receipts or statements alone are not sufficient. In the case of any internet-online purchases, a copy of the confirmation must be attached to the claim. If a receipt cannot be produced, Councillors or Delegated Committee Members may be required to provide a Statutory Declaration.

If a Councillor or Delegated Committee Member does not claim a particular expense or use a particular facility within the specified time, they cannot be offset against a claim for another amount for some other expense or facility, unless otherwise stipulated in this policy.

Expenses must be charged to the financial year in which they occurred. Expenses cannot be carried forwarded to different years.

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

Councillors should not obtain private benefit from the provision of equipment and facilities, however it is acknowledged that incidental use of council equipment and facilities may occur from time to time.

Claims for facilities and expenses other than those included in this document will be subject to Council resolution.

Councillors must sign off all receipts with original signatures. Stamps or electronic signatures will not be accepted.

Procedure for Reimbursement of General Expenses

All claims for reimbursement of expenditure shall be made on a monthly basis (within 30 days from end of month):

- Councillors and Members of a Delegated Committee must obtain a receipt for any expenditure for which they wish to claim a reimbursement from Council;
- Complete a 'Claim for General Expenses' form (Appendix 1);
- Attach the relevant receipt/invoice to the form and forward it to the Manager Governance via the Mayor and Councillors Executive Assistant;
- The claim, if in accordance with this policy, will be authorised by the Manager Governance for reimbursement. It is the responsibility of Councillors to ensure that claims for reimbursement occur within the monthly time frame (30 days, from end of month);
- Payments under \$50 may be reimbursed through Petty Cash. Payments over \$50 will be processed through Council's Finance Department and a cheque forwarded to the relevant Councillor or via Payroll.

6.18 COUNCILLOR MENTOR AND LEGAL SUPPORT

Support will be provided for Councillors or Delegated Committee Members which encompasses both mentoring and legal support if their conduct as a Councillor or Delegated Committee Member is called into question. It is important to note that Councillors, Delegated Committee Members and staff are treated equally in this respect. (There are policies and provisions for staff that are already in place which reflect the support they would be given in different situations that occur within the workplace.) This policy aims to reflect the different levels of support afforded to Councillors and Delegated Committee Members in different situations and while general principles will apply, each situation will be considered on its own merits. The general principles applying to Councillor and Delegated Committee Member mentor and legal support are as follows:

1. Where a Councillor or Member of a Delegated Committee is prosecuted by an external individual in respect of matters/actions/behaviours that were undertaken in the course of performing their role their-role-as-a Councillor, then they will be afforded legal and mentor support from Council unless or until it is clearly evident that the Councillor or Delegated Committee Member has acted in breach of the Local Government Act 1989 or Local Government Act 2020.
2. Where the Councillor or Delegated Committee Member is the litigant and not the defendant then no legal or mentor support would be provided – unless by resolution of Council, where it is determined that such support is in Council's interest.
3. Where the matter relates to action undertaken by Council (as the organisation as distinct to an individual Councillor or Delegated Committee Member) against a Councillor or Delegated Committee Member, then support is provided to the Councillor or Delegated Committee Member in the form of limited hour mentor support.
4. Where the action is undertaken by Local Government Victoria, Ombudsman Victoria or the Independent Broad-Based Anti-Corruption Commission (IBAC), mentor support is provided during the investigation period only. No legal support is provided unless Council resolves to do so.

Some examples are provided below which indicate a base line response as to whether a Councillor or Delegated Committee Member is entitled to legal or mentoring support that is paid for by Council. As stated, it is not always clear when a Councillor or Delegated Committee Member is entitled to paid legal support and each case that arises should be considered on its merits. In any instance of uncertainty or sustained required support, Council would resolve on whether to use public funds to support the actions of a Councillor or Delegated Committee

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

Member. Councillors also have the right to submit Notices of Motions to Council Meeting Agendas for consideration by Council provided they meet the requirements of Council's current Meeting Procedure Local Law.

Example Scenario	Responsible for Investigation	Mechanism/Support
A Councillor or Delegated Committee Member is civilly (independently) sued by any person for defamation. i.e. the 'plaintiff' is using their own resources to sue the Councillor (it is understood that the Councillor was not negligent in their actions).	External sources	Under this policy, legal support would be provided to the Councillor or Delegated Committee Member . Councillor or Delegated Committee Member has access to limited hour mentor support.
A Councillor or Delegated Committee Member physically abuses another Councillor or Delegated Committee Member in a public meeting.	Mayor	Under this Policy, no legal support would be provided to the Councillor Delegated Committee Member as litigant during investigation. Legal support provided to Councillor or Delegated Committee Member as defendant. Councillor or Delegated Committee Member as litigant is in breach of Code of Conduct. Legal support provided to Council as organisation if required. Both Councillors and Delegated Committee Members have access to limited hour mentor support.
A staff member makes a complaint to their Manager about a Councillor's or Delegated Committee Member's behaviour towards them. The Manager must advise their Director who must advise the CEO immediately.	CEO will investigate allegation internally and discuss with the Mayor as to what action to be taken if allegation is found to be true.	Mayor to handle internally. Under this policy, no legal support would be provided to Councillor or Delegated Committee Member , however they would have access to limited hour mentor support.
A Councillor or Delegated Committee Member sues Council (as an organisation) or takes Council to VCAT or another authority, where Council, or the CEO, acting on Council's behalf, is the defendant.		Under this policy, legal support would be provided to Council as an organisation. No legal support would be provided to the Councillor or Delegated Committee Member , however they would have access to limited hour mentor support.
An investigation is initiated by the Mayor, acting on Council's behalf, into the behaviour and conduct of a particular Councillor(s) Delegated Committee Member(s) .	Mayor	Code of Conduct – Conflict/Dispute resolution process as provided. Councillor/s Delegated Committee Member(s) have access to limited hour mentor support.
Councillor or Delegated Committee Member has initiated a complaint regarding a staff member. (That complaint must be made to the CEO.)	CEO investigates and takes action as appropriate and within boundaries permitted under EBA and legislation. CEO will report back to Mayor and Councillor or Delegated Committee Member .	This is a staff matter solely handled by the CEO as legislated by the <i>Local Government Act 1989-2020</i> . If Councillor(s) or Delegated Committee Member(s) not happy with outcome, then they are able to take that up with CEO directly through ongoing performance management process.

A current listed panel of practitioners who can provide mentor support to Councillors will be maintained by the Governance Business Unit in consultation with the Mayor and Councillors.

Limited hour mentor support equates to ten hourly sessions per year. If a qualified mentor considers that more support time is required for a particular Councillor's wellbeing, then this will be further considered by Council.

6.19 COUNCILLOR DISPUTE MEDIATORS

The Code of Conduct – Councillors provides a dispute resolution process for the possibility of a dispute or conflict arising between two individual Councillors, between one Councillor and a group of Councillors, between two or more different groups of Councillors or between a Councillor and a staff member. **Within the process,**

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

~~mediators or conciliators may be required and Councillors who are parties in a dispute or conflict, have the right to choose who those mediators/conciliators may be. In this respect, mediators and conciliators can be selected by the parties from a current listed panel of practitioners maintained by the Governance Business Unit in consultation with the Mayor and Councillors.~~

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4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

7 Responsibilities

Councillors and Members of Delegated Committees are responsible for:

- the general care of all equipment and furniture provided by the Council or purchased with Council funds;
- complying with this policy in conjunction with Council's Travel Policy;
- ensuring that details of such related party transactions are supplied to the Mayor and Councillors Executive Assistant for reporting purposes;
- providing true and correction information when completing reimbursement forms referenced in this policy; and
- seeking their own financial and taxation advice.

Manager Governance is responsible for:

- approving reimbursement claim forms submitted by Councillors;
- advising Councillors if any claim appears to breach this policy or is inappropriate,
- assisting Councillors in understanding their entitlements;
- ensuring a copy of this policy and Council's Travel Register are available for public inspection when requested; and
- review of this policy.

Mayor and Councillors Executive Assistant is responsible for:

- providing administrative support to the Mayor and Councillors in accordance with this policy;
- processing Councillor requests for reimbursement of expenses; and
- relevant bookings on behalf of Councillors ie. meeting rooms, conferences.

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

8 Related Documents

- ~~Greater Dandenong City Council Catering and Civic Support Policy~~
- ~~Greater Dandenong City Council Code of Conduct – Councillors~~
- ~~Greater Dandenong City Council Fraud Prevention and Control Policy~~
- ~~Greater Dandenong City Council Guidelines for Community Forums~~
- ~~Greater Dandenong City Council Guidelines for Ward Meetings~~
- ~~Greater Dandenong City Council Travel Policy~~
- ~~Local Government Act 1989~~
- ~~Local Government Act 2020~~
- ~~Mobile Phone Account Memo (Internal)~~
- ~~Appendix 1 – General Expenses Claim Form~~
- ~~Appendix 2 – Travel Claim Form~~
- ~~Appendix 3 – Child/Family Care Claim Form~~
- ~~Appendix 4 – Councillor Annual Statement Sign-Off~~

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4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

9 Appendices

**Appendix 1 - Members of Council
 Claim for General Expenses**



Councillor/ Delegated Committee Member Name:
All requests for reimbursement must include original itemized receipt/invoice identifying date of purchase, goods/service purchased and cost. Credit card receipts or statements are not acceptable as support for any expenditure. Requests for reimbursement without support proof will be paid upon the completion of a Statutory Declaration.
Vendor/Supplier Name & Address:
Description of Expenses: <p style="text-align: center; font-size: small;">Affix receipt in this area if possible otherwise staple to back of form</p>
Amount to be reimbursed: _____
Reimbursement Instructions: <input type="checkbox"/> Petty Cash <input type="checkbox"/> Cheque <input type="checkbox"/> Via Payroll
Reason for Expense: _____ _____
<input type="checkbox"/> Business Meeting <input type="checkbox"/> Constituents Meeting <input type="checkbox"/> Training <input type="checkbox"/> Travel <input type="checkbox"/> Civic Function <input type="checkbox"/> Other: _____
I declare that the expenses detailed in this document were incurred whilst discharging my duties as a Councillor/ Delegated Committee Member for the Greater Dandenong City Council and that this reimbursement claim is in accordance with the Councillor Expenses Support, Reimbursement & Accountability Policy as adopted by the Greater Dandenong City Council.
Councillor/ Member Signature: _____ Date: _____
Approved by the Manager, Governance
Signature: _____ Date: _____

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

**Appendix 3 - Members of Council
 Claim for Child/Family Care**



Councillor/ Delegated Committee Member Name:	
All requests for reimbursement must include original invoice identifying date of service and fees payable. Request for reimbursement without supporting proof will be paid upon the completion of a Statutory Declaration.	
Service Provider Name & Address:	
Description of Expenses: Affix a copy of the invoice in this area if possible otherwise staple to back of form	
Amount to be reimbursed: _____	
Reimbursement Instructions: <input type="checkbox"/> Petty Cash <input type="checkbox"/> Cheque <input type="checkbox"/> Via Payroll	
Type of care provided: <input type="checkbox"/> Child <input type="checkbox"/> Family	
I declare that the expenses detailed in this document were incurred whilst discharging my duties as a Councillor/ Delegated Committee Member for the Greater Dandenong City Council and that this reimbursement claim is in accordance with the Councillor Expenses, Support, Reimbursement & Accountability Policy as adopted by the Greater Dandenong City Council.	
Councillor/ Member Signature:	Date:
Acknowledged by the Manager, Governance	
Signature:	Date:

4.3.1 New Policies Required Under the Local Government Act 2020 (Cont.)

Appendix 4

Annual Statement of Councillor/**Delegated
Committee Member** Expenses for the year ending 30
June 20**



Councillor/**Member** Name: _____

Type of Expense	Amount Claimed
Mobile Phone	
Training & Conferences	
Airfares	
Taxi/Train Fares	
Accommodation & Meals	
Family Care	
Vehicle Mileage	
Stationery	
Equipment	
Functions	
Other	
Total	

I declare that the above statement of expenses were incurred whilst discharging my duties as a Councillor/**Delegated Committee Member** for the Greater Dandenong City Council and that the information provided is true and correct and in accordance with the Greater Dandenong City Council's **Councillor Expenses, Support & Accountability Policy**.

Signature: _____ Date: _____

4.3.2 Governance Rules Required under the Local Government Act 2020

File Id:

Responsible Officer:

Director Corporate Services

Attachments:

Draft Governance Rules.
Draft Governance Local Law No. 1 of 2020.

Report Summary

The *Local Government Act 2020* requires that Council develops and adopts Governance Rules prior to 1 September 2020.

Recommendation Summary

This report recommends that Council's draft Governance Rules as provided in Attachment 1 be open to a community engagement process for a period of 28 days so that community feedback can be sought and considered by Council prior to endorsing the Rules. Further, this report recommends that the draft Governance Local Law No. 1 of 2020 undergoes a statutory process required under the *Local Government Act 1989*, prior to Council endorsement.

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

Background

The *Local Government Act 2020* (the Act) was proclaimed on 6 April 2020 with several sections coming into effect immediately on that date and then subsequently more sections coming into effect on 1 May 2020. Section 60 came into effect on 1 May and essentially requires Council to develop and adopt and keep in force Governance Rules prior to 1 September 2020.

In developing both of the required policies, Council officers were informed by Local Government Victoria templates and webinars and also consulted with a number of neighbouring councils and Local Government sector networks.

Section 60 of the *Local Government Act 2020* states that:

1. A Council must develop, adopt and keep in force Governance Rules for or with respect to the following:
 - a. the conduct of Council meetings;
 - b. the conduct of meetings of Delegated Committees;
 - c. the form and availability of meeting records;
 - d. the election of the Mayor and the Deputy Mayor;
 - (da) the appointment of an Acting Mayor;
 - e. an election period policy in accordance with section 69;
 - f. the procedures for the disclosure of a conflict of interest by a Councillor or a member of a Delegated Committee under section 130;
 - g. the procedure for the disclosure of a conflict of interest by a Councillor under section 131;
 - h. the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter within the meaning of section 126(1);
 - i. any other matters prescribed by the regulations.
2. The Governance Rules must provide for a Council to:
 - a. consider and make decisions on any matter being considered by the Council fairly and on the merits; and
 - b. institute decision making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered.
3. A Council may amend its Governance Rules.
4. Subject to subsection (5), a Council must ensure that a process of community engagement is followed in developing or amending its Governance Rules.
5. Subsection (4) does not apply if the Council is developing and adopting or amending a Governance Rule that only adopts a good practice guideline issued by the Minister under section 87.

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

6. A Council must comply with its Governance Rules.
7. A Council must adopt the first Governance Rules under this section on or before 1 September 2020.
8. Until a Council adopts Governance Rules under this section, the Local Law Meeting Procedures made by the Council under the Local Government Act 1989 apply as if the Local Law Meeting Procedures had been adopted as Governance Rules under this section.

In accordance with this section of the Act, Council officers have drafted Governance Rules which are provided in Attachment 1. These Draft Governance Rules include, but are not limited to, the following:

- All the meeting procedures contained within Council's Meeting Procedure Local Law No. 1 of 2019 which was endorsed by Council on 14 October 2019. Within the draft Governance Rules, these procedures have been updated and modified to comply with the *Local Government Act 2020*;
- The substantive content of Council's Election Period (Caretaker) Policy which was endorsed by Council on 28 January 2020 (prior to proclamation of the Local Government Act 2020 on 6 April 2020);
- Conflict of interest provisions still in force under the *Local Government Act 1989* and conflict of interest provisions that will come in force under the *Local Government Act 2020* on 24 October 2020.

The draft Governance Rules as required under the *Local Government Act 2020* do not and cannot provide for:

- Penalties and subsequently infringements to be issued for a breach of the Governance Rules; and
- the revocation of Council's Meeting Procedure Local Law No. 1 of 2019 which will become redundant when the Governance Rules are endorsed by Council; and
- the use of Council's common seal.

For this reason a new Governance Local Law No. 1 of 2020 has been drafted and is provided in Attachment 2.

Proposal

Community Plan 'Imagine 2030' and Council Plan 2017-2021 – Strategic Objectives, Strategies and Plans

After consultation with the Greater Dandenong community on what kind of future they wanted to see for themselves and the City in 2030, the result was the Greater Dandenong Community Plan 'Imagine 2030'. This report is consistent with the following community visions:

Community Plan 'Imagine 2030'

Opportunity

- *Education, Learning and Information* – Knowledge

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

- *Leadership by the Council* – The leading Council

Council Plan 2017-2021

The Council Plan describes the kind of future the Council is working for, and how Council will do this over four years. This report is consistent with the following goals:

Opportunity

- An open and effective Council

Victorian Charter of Human Rights and Responsibilities

All matters relevant to the Victorian Human Rights Charter have been considered in the preparation of this report and are consistent with the standards set by the Charter.

Financial Implications

There are no financial implications associated with this report. Any costs associated with the community engagement processes resulting from this report will be paid from existing budget allocations.

Consultation

Section 60(4) of the Local Government Act 2020 states that Council must ensure a process of community engagement is followed in developing or amending its Governance Rules. To this end, it is proposed that the following community engagement process be undertaken in relation to the draft Governance Rules.

- The draft Rules be made available to the public for a period of 28 days with appropriate advertising and accessibility (advertised in the local paper and distributed via Council's website and at Council's libraries and customer service centres).
- Feedback and comment be sought from the community in relation to the content of the Rules with appropriate mechanisms provided to receive such feedback and comments.
- An opportunity be provided for community members who wish to verbally provide or support their comments and feedback to do so to via an online meeting of Councillors, at a date and time to be established (likely to be Thursday 13 August 2020).
- Councillors will consider all comments and feedback received prior to the Rules coming back to Council for endorsement on 24 August 2020.

In relation to the draft Governance Local Law No.1 of 2020, a statutory process must be undertaken in accordance with section 119 of the *Local Government Act 1989*. This process includes a mandatory public consultation period under section 223 of the same Act which is still in force. New provisions for Local Laws under the *Local Government Act 2020* do not come into effect until 1 July 2021.

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

Conclusion

The draft Governance Rules and Governance Local Law No. 1 of 2020 both meet the requirements of the *Local Governments Act 2020* and *Local Government Act 1989* respectively and are presented for in principle adoption so that the required community engagement and public consultation processes can commence immediately.

Recommendation

That Council adopts in principle:

- 1. the draft Governance Rules and commences the process of community engagement for these Rules as outlined in this report; and**
- 2. the draft Governance Local Law No. 1 of 2020 and commences the statutory processes required under the *Local Government Act 1989* in relation to the procedure for making a Local Law.**

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

POLICY AND STRATEGY

**GOVERNANCE RULES REQUIRED UNDER
THE LOCAL GOVERNMENT ACT 2020**

ATTACHMENT 1

DRAFT GOVERNANCE RULES

PAGES 43 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

Governance Rules
Version 001
XX XXXXXX 2020



4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

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4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

TABLE OF CONTENTS

CHAPTER 1 – INTRODUCTION	7
1.1 Governance Rules and the Local Government Act 2020	7
CHAPTER 2 – DEFINITIONS	8
CHAPTER 3 – CONFLICTS OF INTEREST	11
3.1 <i>Local Government Act 1989</i>	11
3.2 <i>Local Government Act 2020</i>	11
CHAPTER 4 – COUNCIL MEETINGS AND MEETING PROCEDURES	13
4.1 Introduction	13
4.3 Notification of Meetings and Agendas	13
4.3.1 Date, Time and Place of Meetings.....	13
4.3.2 Notice of Meetings.....	13
4.4 Meetings Open to the Public	13
4.5 Quorum	14
4.5.1 Inability to Maintain a Quorum	14
4.6 Business at Meetings	14
4.6.1 Meeting Agendas – Order of Business	14
4.6.2 Attendances and Apologies (including Leave of Absence).....	15
4.6.3 Mayoral Presentation.....	15
4.6.4 Changes to the Order of Business.....	15
4.6.5 Deputations.....	15
4.6.6 Inwards Correspondence.....	15
4.6.7 Officer's Reports – Routine and Statutory Planning Reports.....	16
4.6.8 Public Question Time.....	16
4.6.9 Officer's Reports – Other	17
4.6.10 Petitions and Joint Letters	17
4.6.11 Notices of Motion	17
4.6.12 Councillor Reports	18
4.6.13 Councillor Questions.....	18
4.6.14 Urgent Business	19
4.6.15 Time Limit for Meetings	19
4.7 Responsibilities at Meeting	19
4.7.1 Chairing the Meeting.....	19
4.7.2 Addressing the Meeting.....	20
4.7.3 Chief Executive Officer	20
4.7.4 Community.....	20
4.8 Voting.....	21
4.8.1 Voting – How Determined.....	21
4.8.2 Opposed Motions.....	21
4.8.3 Casting Vote	21
4.9 Motions and Amendments.....	22
4.9.1 Form of Motion.....	22
4.9.2 Moving a Motion	22
4.9.3 Withdrawing a Motion	22
4.9.4 Unopposed Motion or Amendment.....	22
4.9.5 Debating a Motion.....	22
4.9.6 Debate from the Chair	22
4.9.7 Adjourned Debate.....	22
4.9.8 Resumption of Adjourned Debate.....	23
4.9.9 Course of Debate of Opposed Motion	23
4.9.10 Right of Reply	23
4.9.11 Agreed Alterations of Motion	23
4.9.12 Proposing Amendment(s) to a Motion	23
4.9.13 Debating an Amendment to a Motion	24

ORDINARY COUNCIL MEETING - AGENDA

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

4.9.14	Right of Reply to an Amendment to a Motion	24
4.9.15	An Amendment to a Motion Once Carried	24
4.9.16	Foreshadowing a Motion	24
4.9.17	Separation of a Motion	24
4.9.18	Deferral of a Motion	24
4.9.19	Call for Supporting Documentation	24
4.9.20	Rescission Motion Notification	24
4.9.21	When a Resolution is Acted On	25
4.10	Procedural (Formal) Motions	25
4.10.1	Moving a Procedural Motion	25
4.10.2	Debate and Amendments to Procedural Motions	25
4.10.3	Closure of a Motion (The Motion be Put)	25
4.10.4	The Previous Question	26
4.10.5	Proceed to Next Question	26
4.10.6	Adjournment of Debate	26
4.10.7	Adjournment of Meeting	26
4.10.8	That the Question Lay on the Table	26
4.11	Speaking to the Meeting	27
4.11.1	Speaking Times	27
4.11.2	Councillor Must Stand When Speaking	27
4.11.3	Interruptions, Interjections and Relevance	27
4.12	Points of Order	27
4.12.1	Procedure for a Point of Order	27
4.12.2	Motion of Dissent	28
4.13	Suspension of Standing Order	28
4.13.1	Changing the Order of Business	28
4.13.2	Suspension of the Standing Order for the Purpose of Discussion	28
4.14	Adjournments	29
4.14.1	Adjourning a Meeting	29
4.14.2	Notice for an Adjourned Meeting	29
4.14.3	Lapsed Meeting	29
4.15	Conduct During a Council Meeting	29
4.15.1	Councillor Conduct	29
4.15.2	Ordering Withdrawal of Remark	30
4.15.3	Personal Explanation	30
4.15.4	Public Conduct	30
4.15.5	Call to Order/Removal from Council Chamber	30
4.15.6	Chairperson May Adjourn Disorderly Meeting	30
4.15.7	Breach of Conduct Provisions at Council Meetings	30
4.16	Provision to Record Council Meetings	30
4.16.1	Consent Required to Film or Photograph Council Meetings	31
4.17	Election of the Mayor	31
4.17.1	When Required	31
4.17.2	Outgoing Mayor	31
4.17.3	Eligibility	31
4.17.4	Agenda Content	31
4.17.5	First Temporary Chair (Returning Officer)	31
4.17.6	Second Temporary Chair	31
4.17.7	Nominations for Office of Mayor	32
4.17.8	Method of Voting	32
4.17.9	Determining the Election of Mayor	32
4.17.10	Determining By Lot	32
4.17.11	Mayor to Take Chair	32
4.17.12	Election of Deputy Mayor	33
4.18	Minutes	33
4.18.1	Keeping of Minutes	33
4.18.2	Content of Minutes	33
4.18.3	Confirmation of Minutes	33
4.18.4	Objection to Confirmation of Minutes	33
4.18.5	Deferral of Confirmation of Minutes	34
4.19	Procedure Not Provided For	34
4.20	Suspension of Meeting Procedure	34

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

CHAPTER 5 – OTHER MEETINGS OF COUNCIL	35
5.1 Joint Meetings of Councils	35
5.2 Delegated Committees	35
5.3 Joint Delegated Committees	35
5.4 Audit and Risk Committee	36
5.5 Community Asset Committee	36
CHAPTER 6 – ELECTION PERIOD (CARETAKER) POLICY	37
6.1 Election (Caretaker) Period	37
6.1.1 Misuse of Position	37
6.1.2 Contact with Staff	37
6.1.3 Expenditure	38
6.1.4 Council Resources	38
6.1.5 Community Grants Program Funding	38
6.1.6 Decision Making	38
6.1.7 Caretaker Statement	38
6.1.8 Community Engagement	39
6.1.9 Council Communications and Publications	39
6.1.10 Social Media	39
6.1.11 Functions and Events	40
6.1.12 Access to Information	40
6.1.13 Candidate Information	40
6.1.14 Information Request Register	41
6.1.15 Role of Election Manager	41
6.1.16 Grievances	41
6.1.17 Disclaimer	41
6.2 Guide for Staff Participating in Election Activities Outside Their Role within Council	41
6.3 Approval Process for Council Publications	42

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

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4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

CHAPTER 1 – INTRODUCTION

1.1 GOVERNANCE RULES AND THE LOCAL GOVERNMENT ACT 2020

Under the Local Government Act 2020:

- (1) A Council must develop, adopt and keep in force Governance Rules for or with respect to the following-
 - (a) the conduct of Council meetings;
 - (b) the conduct of meetings of delegated committees;
 - (c) the form and availability of meeting records;
 - (d) the election of the Mayor and the Deputy Mayor;
 - (da) the appointment of an Acting Mayor;
 - (e) an election period policy in accordance with section 69;
 - (f) the procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee under section 130;
 - (g) the procedure for the disclosure of a conflict of interest by a Councillor under section 131;
 - (h) the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter within the meaning of section 126(1);
 - (i) any other matters prescribed by the regulations.
- (2) The Governance Rules must provide for a Council to:
 - (a) consider and make decisions on any matter being considered by the Council fairly and on the merits; and
 - (b) institute decision making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered.
- (3) A Council may amend its Governance Rules.
- (4) Subject to subsection (5), a Council must ensure that a process of community engagement is followed in developing or amending its Governance Rules.
- (5) Subsection (4) does not apply if the Council is developing and adopting or amending a Governance Rule that only adopts a good practice guideline issued by the Minister under section 87.
- (6) A Council must comply with its Governance Rules.
- (7) A Council must adopt the first Governance Rules under this section on or before 1 September 2020.
- (8) Until a Council adopts Governance Rules under this section, the Local Law Meeting Procedures made by the Council under the *Local Government Act 1989* apply as if the Local Law Meeting Procedures had been adopted as Governance Rules under this section.

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

CHAPTER 2 – DEFINITIONS

Unless otherwise specified within these Governance, the following words and phrases are defined to mean the following in terms of these Rules.

Act (or "the Act")	The <i>Local Government Act 2020</i> unless otherwise specified.
Advisory Committee	A committee established by Council that is not a Delegated Committee, which provides advice to Council or to a member of Council staff who has been delegated a power, duty or function of Council.
Agenda	A document containing the date, time and place of a Meeting along with details of the business to be transacted at the Meeting.
Authorised Officer	An officer appointed for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of Council.
Chair	The Chairperson of a Meeting and includes an acting, temporary or substitute Chairperson.
Chamber	Any room where a Council Meeting is held.
Chief Executive Officer (CEO)	The person occupying the office of Chief Executive Officer of Council and includes a person acting as Chief Executive Officer.
Councillor Code of Conduct	A document required under the Act outlining the standards of conduct expected from Councillors in the performance of their duties and functions as Councillors.
Council	The Greater Dandenong City Council.
Councillor	An elected representative (Councillor) of Council.
Council Meeting	A meeting of Council convened in accordance with these Governance Rules. In these Rules, Council Meetings include Delegated Committee Meetings unless otherwise specified.
Delegated Committee	A delegated committee, other than a Community Asset Committee, established by Council under section 63 of the <i>Local Government Act 2020</i> or by two or more Councils under section 64 of the Act.
Delegated Committee Meeting	A meeting of a Delegated Committee convened in accordance with these Governance Rules.
Deputy Mayor	The Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor.
Determination by Lot	The casting or drawing of objects from a receptacle to decide something (e.g. to choose a person by lot). A procedure used when a deadlock is to be resolved by the drawing of lots.
Disorder	Any conduct of a Councillor, Delegated Committee Member, Council staff member or member of the public that includes making comments that are disrespectful, inflammatory, defamatory, malicious, abusive or offensive, interjecting in breach of these Rules, refusing to leave the Chamber when directed to do so or engaging in any other conduct which prevents the orderly conduct of the business of a Council Meeting.
Division	A formal count and recording of those voting for and those voting against a motion. This is a formal method of voting in which the vote of each member is specifically declared and recorded in the Minutes.

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

Election Period	Also known as Caretaker Period. In relation to Council Elections, means the period that: a) starts on the last day on which nominations for that election can be received; and b) ends at 6.00pm on Election Day.
Electoral Advertisement	Each article or paragraph in the proprietor's newspaper containing electoral matter, the insertion: a) of which is, or is to be, paid for; or b) for which any reward or compensation or promise of reward or compensation is, or is to be, made.
Electoral Material	An advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting.
Gallery	The area within a Chamber in which member of the public are seated.
Majority	Represents half the number of Councillors present at a meeting plus one.
Mayor	The Mayor of Council and any person appointed by Council to be acting as Mayor.
Meeting	A Council Meeting or a Delegated Committee Meeting.
Member	A member of any committee to which these Governance Rules apply.
Minister	The Minister for Local Government.
Minutes	The formal record of proceedings and decisions of a meeting.
Motion	A proposal from a Councillor framed in a way that will result in the opinion and desire of Council being expressed and a Council decision being made once it has been adopted (passed or carried) at a Council Meeting.
Municipal District ((Municipality)	The area comprising the municipal district of Greater Dandenong.
Municipal Offices	The Civic Offices of the Greater Dandenong City Council.
Notice of Motion	A notice setting out the precise words of a motion which a Councillor proposes to move at Council meeting.
Penalty Unit	has the meaning set out in section 110 of the <i>Sentencing Act 1991</i> .
Point of Order	A procedural point made to the Chair about how the Meeting is being conducted or alleging some irregularity in proceedings.
Procedural Motion	means a motion which relates to a procedural matter only. It is not designed to produce any substantive decision but used as a formal procedural measure to assist the business of the meeting.
Public Consultation	A process that involves inviting individuals, groups or organisations or the community in general to comment on an issue or proposed action or proposed policy, and which includes discussion of that matter with the public.
Publish	To publish or present by any means, including in a public forum, verbally or by publication on the internet or social media.

ORDINARY COUNCIL MEETING - AGENDA

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

Quorum	The minimum number of Councillors or Delegated Members required at a Meeting in order for it to commence and continue. A quorum is defined within the Act as an absolute majority.
Recommendation	A proposal from a Council officer framed in a way that will result in the opinion and desire of Council being expressed and a Council decision being made once it has been adopted (passed or carried) at a Council Meeting.
Resolution	A decision made at any Council Meeting or Delegated Committee.
Ratepayer	A person who pays Council rates for a property within the municipal district of Greater Dandenong and who may or may not reside within the municipal district.
Resident	A person who lives within the municipal district of Greater Dandenong.
Senior Officer	An officer of Council as defined by section 3 of the <i>Local Government Act 1989</i> .
Significant Decision	An irrevocable decision that commits an incoming Council to substantial financial expenditure, major operational actions or limits the freedom of an incoming Council to make a decision, or a decision that will significantly impact upon the municipality.
Substantive Motion	A motion being considered at a Council Meeting or Delegated Committee dealing with the opinion and desire of Council being expressed, a Council decision being made once adopted and resulting in operational and/or strategic actions of Council or Council officers (as distinct from a procedural motion).
Suspension of Standing Order	means the suspension of the provisions of a Council Meeting Agenda or these Governance Rules to facilitate full discussion on an issue without formal constraints.
Urgent Business	Matters that have arisen since the distribution of a Council Meeting Agenda which require a decision from Council or a Delegated Committee and cannot safely or conveniently be deferred until the next meeting.
Webcast	The live or archived broadcast of a Council Meeting on Council's internet website.
Written	Describes correspondence or notices that may be printed, hand-written, emailed, duplicated, photocopied, photographed or typed.

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

CHAPTER 3 – CONFLICTS OF INTEREST

3.1 LOCAL GOVERNMENT ACT 1989

The following is valid under the *Local Government Act 1989* until the 24 October 2020.

Section 77A of the *Local Government Act 1989* defines when a Councillor will have a direct or indirect conflict of interest. The onus is on the Councillor to identify any conflicts of interest in matters before Council. Councillors must comply with the requirements of Section 79 of the *Local Government Act 1989* until provision of the *Local Government Act 2020* in relation to material or general conflicts of interest come into force on 24 October 2020.

A Councillor who has a conflict of interest in a matter before Council:

- a) must complete a 'Disclosure of Conflict of Interest Form' and lodge it with the Chief Executive Officer prior to the commencement of a Council Meeting;
- b) must disclose any conflict of interest which they have in an item of business at the time specified on the Agenda;
- c) must disclose the nature of the conflict of interest immediately before the consideration of the relevant matter;
- d) must notify the Chair that they are leaving the Chamber and then leave the Chamber; and
- e) must remain outside the Chamber or any other area in view or hearing of the Chamber until the vote has been taken.

In the event that the Chair has disclosed a conflict of interest they must vacate the Chair and the Deputy Mayor must take the Chair, or in their absence a temporary Chair must be nominated and elected.

Where a Councillor has vacated the room after disclosing a conflict of interest, the Councillor must be called back into the room before the Meeting can advance to the next item of business.

A member of Council staff must also comply with section 80B and 80C of the *Local Government Act 1989*.

Under the *Local Government Act 1989*, a Councillor must comply with direct and indirect conflict of interest provisions and if they fail to do so may be found guilty of an offence which is punishable under the Act.

3.2 LOCAL GOVERNMENT ACT 2020

The following is valid under the *Local Government Act 2020* after the 24 October 2020.

Section 130 of the *Local Government Act 2020* defines when a Councillor or Member of a Delegated Committee will have a material or general conflict of interest. The onus is on the Councillor or Delegated Committee Member to identify any conflicts of interest in matters before Council or a Delegated Committee. Councillors or Delegated Committee Members must comply with the requirements of Section 130 of the *Local Government Act 2020*.

A Councillor or Delegated Committee Member who has a conflict of interest in a matter before Council or a Delegated Committee:

- a) must complete a 'Disclosure of Conflict of Interest Form' and lodge it with the Chief Executive Officer or Chair prior to the commencement of a Council Meeting;
- b) must disclose any conflict of interest which they have in an item of business at the time specified on the Agenda;
- c) must disclose the nature of the conflict of interest immediately before the consideration of the relevant matter;
- d) must notify the Chair that they are leaving the Chamber and then leave the Chamber; and
- e) must remain outside the Chamber or any other area in view or hearing of the Chamber until the vote has been taken.

In the event that the Chair has disclosed a conflict of interest at a Council Meeting they must vacate the Chair and the Deputy Mayor must take the Chair, or in their absence a temporary Chair must be nominated and elected. In the event that the Chair has disclosed a conflict of interest at a Delegated Committee Meeting they must vacate the Chair and a temporary Chair must be nominated and elected.

Where a Councillor or Delegated Committee Member has vacated the room after disclosing a conflict of interest, the Councillor or Delegated Committee Member must be called back into the room before the Meeting can advance to the next item of business.

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

Under the *Local Government Act 2020*, section 130 mentioned above applies to all relevant persons, which includes Councillors, Delegated Committee Members and members of Council Staff. Under the *Local Government Act 2020*, a relevant person must comply with material and conflict of interest provisions and if they fail to do so may be found guilty of an offence which is punishable under the Act.

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4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

CHAPTER 4 – COUNCIL MEETINGS AND MEETING PROCEDURES

4.1 INTRODUCTION

These Meeting Procedures ensure that transparent, efficient and effective processes are in place to conduct the business of Council through scheduled meetings which are open to the public in accordance with the *Local Government Act 2020* (the Act). Meetings will only be closed to the public if there are clear reasons for matters to remain confidential under the Act, the meeting is required to be closed for security reasons or if it is necessary to enable the meeting to proceed in an ordinary manner. The Procedures regulate proceedings and provide for orderly and fair conduct at all Council meetings, Delegated Committee meetings, Joint Delegated Committee meetings, Audit and Risk Committee meetings and any other meetings conducted by or on behalf of Council under the Act.

4.3 NOTIFICATION OF MEETINGS AND AGENDAS

4.3.1 Date, Time and Place of Meetings

Council will fix the dates, times and place of all Council meetings for a twelve-month period at the Annual Meeting of Council which is to be held no earlier than the first Saturday in November and no later than the last Saturday in November. The date, time and place of all Council meetings must be made available to the public.

Reasonable notice of Council Meetings is given by advertising in local newspapers, on Council's website and in Council's publications (including social media). This is done either annually, or at various times throughout the year, or just prior to each meeting.

Council may, by resolution, at a Council Meeting, alter the day, time and place at which any Council Meeting will be held, and must provide reasonable notice of the change to the public. Reasonable notice of Council Meetings is considered to be at least three (3) business days before a scheduled meeting.

4.3.2 Notice of Meetings

The Public

An Agenda, which includes the date, time, place and business of a scheduled meeting, will be made available to the public via Council's website three (3) business days before that meeting.

Councillors and Delegated Members

An Agenda which includes the date, time, place and business of a scheduled meeting must be delivered by courier, post, electronic medium or otherwise to each Councillor's or Delegated Committee Member's place of residence or usual place of business (if applicable) or as otherwise specified by the Councillor. An Agenda for any scheduled meeting will be served on every Councillor and Delegated Member no less than three (3) business days before that meeting.

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

4.4 MEETINGS OPEN TO THE PUBLIC

In accordance with section 66(1) and (2) of the *Local Government Act 2020* all meetings of Council or Delegated Committees must be open to the public unless the Council or Delegated Committee considers it necessary to close the meeting to the public because it:

- is to consider confidential information as prescribed under section 66(5) of the Act; or
- is to be closed for security reasons; or
- is necessary to close the meeting to enable it to proceed in an orderly manner.

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

4.5 QUORUM

The quorum for any Council meeting must be half plus one, which is the majority of the number of Councillors. A quorum is required for the entire meeting and if at any point during a meeting a quorum is not maintained, the meeting shall be adjourned until such point as a quorum can be achieved.

The quorum for any Delegated Committee Meeting must be half plus one, which is the majority of the number of Committee Members with voting rights.

If a quorum is not present within thirty (30) minutes of the time appointed for the commencement of any Meeting, those Councillors or Members present, or if there are no Councillors or Members present, the Chief Executive Officer, or in their absence, a Senior Officer, must adjourn the Meeting for a period not exceeding seven (7) days from the date of the adjournment. (See section 4.14 in these Rules.

4.5.1 Inability to Maintain a Quorum

If during any Meeting a quorum cannot be achieved and maintained, those Councillors or Delegated Committee Members present or, if there are no Councillors or Members present, the Chief Executive Officer, or in their absence, a Senior Officer, must adjourn the Meeting for a period not exceeding seven (7) days from the date of the adjournment.

Section 67 of the *Local Government Act 2020* provides for the event of Council not being able to maintain a quorum because the number of Councillors who have disclosed a conflict of interest in an item prevents a quorum from being maintained. If during any Meeting it becomes apparent to the Chair that it will not be possible to maintain a quorum due to the number of Councillors who cannot vote on the item because of a disclosed conflict of interest, Council may:

- a) determine the matter be considered in separate parts if a quorum can be maintained for each separate part of the item; or
- b) delegate the decision to be made by the Chief Executive Officer or by a Delegated Committee established for the purpose of determining the matter and comprised of those Councillors who have not disclosed a conflict of interest and any other person(s) that Council considers suitable; or
- c) determine that the item of business will lie on the table and be considered at the next available Meeting when a quorum can be reached.

Any decision made under delegation by the Chief Executive Officer or a Delegated Committee in this instance will be reported to the next Council Meeting.

4.6 BUSINESS AT MEETINGS

This section can be generally applied to all meetings of Council conferred under the *Local Government Act 2020*. This includes Delegated Committee Meetings and joint meetings of councils. Where a difference is warranted, then that is expressly stated within the text.

4.6.1 Meeting Agendas – Order of Business

The general order of business to be transacted at a Council Meeting is contained in the Agenda provided to Councillors and Delegated Committee Members available to the public on Council's website. The Chief Executive Officer oversees preparation of an Agenda and determines the content and order of business to facilitate open, efficient and effective processes of government in consultation with the Mayor.

The Chief Executive Officer may include any matter on an Agenda that they believe should be considered by Council.

Unless otherwise resolved by Council, the general order of business at a Council Meeting will be listed as follows:

- a) Meeting opening/Acknowledgement of traditional owners of the land/Attendance/Apologies (including Leaves of Absence);
- b) Offering of Prayer;

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

- c) Mayoral Presentation (Optional – *see section 4.6.3 of these Rules*);
- d) Confirmation of Minutes of previous Meetings (*see section 4.18 of these Rules*);
- e) Deputations (*see section 4.6.5 of these Rules*);
- f) Disclosure of Conflicts of Interest (*see Chapter 3 of these Rules*);
- g) Officer's Reports - Routine and Town Planning Reports (*see section 4.6.7 of these Rules*). Routine reports include:
 - i) Documents for Sealing;
 - ii) Documents for Tabling; and
 - iii) Petitions/Joint Letters (*see section 4.6.9 of these Rules*);
- h) Public Question Time (*see section 4.6.8 of these Rules*);
- i) Officer's Reports – Other (*see section 4.6.9 of these Rules*);
- j) Notices of Motions (*see section 4.6.11 of these Rules*);
- k) Councillor Reports and Councillor Questions (*see sections 4.6.12 and 4.6.13 of these Rules*); and
- l) Urgent Business (*see section 4.6.14 of these Rules*).

4.6.2 Attendances and Apologies (including Leave of Absence)

A Councillor or Delegated Committee Member is required to submit an apology if they will knowingly be absent from a Council Meeting. Written apologies should be submitted to the Chief Executive Officer at the earliest possible time before non-attendance at any Council Meeting with a copy provided to the Mayor, the Executive Assistant to the Mayor and the Governance Unit. The apology will be noted in the Minutes of that Meeting.

Any Councillor may request a leave of absence in writing submitted to the Chief Executive Officer or Mayor and state the dates of each meeting for which leave is sought and reason for the leave. In accordance with the section 35(4) of the *Local Government Act 2020*, Council must grant any reasonable request for leave. Requests for a leave of absence must be received by 12 noon, at least ten (10) business days prior to the Council Meeting at which leave is sought to ensure it is listed as a general report item within the Agenda.

Section 35(1)(e) of the *Local Government Act 2020* states that a Councillor will cease to hold office if they are absent from Council Meetings for a period of four consecutive months without leave obtained from the Council.

4.6.3 Mayoral Presentation

From time to time, the Mayor may give a short presentation or make a statement relating to issues of interest or importance to the municipality or the region.

4.6.4 Changes to the Order of Business

Once an Agenda has been prepared and sent to Councillors, the order of the business for that Meeting may only be altered by resolution of Council. This includes the request for an item to be brought forward (*see section 4.13 of these Rules*).

4.6.5 Deputations

A deputation wishing to be heard at a meeting of Council must make a written request to the Chief Executive Officer who will refer the request to Council for consideration. In order for requests to be considered, they must be submitted at least ten (10) working days prior to a Council Meeting.

If Council agrees to hear a deputation, it will not hear more than two speakers on behalf of any deputation and time limits will be set as to the length of the address prior to the meeting. Councillors may question the deputation on matters raised before Council for the purpose of clarification, but no discussion will be entered into.

The Chief Executive Officer must, in writing, advise the signatory of the written request (or, if more than one, the first signatory), of the date, time, venue and time limits applying for Council to hear the deputation.

4.6.6 Inwards Correspondence

ORDINARY COUNCIL MEETING - AGENDA

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

Unless otherwise directed by Council, the Chief Executive Officer determines what inwards correspondence should be placed before Council for its decision or information. Correspondence addressed to any Councillor personally which requires a decision of, or a direction from, Council must be referred by that Councillor to the Chief Executive Officer.

A regular report listing correspondence received by the Mayor and Councillors will be included in Council Meeting Agendas in Officer's Reports - Other. No correspondence can be read in full at any Council Meeting unless the Chair allows that an item or items of correspondence be so read.

4.6.7 Officer's Reports – Routine and Statutory Planning Reports

Statutory Planning and routine reports will not be read in full at any Council Meeting unless Council resolves to the contrary. Routine reports include Documents for Sealing, Documents for Tabling and Petitions or Joint Letters received.

4.6.8 Public Question Time

- a) Questions are limited to a maximum of three (3) questions per individual. Where time constraints deem it likely that not all questions can be answered within the time allowed for Question Time, the Chair at his/her discretion may determine only the first question may be presented verbally with others deferred to be managed in the same manner as public questions not verbally presented. Priority will be given to questions that relate to items on the Council Agenda for that meeting. Questions including any preamble should not exceed 300 words.
- b) All such questions must be received in writing on the prescribed form or as provided for on Council's website and at Council Meetings. Where there are more than three (3) questions received from any one individual person, the Chief Executive Officer will determine the three (3) questions to be considered at the meeting.
- c) All such questions must clearly note a request to verbally present the question and must be received by the Chief Executive Officer or other person authorised for this purpose by the Chief Executive Officer no later than:
 - i) the commencement time (7.00pm) of the Council Meeting if questions are submitted in person; or
 - ii) noon on the day of the Council Meeting if questions are submitted by electronic medium.
- d) A question can only be presented to the meeting if the Chair and/or Chief Executive Officer has determined that the question:
 - i) does not relate to a matter of the type described in section 3(1) of the *Local Government Act 2020* (confidential information);
 - ii) does not relate to a matter in respect of which Council or a Delegated Committee has no power to act;
 - iii) is not defamatory, indecent, abusive or objectionable in language or substance, and is not asked to embarrass a Councillor, Delegated Member or Council officer; and
 - iv) is not repetitive of a question already asked or answered (whether at the same or an earlier meeting).
- e) If the Chair and/or Chief Executive Officer has determined that the question may not be presented to the Council Meeting or Delegated Committee, then the Chair and/or Chief Executive Officer:
 - i) must advise the Meeting accordingly; and
 - ii) will make the question available to Councillors or Members upon request.
- f) The Chair shall call on members of the gallery who have submitted an accepted question to ask their question verbally if they wish.
- g) The Chair, Chief Executive Officer or delegate may then direct that question to be answered by a nominated Councillor or member of Council staff.
- h) No debate on, or discussion of, a question or an answer will be permitted other than for the purposes of clarification.
- i) A Councillor, Delegated Committee Member or member of Council staff nominated to answer a question may:
 - i) seek clarification of the question from the person who submitted it;
 - ii) seek the assistance of another person in answering the question; and

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

- iii) defer answering the question, so that the answer may be researched and a written response be provided within ten (10) working days following the Meeting (the question thereby being taken on notice).
- j) Question time for verbal presentations is limited in duration to not more than twenty (20) minutes. If it appears likely that this time is to be exceeded then a resolution from Council will be required to extend that time if it is deemed appropriate to complete this item.
- k) The text of each question asked and the response will be recorded in the minutes of the Meeting.

4.6.9 Officer's Reports – Other

Other reports will not be read in full at any Council Meeting unless Council resolves to the contrary. Other reports include those in relation to contracts, finance, budget, policy, strategy and any other matters requiring the consideration and a decision of Council.

4.6.10 Petitions and Joint Letters

Petitions and Joint Letters are regularly received and tabled at Council Meetings for noting. Lodgement and other requirements are as follows:

- a) Petitions and joint letters received by Councillors and/or council officers must be lodged with the Chief Executive Officer for inclusion in an Agenda no later than 12 noon at least three (3) business days before a Council Meeting; and
- b) Petitions or joint letters received after the above deadline will be held over for inclusion in the Agenda of the next Council Meeting.
- c) A petition or joint letter:
 - i) may be submitted either in hard copy or in an on-line format provided that it is legible;
 - ii) cannot be defamatory, indecent, abusive or objectionable in language or content;
 - iii) cannot relate to matters beyond the powers of Council;
 - iv) must bear the whole of the petition or request upon each page of the petition; and
 - v) if in hard copy, must consist of single pages of paper and must not be pasted, stapled, pinned or otherwise affixed to any other piece of paper.
- d) Any petitions or joint letters that do not comply with sub-clause (c) or of these Rules will not be tabled at a Council Meeting.
- e) A petition or joint letter may nominate a person to whom a reply must be sent, but if no person is nominated Council may reply to the first signatory which appears on the petition (head petitioner).

The status and progress of petitions and joint letters received will be regularly reported against in the Council Meeting Agenda and Minutes until they have been fully addressed by Council officers. The difference between on-line and hard copy petitions will be indicated in the Council Meeting Agenda and Minutes.

4.6.11 Notices of Motion

- a) A Notice of Motion must be in writing, dated and signed by the intending mover and lodged with the Chief Executive Officer no later than 12 noon at least three (3) business days before the meeting.
- b) A Notice of Motion cannot be accepted by the Chair unless the full text of motion has been listed on the Agenda for the Council meeting at which it is proposed to be moved.
- c) Where a Notice of Motion seeks to substantially affect the level of Council services, commit Council to expenditure in excess of \$5,000 that has not been included in the adopted Budget, commit Council to any contractual arrangement, or is likely to require more than five (5) days' work by a member of Council staff, then a formal report must be prepared and presented to Council in response to the Notice of Motion. Where practicable the report should be presented to next Council Meeting.
- d) The Chief Executive Officer must cause all Notices of Motion to be numbered sequentially, dated and entered in the Notice of Motion register in the order in which they were received.
- e) Except by leave of Council, Notices of Motion before any Council meeting must be considered in the order in which they were entered in the Notice of Motion register.

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

- f) If a Councillor who has given a Notice of Motion:
- i) is absent from the Meeting; or
 - ii) fails to move the motion when called upon by the Chairperson.
- any other Councillor may himself/herself move the motion. If the Notice of Motion is not moved (and seconded) it lapses.
- g) If a Councillor proposing a Notice of Motion wishes to amend the Notice of Motion, they may do so by seeking leave of Council to amend the Notice of Motion prior to it being seconded.
- h) Another Councillor can put forward an amendment for consideration, which must be dealt with in accordance with clauses 57 - 63 of this Local Law, except for confirmation of a previous resolution.
- i) If a Notice of Motion, whether amended or not, is lost, a similar motion cannot again be put before Council for a period of three (3) calendar months from the date it was lost.
- j) A Notice of Motion cannot be submitted in relation to a matter that was the subject of a rescission motion within three (3) calendar months of the rescission motion having been dealt with.
- k) A preamble to a Notice of Motion is an explanatory statement that explains the purpose of the Notice of Motion. A Councillor lodging a Notice of Motion must ensure that the content of any preamble provided remains factual. Reports from Councillors/Delegates & Councillor Questions

4.6.12 Councillor Reports

At each Ordinary meeting, Councillors will have the opportunity to speak on any meetings, conferences or events which they have recently attended. The duration of any report from a Councillor will be limited to four (4) minutes.

If a Councillor chooses to speak, the name of the conference/event will be recorded in the minutes for that Meeting. If a Councillor requires any additional information to be listed in the minutes the Councillor must table the additional information at this point in the Meeting. Councillors may use this opportunity to table a list of conferences/events that they have attended since the last Council Meeting for inclusion in the Meeting Minutes without speaking on the item. Councillors may also table their views on matters discussed under Officer Reports and other Agenda items for inclusion in the Minutes. This tabled item must be electronically received by Governance no later than 12 noon the day following the Council meeting. Any item tabled under this clause will be included in the Minutes precisely as it is provided and no amendments will be made. A tabled report cannot be defamatory, indecent, abusive or objectionable in language or substance, or be used to specifically embarrass another Councillor or Council officer.

4.6.13 Councillor Questions

There must be a question time at every Council Meeting to enable Councillors to address questions to members of Council staff. The duration of question time for each Councillor will be limited to fifteen (15) minutes. The Chair has the discretion to increase this time by a maximum of three (3) minutes in order to provide any questions asked with the opportunity of a response. Councillors may further table any additional questions which have not been asked. Responses to any tabled questions will be included in the Minutes of the Meeting.

Questions may be asked with or without notice but must not:

- a) relate to a matter of the type described in section 3(1) of the *Local Government Act 2020* (confidential information);
- b) relate to a matter in respect of which Council has no power to act;
- c) be defamatory, indecent, abusive or objectionable in language or substance, or be asked to specifically embarrass another Councillor, Delegated Member, Council officer or member of the public;
- d) be repetitive of a question already asked or answered (whether at the same or an earlier Meeting); or
- e) raise an issue which might more appropriately be dealt with by way of Notice of Motion.

An answer will only be given if the Chair has determined that the relevant question does not breach any of points a) to e) above.

A Councillor may contribute to an answer to a question made by a member of Council staff.

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

A member of Council staff is not obliged to answer a question without notice. A member of Council staff who elects to take a question on notice by indicating that they require further time to research their answer must ensure that a response is provided to Councillors within ten (10) working days following the meeting.

Council may:

- a) of its own volition; or
- b) upon the advice of a member of a Council staff;

resolve to close the Meeting to members of the public under section 66(5) of the *Local Government Act 2020* in order that an answer to a question asked by a Councillor may be given if the information is deemed to be confidential information under the Act.

Debate or discussion of questions or answers is not permitted and all questions and answers must be as brief as possible.

4.6.14 Urgent Business

- a) Business which has not been listed on a Council Meeting Agenda may only be raised as urgent by resolution of Council.
- b) Notwithstanding anything to the contrary in these Rules, a Councillor (with the agreement of the meeting) may at a Council meeting submit or propose an item of Urgent Business if the matter relates to business which does not:
 - i) substantially affect the levels of Council service or;
 - ii) commit Council to expenditure exceeding \$5,000 and not included in the adopted Budget; or
 - iii) establish or amend Council policy; or
 - iv) commit Council to any contractual arrangement; or
 - v) require, pursuant to other policy determined by Council from time to time, the giving of prior notice.
- c) Business must not be admitted as urgent business unless it:
 - i) is deemed to be urgent business by Council; and
 - ii) cannot safely or conveniently be deferred until the next Council Meeting.

4.6.15 Time Limit for Meetings

A Council Meeting or Delegated Committee Meeting must not continue longer than four (4) hours from its commencement unless a majority of Councillors present vote in favour of its continuance. If a continuance is agreed to extend the meeting after four hours then it will be limited to not more than one 30-minute extension.

In the absence of any continuance, the Meeting must stand adjourned to a time, date and place to be then and there announced by the Chair. (See section 4.14 in these Rules.)

4.7 RESPONSIBILITIES AT MEETING

4.7.1 Chairing the Meeting

In accordance with sections 61 and 63 of the *Local Government Act 2020*, the Mayor must take the Chair at all Council Meetings at which they are present unless precluded from doing so because of a conflict of interest. If the Mayor is absent the Deputy Mayor must take the Chair and if both are absent, Council must elect one of the Councillors as Meeting Chair.

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

The Chair plays a significant role in good governance and facilitates orderly, respectful, transparent and constructive Meetings by ensuring all Councillors and Delegated Committee Members have the opportunity to be heard, that matters are adequately discussed, meeting procedures are followed and statutory requirements are complied with.

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

The Chair is an independent leader of Meetings and generally does not participate in debate or move and second motions except where provisions are made to do so within these Rules. Other specific duties and discretions of the Chair are outlined throughout these Rules.

4.7.2 Addressing the Meeting

Each Councillor and Member at a Council Meeting has an obligation to contribute to good decision-making. This can be facilitated by reading the Council Meeting Agenda prior to the Meeting, seeking views of community members and demonstrating due respect and consideration to those views and the professional advice provided by Council officers in the Agenda, attending Meetings and participating in debate and discussion, demonstrating respect for the role of Chair and the rights of other Councillors and Members to participate and contribute to the decision-making process and conducting themselves in a professional and orderly manner.

Any Councillor, Member or person who addresses the Council Meeting must stand to speak and direct all remarks through the Chair. The Chair, however, has the discretion to permit any Councillor or person to remain seated while addressing the meeting. The Chair may address a Meeting, however if the Chair wishes to debate a particular motion or move any motion or amendment on any matter under discussion, they must advise Council of that intention and vacate the Chair on such occasions for the duration of the item under discussion.

If the Chair vacates the Chair, a temporary Chair must be appointed and take the Chair until the item has been voted on. In most cases this will be the Deputy Mayor unless the Deputy Mayor is absent from the Meeting.

Any person addressing the Chair may refer to the Chair as:

- Mayor or Deputy Mayor (as the case may be); or
- Chair; or
- Chairperson

When speaking, Councillors and members of Council staff must address each other by their titles of Councillor or Officer as the case may be.

4.7.3 Chief Executive Officer

The Chief Executive Officer, or delegate, may participate in the meeting to provide support to the Chair. The Chief Executive Officer should:

- a) immediately advise, to the best of their knowledge, if a proposed resolution or action is contrary to the law;
- b) advise if there are operational, financial or risk implications arising from a proposed resolution;
- c) help clarify the intent of any unclear resolution to facilitate implementation;
- d) Facilitate disclosures of interest, public question time and other administrative items outlined in these Rules; and
- e) on request, assist with procedural issues that may arise;

4.7.4 Community

Council meetings are decision making forums and they are open to the community to attend and/or view proceedings. Community members may only participate in Council Meetings and may not address the Meeting outside of Public Question Time and in accordance with these Rules. Community members may seek to inform individual Councillors of their views by contacting them directly in advance of Meetings.

Member of the public in the Gallery are to remain seated with mobile phones switched to mute. Members of the public in the Gallery may display placards or posters within the Gallery but any posters or placards must not:

- a) display any offensive, indecent, insulting or objectionable item or words; or
- b) obstruct the entrance to the Council Chamber or a building where a Meeting is being, or is about to be, held; or
- c) obstruct the view or physically impede any person.

The Chair may order and cause the removal of any placard or poster that is deemed by the Chair to be objectionable, disrespectful or otherwise inappropriate. Members of the public must not interject or offensively act or gesticulate during the Meeting. The Chair

Page 20 of 42

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

may direct any member of the public to stop interjecting or acting offensively or disrespectfully. If that member of the public continues to interject or act offensively or disrespectfully the Chair may ask the Chief Executive Officer, an Authorised Officer or a member of the Victoria Police to remove the person from the Meeting.

Members of the public in the Gallery must not operate any recording or other equipment to reproduce sound or images at any Council Meeting without first obtaining consent from the Chief Executive Officer. This consent must be applied for at least three (3) business days prior to the Council Meeting by contacting Council's Governance Unit on telephone 8571 5100. This consent must not be unreasonably withheld but may be revoked at any time during the course of the relevant Meeting if it in any way impedes the business of the Council Meeting.

4.8 VOTING

4.8.1 Voting – How Determined

To determine an item before a Council Meeting, the Chair will call for any opposition from voting. If there is no opposition then the motion will be deemed as carried. If there is opposition, then debate will ensue (*see section 4.9.5 of these Rules*).

A Councillor has the right to abstain from voting. A Councillor who abstains from voting and remains in the Chamber will be deemed to have voted against the motion. Abstaining from voting does not constitute cause for debate. Any abstention from voting will be recorded in the Meeting Minutes.

Before any matter is put to the vote, a Councillor may require that the question, motion or amendment be read again. The Chair, 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.

Unless Council resolves otherwise, voting on any matter will be by a clear show of hands so that the Chair can easily record the count. The Chair must declare the result of the vote or division as soon as it is taken.

Councillors must remain seated in silence while a vote is being taken. The Chair may direct that the vote be recounted as often as may be necessary to be satisfied of the result.

4.8.2 Opposed Motions

The division of the vote for any motion that is debated or opposed, will automatically be recorded in the Meeting Minutes. (There is no need for any Councillor to call for a division.)

After each debated item the Chair will:

- a) first ask each Councillor wishing to vote for the item to raise a hand and, upon such request being made, each Councillor wishing to vote for the item must raise one of their hands. The Chair must then state, and the Chief Executive Officer (or any person authorised by the Chief Executive Officer) must record in the Minutes, the names of those Councillors for the item (in the affirmative); and
- b) then ask each Councillor wishing to vote against the item to raise a hand and, upon such request being made, each Councillor wishing to vote against the item must raise one of their hands. The Chair must then state, and the Chief Executive Officer (or any person authorised by the Chief Executive Officer) must record in the Minutes, the names of those Councillors against the item (in the negative).

If there is no debate, any Councillor may ask that his/her opposition to a motion adopted by the Meeting be recorded. It must then be recorded in the minutes of the Meeting.

4.8.3 Casting Vote

In the event of an equality of votes, the Chair has a casting vote, except in cases where the Act provides that a matter or amendment is to be determined by lot (*see section 4.7.10 in these Rules*).

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

4.9 MOTIONS AND AMENDMENTS

4.9.1 Form of Motion

A motion or an amendment must:

- a) relate to the powers or functions of Council;
- b) be in writing, if requested by the Chair; and
- c) except in the case of urgent business, be relevant to an item of business on the Agenda.

A motion or amendment must not be defamatory or objectionable in language or nature. The Chair may refuse to accept any motion or amendment which contravenes this clause.

If a Councillor wishes to move an alternate motion to an officer's recommendation as placed in the Council Meeting Agenda, and where the motion is lengthy, complicated or the exact intention of the motion is unclear, the Chair may request the Councillor to submit their motion in writing. The Chair may suspend the Meeting while the motion is being written or request Council to defer the matter until the motion has been written, allowing the Meeting to proceed uninterrupted.

4.9.2 Moving a Motion

The procedure for any motion or amendment is:

- a) the mover must state the nature of the motion or amendment, and then move it without speaking to it;
- b) the Chair must call for a seconder unless the motion is a call to enforce a point of order; and
- c) if the motion is not seconded, the motion will lapse for want of a seconder.

4.9.3 Withdrawing a Motion

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

4.9.4 Unopposed Motion or Amendment

If a motion or an amendment is seconded the Chair must first ask if there are any questions and then if there is any opposition (see section 4.8 in these Rules).

If no Councillor indicates opposition, it must be declared to be carried. The mover of any motion once confirmed may, by leave of the Chair, talk to that motion for two (2) minutes. The Chair may permit other Councillors to speak on a matter after the mover for a maximum of two minutes each.

4.9.5 Debating a Motion

Debate must always be relevant to the question before the Chair, and if not, the Chair must request the speaker to confine debate to the subject matter. If after being told to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chair may disallow the speaker any further opportunity to debate or comment in respect to the matter before the Chair. Adequate debate is required where a matter is contentious in nature. In such cases, every Councillor must be given the opportunity to debate (see section 4.11.1 in these Rules).

4.9.6 Debate from the Chair

The Chair of the meeting should seek to refrain from debate on motions. The Chair may however choose to exercise a right to speak in favour or against a motion and where this is the case, the Chair will stand to speak to distinguish between this role and that of the Chair. Where the Chair wishes to move or second a motion, they must temporarily vacate the Chair before the motion is considered by Council.

4.9.7 Adjourned Debate

A motion to adjourn debate is a procedural (formal) motion as follows:

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

That the debate be adjourned

The motion may state a date and time for resumption of the debate. Debate can be adjourned indefinitely.

The effect of the motion is that the particular matter being debated is adjourned, but that the Meeting still continues to deal with all other business. If debate is adjourned indefinitely, some indication must be given to the Chief Executive Officer as to when the matter should be re-listed, otherwise it will be decided at the discretion of the Chief Executive Officer, or upon the subsequent resolution of Council, whichever occurs first (*see section 4.10 in these Rules*).

4.9.8 Resumption of Adjourned Debate

The business to which the debate relates must be placed on the Council Meeting Agenda to which it is adjourned. Adjourned business should have priority over any other business except formal business. If a debate is adjourned by motion, the Councillor moving the adjournment has the right to be the first speaker upon the resumption of debate unless they have already spoken to the motion or amendment.

4.9.9 Course of Debate of Opposed Motion

If any Councillor indicates opposition to a motion which has been seconded:

- a) the Chair must call upon the mover to address the Meeting;
- b) after the mover has spoken, the Chair must call upon the seconder to address the Meeting;
- c) after the seconder has addressed the meeting (or after the mover if the seconder does not wish to speak) the Chair must call upon the first opposition to address the Meeting;
- d) after the mover, seconder and first opposition have had the opportunity to address the Meeting, the Chair will call for speakers for and against the motion in alternate sequence until the sequence of speakers is exhausted;
- e) a Councillor may speak once on the motion except for the mover of the motion who has a right of reply after which the motion must be put to the vote (*see section 4.9.1 in these Rules*);
- f) motions must be clear and unambiguous and not be defamatory or objectionable in language or nature.

A Councillor calling the attention of the Chair to a point of order is not regarded as speaking to the motion. Except that the mover of an unamended motion has the right of reply and that any Councillor may take a point of order or offer a personal explanation, a Councillor must not speak more than once to the same motion or amendment (*see section 4.12 in these Rules*).

4.9.10 Right of Reply

The mover of an original motion which has not been amended may, once debate has been exhausted, exercise a right of reply to matters raised during the debate. After right of reply has been taken, the motion must be immediately put to the vote without any further discussion or debate. A Councillor must not digress from the subject matter of the motion or business under discussion. No new debate or subject matter is to be introduced with a right of reply.

4.9.11 Agreed Alterations of Motion

With the leave of the Chair, both the mover and seconder of a motion may agree to an alteration to the original motion proposed by any other Councillor. This would not then necessitate the recording of an amendment into the Meeting Minutes as the alteration would then form part of the substantive motion. (i.e., no notice need be given of any amendment in this instance.)

4.9.12 Proposing Amendment(s) to a Motion

An original motion, having been moved and seconded, may be amended by any Councillor other than the mover and seconder of the original motion by leaving out, inserting or adding words which must be relevant to the original motion and framed so as to complement it as an intelligible and consistent whole. (An amendment to an original motion should be designed to improve the original motion without contradicting it.) Any Councillor moving an amendment to a motion will be allocated thirty (30) seconds to explain the reasons for the amendment. This explanation will not entertain the benefits or detriments of the amendment or the original motion.

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time.

A second or subsequent amendment cannot be moved until the immediately preceding amendment is disposed of. If any Councillor intends to move a second or subsequent amendment, he or she must give notice of that intention prior to the right of reply of the original motion being exercised. A Councillor cannot move more than two (2) amendments in succession.

4.9.13 Debating an Amendment to a Motion

Any Councillor may address the meeting once on any amendment, whether or not they have spoken to, moved or seconded the original motion, but debate must be confined only to the amendment. (If the mover or seconder of the original motion wishes to speak to the amendment, they should indicate that they intend to speak only to the amendment and this does not bar them from the right of reply or debate on the original motion once the amendment is resolved.)

4.9.14 Right of Reply to an Amendment to a Motion

No right of reply is available to the mover (only) of an amendment when an amendment is before Council.

4.9.15 An Amendment to a Motion Once Carried

If an amendment is adopted it becomes part of the amended and substantive motion which must still be put to the vote by the Chair but only after Councillors who did not speak to the original (or substantive) motion have exercised their right to do so. (In this instance the mover of the original motion must be offered the right of reply to the original or substantive motion. This is affording the original mover of the substantive motion natural justice.)

4.9.16 Foreshadowing a Motion

At any time during debate, a Councillor may foreshadow a motion to inform the Council of their intention to move a motion at a later stage in the Meeting, but this does not extend any special rights to the foreshadowed motion. A foreshadowed motion may be prefaced with a statement that in the event a particular motion before the Chair is resolved in a certain way a Councillor intends to move an alternative or additional motion. A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the Meeting. The Chief Executive Officer or other person authorised by the Chief Executive Officer would not be expected to record a foreshadowed motion in the minutes until the foreshadowed motion is formally moved but may do so if thought appropriate.

4.9.17 Separation of a Motion

Where a motion contains more than one part, a Councillor may request the Chair to put the motion to the vote in separate (several) parts. Where a motion contains several parts/segments or is complicated, it may be separated to avoid difficulties, particularly if different Councillors have differing views about various parts of the motion or conflicts of interests arising among Councillors lead to an inability to maintain a quorum.

4.9.18 Deferral of a Motion

Council may defer an item until later in the Meeting or until another Meeting as appropriate if further consideration or clarification is required prior to a decision being made. The decision to defer a motion is a substantive motion and may be debated.

4.9.19 Call for Supporting Documentation

A Councillor may request at a Council Meeting to immediately make available any documents kept in the municipal offices and relevant to the business being considered. Upon any request being made, the Chief Executive Officer must use their best endeavours to make available the documents.

4.9.20 Rescission Motion Notification

A Rescission Motion is a motion to reverse a previous decision of Council. Where a Rescission Motion is put, the Councillor should also include an Alternate Motion that Council will then consider as a second part to the Motion should the primary part (rescission) be passed by Council. Any Councillor may propose a Notice of Rescission Motion at the next subsequent meeting provided:

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

- a) the resolution proposed has not been acted on (*see clause 74*). For this reason, Councillors must foreshadow to the CEO their INTENTION to move a Rescission Motion before 12.00 noon on the day after the original pertaining motion was moved.
- b) the Notice of Rescission Motion is received by the Chief Executive Officer in writing no later than 12 noon the Wednesday prior to the next subsequent meeting.
- c) all elected members have had 3 business days prior notice of the notice of rescission.

A Rescission Motion listed on the agenda may be moved by any Councillor present but may not be amended. A motion to rescind or alter a previous resolution must be passed by a majority of elected members. A second or subsequent notice to rescind or alter an earlier resolution must not be accepted by the Chief Executive Officer until a period of three (3) months (ninety (90) days) has elapsed since the date of the Meeting at which the original motion of rescission or alteration was dealt with, unless Council resolves that the matter be dealt with at a future meeting.

4.9.21 When a Resolution is Acted On

A resolution, or part thereof, will be considered as having been acted on:

- a) once its details have been formally communicated in writing to either internal or external parties affected by or reliant on the resolution; or
- b) where a statutory procedure has been carried out, so as to vest enforceable rights in, or obligations on, Council or any other person.

While the Chief Executive Officer or other relevant member of Council staff may initiate action or cause action to be initiated on any Council resolution, or part thereof, at any time after the close of the Meeting at which it was carried, generally no action will be taken until 12.00 noon following the day of the Council Meeting at which the motion was moved.

However, if an *intention to rescind a motion* is formally foreshadowed to the Chief Executive Officer or other member of Council staff no later than noon on the day following the resolution, then the Chief Executive Officer or relevant member of Council staff will ensure that no action in relation to that resolution, in full or in part, is taken unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

Where a resolution can be broken down into parts and some parts of the resolution have not been acted upon, then any proposed change to those remaining parts is to be treated as an amendment of the resolution unless the substance of the change is to reverse the resolution when considered as a whole.

4.10 PROCEDURAL (FORMAL) MOTIONS

A procedural motion is one dealing with the conduct of the Meeting itself and takes precedence of a substantive motion.

4.10.1 Moving a Procedural Motion

Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chair. A procedural motion does not require the Chair's call.

The mover/seconded of a procedural motion must not have moved, seconded or spoken to the current matter being debated or any amendment of it before the Chair. A procedural motion cannot be moved by the Chair.

4.10.2 Debate and Amendments to Procedural Motions

Unless otherwise provided, debate on a procedural motion is not permitted and the mover does not have a right of reply.

Note: Deferral of a motion is not a procedural (formal) motion and may be debated. Unless otherwise provided a procedural motion cannot be amended.

4.10.3 Closure of a Motion (The Motion be Put)

A motion *"That the motion now be put"*:

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

- a) is a procedural motion which, if carried, requires that the original motion must be put to the vote immediately without any further debate, discussion or amendment;
- b) if carried in respect to an amendment, requires that the amendment be put to the vote immediately without any further debate or discussion and if lost allows debate on the original motion to continue; and
- c) if lost, allows debate to continue unaffected.

The Chair has the discretion to reject such a motion for closure if the motion proposed has not been sufficiently debated. A closure motion may not be put until the mover, seconder and first opposition have spoken on a matter. If the Chair rejects that a motion be put, then debate on the motion must continue as it was left (unaffected).

4.10.4 The Previous Question

A motion *"That the motion now not be put"*:

- a) is a procedural motion which, if carried, automatically disposes of a matter without a vote being taken (until it is placed on the Agenda for a later meeting) and the Meeting may then proceed to the next business without any further discussion or amendment;
- b) is prohibited when an amendment is before Council; and
- c) if lost, allows debate to continue unaffected.

4.10.5 Proceed to Next Question

A motion *"That the Meeting proceeds to the next business"*:

- a) is a procedural motion which, if carried in respect of an original motion, requires that the Meeting move immediately to the next business without any further debate, discussion, amendment or vote being taken on it;
- b) if carried in respect to an amendment, Council considers the motion without reference to the amendment; and
- c) if lost, allows debate to continue unaffected.

4.10.6 Adjournment of Debate

A motion *"That the motion and/or amendments now before the meeting be adjourned until a later hour or date"*:

- a) is a procedural motion which, if carried in respect of an original motion or amendment, requires that the Meeting disposes of the matter before the Chair so that debate can resume at a later hour and/or date and the Meeting moves on to the next item of business on the Agenda; and
- b) if lost, allows debate to continue unaffected.

4.10.7 Adjournment of Meeting

A motion *"That the meeting be adjourned until a later hour or date"*:

- a) is a procedural motion which if carried in respect of an original motion or amendment, requires that the Meeting be adjourned to a later hour and/or date; and
- b) if lost, allows debate to continue unaffected.

4.10.8 That the Question Lay on the Table

A motion *"That the question lay on the table"*:

- a) is a procedural motion which, if carried in respect of an original motion or amendment, ceases any further discussion or voting on the matter until Council either:
 - i) resolves to take the question from the table at the same Meeting; or
 - ii) places the matter on an Agenda and Council resolves to take the question from the table; and
- b) if lost, allows debate to continue unaffected.

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

4.11 SPEAKING TO THE MEETING

4.11.1 Speaking Times

A Councillor must not speak longer than the time set out below with only the stipulated extensions being granted by Council.

- a) a mover of a motion – five (5) minutes with only a single two (2) minute extension permitted;
- b) the seconder of a motion – four (4) minutes with only a single two (2) minute extension permitted;
- c) any other Councillor – four (4) minutes with only a single two (2) minute extension permitted; and
- d) the mover of a motion when exercising their right of reply – four (4) minutes (no extensions permitted).

Following a Council resolution on an unopposed motion, a Councillor may speak for the duration of time set out below:

- a) the mover – two (2) minutes; and
- b) any other Councillor once confirmed – two (2) minutes.

Extensions of speaking time are set out above however a further extension of speaking time may be granted by the Chair. Only one (1) extension is permitted for each speaker on any motion. The Chair has the discretion to alter an extension to speaking times if they deem it to be necessary to the subject matter.

4.11.2 Councillor Must Stand When Speaking

Except in the case of sickness or infirmity, a Councillor must stand when speaking at a Council Meeting. The Chair may remain seated when speaking at a Council Meeting. It is not necessary to stand when speaking at a meeting that is not a Council Meeting under the terms of these Rules.

4.11.3 Interruptions, Interjections and Relevance

A Councillor must not be interrupted except by the Chair or upon a point of order or personal explanation. If a Councillor is interrupted by the Chair or upon a point of order then they must take their seat and remain silent until the Councillor raising the point of order has been heard and the question disposed of (*see sections 4.9.5 and 4.12 in these Rules*).

In the case of competition for the right to speak, the Chair must decide the order in which the Councillors concerned will be heard.

4.12 POINTS OF ORDER

A point of order is taken when a person formally draws the attention of the Chair of a Meeting to an alleged irregularity in the proceedings such as a speaker's remarks being irrelevant to the subject matter or to an act of disorder or a Councillor allegedly being out of order.

4.12.1 Procedure for a Point of Order

A Councillor who is addressing the Meeting must not be interrupted unless called to order.

A point of order is taken by standing and stating, "*Point of Order*" and then providing a brief explanation as to why the point of order has been called. The point of order must be taken immediately after it has been brought to the attention of the Chair. A point of order takes precedence over all other business, including procedural motions.

When called to order, a Councillor must sit down and remain silent until the point of order is decided unless they are requested by the Chair to provide an explanation. The Chair may adjourn the Meeting to consider a point of order but must otherwise rule upon it as soon as it is taken. All matters before Council are suspended until the point of order is decided. The decision of the Chair in respect to a point of order raised will not be open for discussion and will be final and conclusive unless the majority of Councillors present at the Meeting support a motion of dissent.

A valid point of order may be raised in relation to:

- a) a motion which has not been accepted by the Chair;
- b) a question of procedure;

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

- c) a Councillor who is not conducting themselves in accordance with the Code of Conduct - Councillors;
- 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.

Rising to express a mere difference of opinion or to contradict a speaker is not a point of order.

4.12.2 Motion of Dissent

When a motion of dissent is moved and seconded, the Chair must leave the Chair and a temporary Chair must take their place.

The temporary Chair must invite the mover to state the reasons for their dissent and the Chair may then reply. The temporary Chair then puts the motion in the following form:

"That the Chair's ruling be upheld".

- a) if the vote is carried (in the affirmative), the Chair resumes the Chair and the Meeting proceeds;
- b) if the vote is not carried (in the negative), the Chair resumes the Chair, reverses his or her previous ruling and then proceeds.

The defeat of the Chair's ruling is in no way a motion of censure or non-confidence and should not be so regarded by the Meeting (see section 4.7.1 in these Rules).

4.13 SUSPENSION OF STANDING ORDER

The provisions of these Rules may be suspended for a particular purpose by resolution of Council.

4.13.1 Changing the Order of Business

The suspension of the standing order (of the Agenda) should be used to change the order of business and bring items listed in the Agenda forward or backward if required and when it is in the best interest of the flow of business for that Meeting.

An appropriate motion would be:

"That the standing order be suspended to bring item ___ forward".

Once the item has been disposed of and before the next item can be heard the resumption of the standing order will be necessary.

An appropriate motion would be:

"That the standing order be resumed".

4.13.2 Suspension of the Standing Order for the Purpose of Discussion

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

An appropriate motion would be:

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

Once the discussion has taken place and before any motion can be put the resumption of the standing order will be necessary.

An appropriate motion would be:

"That the standing order be resumed".

No motion may be accepted by the Chair or be lawfully dealt with during any suspension of the standing order unless resolved by Council to do so.

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

4.14 ADJOURNMENTS

4.14.1 Adjourning a Meeting

Once a Meeting is declared open, Council may, from time to time, resolve to adjourn the Meeting if:

- a) a quorum is not present within half an hour after the time appointed for the Meeting;
- b) at any time throughout a meeting a quorum is lost;
- c) the Meeting becomes excessively disorderly and order cannot be restored or retained;
- d) there is a need to allow for additional information to be presented to a Meeting; or
- e) any other situation arises where an adjournment could aid the progress of the Meeting.

A Meeting cannot be adjourned for a period exceeding seven days from the date of the adjournment. An appropriate motion would be:

"That the Meeting be adjourned until a _____ time and date specified". (which does not exceed seven (7) days)

No discussion is allowed on any motion for adjournment of the Meeting, but if on being put the motion is lost, the subject then under consideration for the next item on the Agenda or any other matter that may be allowed precedence must be resolved before any subsequent motion for adjournment is made.

4.14.2 Notice for an Adjourned Meeting

If a Meeting is adjourned, the Chief Executive Officer must ensure that the Agenda for such a Meeting is identical to the Agenda for the Meeting which was resolved to be adjourned. Except where a Meeting is adjourned until later on the same day, the Chief Executive Officer must give all Councillors written notice of a new date for the continuation of the adjourned Meeting and every reasonable attempt must be made to advise the public of the new Meeting date. Where it is not practical to provide written notice to Councillors because time does not permit that to occur then a reasonable attempt must be made to contact each Councillor.

4.14.3 Lapsed Meeting

A Meeting is deemed to have lapsed if a meeting does not commence and therefore no resolution can be carried to adjourn the Meeting. If a Council Meeting lapses, the undisposed-of business must be included in the Agenda for the next Council Meeting. The business of the lapsed Meeting must be dealt with prior to any other business, and in the same order as the original Meeting papers.

4.15 CONDUCT DURING A COUNCIL MEETING

The provisions of these Rules are applicable to all Council Meetings and Delegated Committee Meetings and any other public meetings conferred under the Act which are called by the Mayor or Council, with appropriate modifications. Section 2.14 does not prevent any person from addressing a meeting if permitted to do so by the Chair.

Also, section 19(1)(b) of the Local Government Act 2020, provides the power to the Mayor to direct a Councillor, subject to the any procedures or limitations specified in these Rules, to leave a Council Meeting if the behaviour of the Councillor is preventing the Council from conducting its business.

4.15.1 Councillor Conduct

Councillors must conduct themselves in a courteous, orderly and respectful manner and must respect the authority of the Chair at all times. Councillors must adhere to the Code of Conduct - Councillors at all times.

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 Chair has warned the Councillor to cease that behaviour; or

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

- b) the Chair (if the Mayor), under section 19 of the Act, having previously warned the Councillor to cease that behaviour, may direct a Councillor to leave the meeting for a period of time or for the balance of the Meeting.

Where Council suspends a Councillor for a portion of a Meeting or the Chair (if the Mayor) directs a Councillor to leave for the remainder of the Meeting as above, the Councillor will take no active part in the portion of the Meeting from which they have been suspended. If a Councillor has been suspended from a meeting or directed to leave by the Chair (if the Mayor), the Chair may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the Councillor.

4.15.2 Ordering Withdrawal of Remark

Whenever any Councillor makes use of any expression or remark that is disorderly or capable of being applied offensively to any other Councillor or member of Council staff, the offending Councillor must be required by the Chair to withdraw the expression or remark and to make a satisfactory apology to the Meeting. The Chair may require a Councillor to withdraw any remark which is defamatory, indecent, abusive or offensive in language or substance.

A Councillor required to withdraw a remark must do so immediately without qualification or explanation. Any Councillor using defamatory, indecent, abusive or offensive language, and having been twice called to order or to apologise for such conduct and refusing to do so, is guilty of an offence.

4.15.3 Personal Explanation

A Councillor may, at a time convenient to Council, make a brief personal explanation in respect of any statement (whether made at a Council meeting or not) affecting him or her as a Councillor.

A personal explanation arising out of a statement at a Council Meeting must be made as soon as possible after that statement was made. A personal explanation must not be debated except upon a motion to censure the Councillor who has made it.

4.15.4 Public Conduct

Members of the public must not interject or take part in the debate and silence must be maintained in the Gallery at all times.

4.15.5 Call to Order/Removal from Council Chamber

The Chair may call to order any person present in the Council Chamber whose actions are disruptive to the business of Council and are impeding its orderly conduct. If thereafter a person continues to impede the conduct of business, the Chair may order them to leave the Council Chamber for a period of time or for the remainder of the Meeting. The Chair may ask any Authorised Officer or member of Victoria Police to remove any person from the Council Chamber who acts in breach of these Rules or whom the Chair has ordered to be removed from the Chamber.

4.15.6 Chairperson May Adjourn Disorderly Meeting

If the Chair is of the opinion that disorder among the Councillors or in the Gallery makes it desirable to adjourn the Meeting, they may adjourn the Meeting to a later time on the same day, or to some later day and time prior to the next Council Meeting. *See section 4.14 in these Rules.*

4.15.7 Breach of Conduct Provisions at Council Meetings

Any person who refuses to leave the Council Chamber after being ordered to do so by the Chair is guilty of an offence under the Governance Local Law No. 1 of 2020.

4.16 PROVISION TO RECORD COUNCIL MEETINGS

The Chief Executive Officer (or other person authorised by the Chief Executive Officer) may conduct a live webcast and recording of the proceedings of a Council Meeting. Recordings will be retained as a public record of the meeting and are available to the public for viewing on www@greaterdandenong.com.

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

Members of the public are advised (via appropriate signage) that the Meeting is being filmed and is streamed live and as an archive on Council's website www.greaterdandenong.com.au. Members of the public are advised by venue signage that while filming, although all care is taken to maintain a person's privacy, as an attendee in the Gallery, they may be recorded on the webcast.

Members of the public should note that webcasts supplied by Greater Dandenong City Council or made available on www.greaterdandenong.com are the only official audio-visual recording of the Greater Dandenong City Council Meeting process.

4.16.1 Consent Required to Film or Photograph Council Meetings

Media representatives, with the consent of the Chief Executive Officer, or person authorised by the Chief Executive Officer, may be permitted to record any part of a Council Meeting. This consent must be applied for at least three (3) business days prior to the Council Meeting by contacting Council's Governance Unit on telephone 8571 5100. This consent must not be unreasonably withheld but may be revoked at any time during the course of the relevant Meeting if it in any way impedes the business of the Council Meeting.

4.17 ELECTION OF THE MAYOR

4.17.1 When Required

Under the *Local Government Act 2020*, a Mayor is to be elected at a Council Meeting no later than one month after the date of a general election. Before the election, a Council must determine by resolution whether the Mayor is to be elected for a one (1) year or two (2) year term. If the Mayor is elected for a one (1) year term, the next election of the Mayor must be held on a day to be determined by Council that is as close to the end of the one (1) year term as reasonably practicable. If the Mayor is elected for a two (2) year term, the next election of the Mayor must be held on a day to be determined by Council that is as close to the end of the two (2) year term as reasonably practicable.

The Mayor is to be elected within one month after any vacancy in the office of Mayor occurs.

4.17.2 Outgoing Mayor

The outgoing Mayor will give an outgoing speech at the last Council Meeting of their mayoral term. There will be no time provided at the Council Meeting held for the election of the Mayor for a speech for the outgoing Mayor. The Council Meeting held for the election of the Mayor will be focused on the new Mayor and the term ahead.

4.17.3 Eligibility

Any Councillor is eligible for election or re-election to the office of Mayor.

4.17.4 Agenda Content

The Agenda for the Council Meeting for the election of the Mayor must include:

- a) the appointment of the second temporary Chair;
- b) the election of the Mayor;
- c) the election of the Deputy Mayor;
- d) appointments of Council representatives to Committees, Peak Industry Bodies, regional and community-based organisations;
and
- e) the fixing of the dates, times and place of all Council meetings for a twelve-month period.

4.17.5 First Temporary Chair (Returning Officer)

The Chief Executive Officer will be the first temporary Chair of the Council Meeting at which the election of the Mayor is to be conducted but will have no voting rights. In other words, the Chief Executive Officer will be the Returning Officer for the election of the Mayor.

4.17.6 Second Temporary Chair

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

The Chief Executive Officer must invite nominations for a second temporary Chair. If there is only one nomination, the candidate nominated is deemed to have been elected. If there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates by a show of hands (or by such other method as Council determines), and the candidate receiving a majority of the votes must be declared to have been duly elected.

4.17.7 Nominations for Office of Mayor

The second temporary Chair must invite nominations for the office of Mayor. If there is only one nomination (which must be seconded), the candidate nominated is deemed to be elected Mayor until the next Council Meeting to elect the Mayor.

4.17.8 Method of Voting

The election of the Mayor will be carried out by a show of hands unless determined by lot.

4.17.9 Determining the Election of Mayor

If there is more than one nomination (each of which must be seconded), the Councillors present at the Meeting must vote for one of the candidates by a show of hands. In the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected.

In the event that no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The Councillors present at the Meeting must then vote for one of the remaining candidates by a show of hands.

If one (1) of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates by a show of hands must be repeated until one (1) of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected.

In the event of two (2) or more candidates having an equality of votes and one (1) of them having to be declared:

- a) a defeated candidate; or
- b) duly elected;

the temporary Chair shall have no second or casting vote, and the result will be determined by lot. *See clause 134 – Determining by Lot.*

Note: Any Councillor nominated may refuse nomination.

4.17.10 Determining By Lot

If a lot is required, the Chief Executive Officer will conduct the lot and the following provisions will apply:

- a) each candidate shall draw one (1) lot;
- b) the order of drawing lots shall be determined by the alphabetical order of the surname of the Councillors who received an equal number of votes, except that if two (2) or more such Councillors' surnames are identical, the order shall be determined by the alphabetical order of the Councillors' first name;
- c) as many identical pieces of paper as there are Councillors who received an equal number of votes shall be placed in a receptacle provided by the Chief Executive Officer;
- d) If the lot is being conducted to determine which candidate is to be duly elected, the word 'Elected' shall be written on one (1) of the pieces of paper and the Councillor who draws the paper with the word 'Elected' written on it shall be declared to have been duly elected.

4.17.11 Mayor to Take Chair

After the election of the Mayor is determined, the Mayor must take the Chair. The Mayor must take the Chair at all meetings of Council at which he or she is present unless precluded from doing so because of a conflict of interest.

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

4.17.12 Election of Deputy Mayor

Under section 27 of the *Local Government Act 2020*, Council must elect a Deputy Mayor. Clauses 2.17.1 - 2.17.10 above apply to the election of a Deputy Mayor as if any reference in those sections to the Mayor was a reference to the Deputy Mayor.

4.18 MINUTES

4.18.1 Keeping of Minutes

The Chief Executive Officer is responsible for arranging the keeping of the Minutes on behalf of Council. Each item in the Minutes must be clearly headed with a subject title and allocated a minute number. Minutes must be consecutive, commencing at one (1) at the beginning of each four (4) year term of Council. The Minutes must be signed by the Chair of the Meeting at which they have been confirmed.

4.18.2 Content of Minutes

The Chief Executive Officer (or other person authorised by the Chief Executive Officer to attend the Meeting and to take the minutes of such meeting) must keep minutes of each Council meeting and those minutes must record:

- a) the date and time the Meeting was commenced, adjourned, resumed and concluded;
- b) the names of Councillors and whether they are PRESENT, an APOLOGY, or have obtained a LEAVE OF ABSENCE or other details as provided;
- c) the names and organisation titles of members of Council staff in attendance;
- d) arrival and departure times (including temporary departures) of Councillors during the course of the Meeting;
- e) each motion and amendment moved, including the mover and seconder of the motion or amendment;
- f) the outcome of every motion and amendment, whether it was put to the vote and the result (namely, CARRIED, LOST, WITHDRAWN, LAPSED FOR THE WANT OF A SECONDER, or AMENDED);
- g) where there is debate of an item, a table of the names of every Councillor and the way their vote was cast (either FOR or AGAINST a motion);
- h) details of a failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise;
- i) a summary of all deputations made to Council;
- j) a summary of reports from Councillors/Delegates and any responses provided at the Meeting;
- k) the time and reason for any adjournment of the Meeting or suspension of Standing Orders;
- l) closure of the Meeting to members of the public and the reason for such closure as required under the provisions of the *Local Government Act 2020*;
- m) disclosure of any conflicts of interest made by a Councillor or member of staff; and
- n) any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the Meeting or the reading of the minutes.

Note: Debate on items is not recorded within the Minutes but is available via webcast on www.greaterdandenong.com.

During preparation of the Minutes, Council officers may, from time to time, correct minor typographical errors, without changing the intent of those minutes. A Council resolution is not required to correct minor typographical errors.

4.18.3 Confirmation of Minutes

Confirmation of the Minutes of a Council Meeting is a formal declaration that the Minutes are an accurate record of that meeting. Advice that the Minutes are available must be provided to all Councillors no later than 72 hours before the next scheduled Meeting. At every Council Meeting the Minutes of the preceding meeting(s) must be listed on the Agenda for confirmation. Minutes must be confirmed by resolution of Council. The motion confirming the Minutes can be moved and seconded by any Councillor who was present at the Meeting and believes the minutes to be an accurate record of that meeting. Following confirmation of the Minutes, with or without amendment, they must be signed by the Chair of the Meeting at which they were confirmed.

4.18.4 Objection to Confirmation of Minutes

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

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

- a) state the item or items with which they are dissatisfied;
- b) propose a motion clearly outlining the alternative wording to amend the Minutes; and
- c) state the item(s) objected to separately in the order in which it (or they) appear in the Minutes.

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

4.18.5 Deferral of Confirmation of Minutes

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

4.19 PROCEDURE NOT PROVIDED FOR

In all cases not specifically provided for within these Rules, reference must be sought from the rules, forms and usages of the Legislative Council of the Victorian Parliament so far as the same are capable of being applied to Council Meeting proceedings.

4.20 SUSPENSION OF MEETING PROCEDURE

The operation of any clause of Chapter 2 of these Rules may be suspended temporarily at a Council Meeting by a majority of Councillors present resolving to so suspend it, unless such suspension of operation would be inconsistent with the *Local Government Act 2020*. A reason for the proposed suspension of the operation of any clause in Chapter 2 of these Rules must be given in the motion to suspend the operation of the clause.

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

CHAPTER 5 – OTHER MEETINGS OF COUNCIL

5.1 JOINT MEETINGS OF COUNCILS

Section 62 of the *Local Government Act 2020* provides for Joint Meetings of Councils. Section 62 of the Act states that:

- (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.

Unless otherwise stated within these Rules, the Chapters 1, 2, 3, 5 and 6 and of these Rules apply to all Joint Meetings of Councils. Chapter 4 of these Rules may apply to a Joint Meeting of Councils if Members of that Joint Meeting resolve to adopt Chapter 4 of these Rules for the purposes of that Meeting.

5.2 DELEGATED COMMITTEES

Section 63 of the *Local Government Act 2020* provides for Delegated Committees. Section 63 of the Act states that:

- (1) A Delegated Committee established by a Council:
 - (a) must include at least 2 Councillors; and
 - (b) may include any other persons appointed to the Delegated Committee by the Council who are entitled to vote.
- (2) A Meeting of a Delegated Committee established by a Council must be chaired by:
 - (a) a Councillor appointed by the Council or the Mayor to chair meetings of the Delegated Committee; or
 - (b) if the Councillor appointed by the Council or the Mayor to chair meetings of the Delegated Committee is not present at the meeting, a Councillor who is present at the Meeting and is appointed by the Members of the Delegated Committee who are present at the meeting.
- (3) Section 61 applies to a Meeting of a Delegated Committee as if the Members were Councillors.

Unless otherwise stated within these Rules, Chapters 1-6 of these Rules apply to Delegated Committee Meetings of Council.

5.3 JOINT DELEGATED COMMITTEES

Section 64 of the *Local Government Act 2020* provides for Joint Delegated Committees. Section 64 of the Act states that:

- (1) Two or more Councils may resolve to establish a Joint delegated committee.
- (2) A Joint Delegated Committee is a delegated committee of each Council that has resolved to establish the joint delegated committee 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 Delegated Committee must include at least one Councillor from each of the Councils that has resolved to establish the Joint Delegated Committee.

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

- (4) A meeting of a Joint Delegated Committee must be chaired by a Councillor from one of the Councils that has resolved to establish the Joint Delegated Committee who is present at the meeting and is appointed by the members of the Joint Delegated Committee who are present at the meeting.
- (5) A quorum at a meeting of a Joint Delegated Committee is constituted by the number of members that is equal to at least a majority of the members constituting the Joint Delegated Committee.
- (6) Subject to subsection (2) and (7), the procedures for conducting a meeting of a Joint Delegated Committee are to be determined by the Councils that have resolved to establish the Joint Delegated Committee.
- (7) A Joint Delegated Committee must comply with any requirements prescribed by the regulations.

Unless otherwise stated within these Rules, the Chapters 1, 2, 3, 5 and 6 of these Rules apply to all Joint Delegated Committees. Chapter 4 of these Rules may apply to a Joint Delegated Committee Meeting if Members of that Meeting resolve to adopt Chapter 4 of these Rules for the purposes of that Meeting.

5.4 AUDIT AND RISK COMMITTEE

Section 53 of the *Local Government Act 2020* states that Council must establish an Audit and Risk Committee. An Audit and Risk Committee is not a Delegated Committee.

The Audit and Risk Committee will operate under its own Charter in accordance with the *Local Government Act 2020*, however, unless otherwise stated within these Rules, Chapters 3 and 6 of these Rules apply to the Audit and Risk Committee.

5.5 COMMUNITY ASSET COMMITTEE

Section 65 of the *Local Government Act 2020* states that Council may establish a Community Asset Committee and appoint as many members to that Committee as the Council considers necessary to enable the Community Asset to achieve the purpose of managing the asset in the municipality.

Unless otherwise stated within these Rules, Chapter 3 and 6 of these Rules apply to any Community Asset Committee. When establishing a Community Asset Committee, Council may then resolve which other Chapters of these Rules may also apply to the Committee.

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

CHAPTER 6 – ELECTION PERIOD (CARETAKER) POLICY

Section 60(e) of the *Local Government Act 2020* states that a Council must develop, adopt and keep in force Governance Rules with respect to an Election Period Policy in accordance with section 69 of the Act. Section 69(1) of the Act states that a Council must include an Election Period Policy in its Governance Rules.

Greater Dandenong City Council adopted its current Election Period (Caretaker) Policy under the Local Government Act 1989 on 28 January 2020 prior to the *Local Government Act 2020* coming into effect.

The policy contained within Chapter 6 of these Rules is the same as the Election Period (Caretaker) Policy adopted by Council on 28 January 2020 but it includes amendments required under the new *Local Government Act 2020*.

6.1 ELECTION (CARETAKER) PERIOD

The Election Period for Victorian Local Government General Elections commences on the last day on which nominations for that election can be received and ceases at 6.00pm on Election Day. During the Election Period, Council will be deemed to be in election or caretaker mode.

The areas of Council's operations that will be impacted during the Election Period by the caretaker provisions are:

- a) decision making (including major contract and policy decisions or decisions relating to the employment of the Chief Executive Officer);
- b) use of council resources;
- c) events;
- d) media;
- e) publications;
- f) public consultation;
- g) requests for information;
- h) Councillor expenditure;
- i) grants funding; and
- j) contact with staff.

The Chief Executive Officer will ensure that all employees are informed of the requirements of the Election Period at least 30 days prior to the commencement of it.

6.1.1 Misuse of Position

Councillors and candidates must be given equal access to support and information in the lead up to an election. Under section 123 of the *Local Government Act 2020*, Councillors and Delegated Committee Members cannot intentionally misuse their position to gain or attempt to gain, either directly or indirectly, an advantage for themselves or any other person.

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

No member of staff, when working as an employee of Greater Dandenong City Council and during work time, including the Mayor and Councillors Executive Assistant, can undertake any tasks connected directly or indirectly with a Councillor's election campaign. What a staff member can do in their own personal time (as a private citizen) has been clarified in [Appendix 1 – Guide for Staff Participating in Election Activities Outside Their Role Within Council](#)

Under the Act, the penalty for misuse of position is 600 penalty units or imprisonment for five (5) years.

6.1.2 Contact with Staff

The Chief Executive Officer or any staff member, when working as an employee of Greater Dandenong City Council and during work time, cannot be asked to undertake any tasks connected directly or indirectly with electioneering. Similarly, all candidates must respect the privacy and wishes of staff when they are not at work (i.e., not all staff wish to be approached in any way outside of business hours.)

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

All queries and requests for access to information during the Election Period are to be directed through the Executive Management Team or the Manager Governance.

Council staff must act with integrity at all times. Any staff member who considers that they have been asked to undertake any task connected directly or indirectly with electioneering must advise their Manager, the Manager Governance and their Director immediately.

6.1.3 Expenditure

During the Election Period, claims for reimbursement of expenses must be used exclusively within the requirements set out in the Expenses, Support, and Reimbursement Policy and under no circumstance used in relation to any election campaigning or activities.

Councillors and Delegated Committee Members shall not participate in any interstate or overseas travel or undertake training or professional development activities in their capacity as a Councillor or Delegated Committee Member during the Election Period.

6.1.4 Council Resources

Public resources must not be used in a manner that may influence voting in an election or provide an undue advantage or disadvantage to a candidate.

During the Election Period, Council resources including offices, vehicles, staff, hospitality, services, property, equipment, stationery, Council logos, photos or images must be used exclusively for the purposes of the day-to-day operations of Council and under no circumstances used in relation to any election campaigning or activities.

In the event that Council resources may be perceived as being related to election campaigning, advice should be sought from the Chief Executive Officer.

6.1.5 Community Grants Program Funding

Assessment of all Community Grants applications will be suspended during the Election Period. Council will still accept applications during this time, but they will not be considered until after Election Day (*see Community Grants policies*).

6.1.6 Decision Making

Council will continue to hold Council Meetings during the Election Period to ensure Council continues to meet the needs of the community.

The following designated decisions are prohibited pursuant to section 69 of the *Local Government Act 2020*.

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

During the Election Period, Council will also not make any major policy decisions or any significant decisions that may be perceived to inappropriately bind the incoming Council or any decisions that could reasonably be made after the Council Elections.

6.1.7 Caretaker Statement

During the Election Period the Chief Executive Officer will ensure that a Caretaker Statement is included in every report submitted to a Council Meeting for decision. The Caretaker Statement will be as follows:

- a) the recommended decision is not a decision as defined in Section 69 of the *Local Government Act 2020*, or a significant decision within the meaning of Council's Election Period (Caretaker) Policy.

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

6.1.8 Community Engagement

Any community engagement or public consultations should be avoided during the Election Period with the exception of public consultation required under the *Planning and Environment Act 1987* or matters subject to section 223 of the *Local Government Act 1989*.

If it is imperative to the day-to-day operations of Council that if community engagement needs to be conducted during the Election Period, it must be authorised in writing by the Chief Executive Officer.

Should Council be required to conduct community engagement during the Election Period, that engagement must not express any links to the election. In the likelihood that the engagement process is to become contentious or politically sensitive it should not proceed.

6.1.9 Council Communications and Publications

Council communications and publications in all formats (with the exception of Council's newsletter "*the Council News*") will remain distributed and accessible during the Election Period, however they will be limited to promoting normal Council services and activities.

Under no circumstances are Council communications and/or publications that might influence voting or provide an undue advantage for a candidate to be distributed during the Election Period. This limitation does not apply to information that is only about the process of the election.

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 any electoral matter in the name of Council or using Council resources during the Election Period. Council must not print, publish or distribute a publication during the Caretaker Period unless it has been approved by the Manager Governance acting on behalf of the Chief Executive Officer.

Under these provisions and during the Election Period, Council will not publish its October edition of *the Council News*, Greater Dandenong's monthly magazine.

A Council employee must not make any public statement that could be construed as influencing the election. Statements of clarification may be required from time to time and these must be approved by the Chief Executive Officer.

In the event that a Council spokesperson is required for a statement, the Chief Executive Officer will fulfil that role.

During the Election Period, Councillor profiles on Council's Website will be limited to a name and contact details only, for the purpose of their day-to-day role as an existing Councillor.

6.1.10 Social Media

Council cannot publish any notices on social media without approval from the Manager Governance acting on behalf of the Chief Executive Officer.

Social Media includes, but is not limited to Facebook, Twitter, YouTube, and blogs.

Any subject matter that is posted on council-controlled social media sites during the Election Period (including any posts by members of the public) that could be viewed as electoral or campaigning material will be removed, such as photos of Councillors at publicity events as well as Councillor profiles from Council's website (excluding Councillor contact details).

The site will be monitored regularly during business hours and any material deemed to be election campaign material by the CEO or his delegate will be removed as soon as practicable. Postings over the weekend will be monitored, however, removal may be delayed until the following business day.

While Councillors still undertake duties of their office during the Election Period, they must not use Council-related material, opinion or commentary within their own personal social media sites during that period.

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

No media advice or assistance will be provided to Councillors in relation to election campaign matters.

6.1.11 Functions and Events

Normal Council events are not prohibited during the Election Period, however it is position under these Rules that Council keeps them to a minimum.

Any event or function held during the Election Period shall relate only to the normal annual business of Council and shall not be used in connection with any election activity. All publicity, invitations and speeches prepared for use as part of a Council event or function held during the Caretaker Period must be approved by the Manager Governance on behalf of the Chief Executive Officer.

Where possible, the Chief Executive Officer, or delegate, will preside over any Council event or function held during the Election Period. Councillors should avoid making speeches at any Council event or function during the Election Period. Where circumstances require a Councillor to speak, the speech must not contain any political references, nor shall it provide, or be perceived to provide, an undue advantage to the Councillor in relation to the upcoming elections.

The following events will have variations:

- a) Mayors Annual Event – which may be scheduled earlier in the year, so it is not held during the Election Period; and
- b) Citizenship Ceremonies – will not be conducted during the Election Period.

Councillors must be reminded that if representing Council at a function or event during the Election Period that they are representing the Council and must not use the opportunity for electioneering.

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

6.1.12 Access to Information

During the Election Period, Councillors and candidates shall not request or receive information or advice from Council staff to support election campaigns, nor shall staff provide such information.

While it remains important that sitting Councillors continue to have access to information or advice that is necessary to fulfil their existing roles, the provision of this information must be exercised with caution and limited to current matters that relate to the day-to-day operations of Council as required by the Councillor in the performance of their duties as a Councillor.

Council will ensure transparency in the provision of all information and advice during the Election Period. Information and briefing material prepared by staff for Councillors during the Election Period will relate only to factual matters or to existing services to assist Councillors in maintaining the day-to-day operations and activities of Council.

All enquiries from candidates (including sitting Councillors) in relation to the conduct of the election will be directed to the Election Manager (previously called the Returning Officer).

Section 123 of the *Local Government Act 2020* prescribes serious penalties for any Councillor or Delegated Committee Member who intentionally misuses their position to advantage or disadvantage any person.

Any Freedom of Information applications required to be processed during the Election Period on matters, costs or expenses relating to sitting Councillors will be dealt with in accordance with the *Freedom of Information Act 1982* but, where possible, outside of the Election Period.

6.1.13 Candidate Information

In conjunction with the Victorian Electoral Commission and Local Government sector industry bodies, Council will provide candidates with a Councillor Candidate Information Kit and opportunities to attend a Candidate Information Session to assist them in running and nominating for Council.

The Information Kits and Candidate Information Session will outline the obligations and requirements of nominating at the 2020 Local Government Elections.

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

6.1.14 Information Request Register

Council recognises that all election candidates have equal rights to public information from Council Administration subject to the *Privacy and Data Protection Act 2014* which may prevent disclosure of certain information.

To ensure Council maintains complete transparency in the provision of all information and advice during the Election Period, the Governance Unit will maintain an Elections Information Request Register during the Election Period. The Elections Information Request Register will be a public document that records all requests relating to electoral matters and non-routine requests for information by Councillors and candidates and the response given to those requests.

Responses to requests for information by candidates should only be responded to by a Manager, Director or Chief Executive Officer and should be in writing.

All requests relating directly to electoral process or campaigning matters will be referred to the Election Manager.

6.1.15 Role of Election Manager

All election related enquires from candidates, whether sitting Councillors or not, will be directed to the Election Manager. Where the matter is outside the responsibilities of the Election Manager, candidates will be referred to the Greater Dandenong City Council's Chief Executive Officer or his delegate.

6.1.16 Grievances

Council confirms that all candidates for the 2020 General Elections will be treated equally. Any complaints or grievances in relation to these Rules should be referred to the Manager Governance. Any complaints or grievances in relation to the conduct of the elections should be referred to the Election Manager appointed by the Victorian Electoral Commission.

6.1.17 Disclaimer

These Rules should be used as a guide only and are not a substitute for legal advice. If necessary, legal advice should be sought independently to clarify the relevant aspect of *the Local Government Act 2020* and/or any other relevant regulations relating to the 2020 Council Elections Election Period.

6.2 GUIDE FOR STAFF PARTICIPATING IN ELECTION ACTIVITIES OUTSIDE THEIR ROLE WITHIN COUNCIL

It is understood that members of staff may live within the municipality and participate in Greater Dandenong City Council elections as part of their normal community affairs as a private citizen. Some members of staff may choose to electioneer for candidates in Greater Dandenong City Council elections.

If a member of staff has a significant role in an election candidate's campaign, there is potential for a conflict of interest between taking a position on issues and impartially performing their official Council duties. In such circumstances, the employee should discuss such potential conflicts of interest with the Manager People and Procurement or Manager Governance.

Members of staff should also be aware that there are obligations in relation to conflicts of interest under the *Local Government Act 2020* and the Greater Dandenong City Council Code of Conduct – Staff.

If a member of staff is involved in electioneering activities, they should make it clear that they are not undertaking these activities in their capacity as an employee of Council. This includes not using Council's email address, email footer or letterhead, and not wearing any council uniform or logo while undertaking those electioneering activities. In addition:

- a) Staff must not use any Council resources in undertaking electioneering activities.
- b) Staff must not undertake electioneering activities during work time.
- c) Staff must ensure that their electioneering activities do not influence or interfere with their performance at work.

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

Staff must also ensure that, if undertaking electioneering activities and making comment on Council activities that they are involved in, they make it clear that they are expressing their own views as a private citizen and not making an official comment on behalf of Council as an employee.

6.3 APPROVAL PROCESS FOR COUNCIL PUBLICATIONS

- a) Please understand and read through Chapter 6 of these Rules.
- b) If you are intending to print, publish or distribute any advertisement, handbill, pamphlet or notice during the election period then read through the document you have produced carefully and check that it does not contain any electoral or electoral related matter.
- c) The document must be approved by the Manager Governance on behalf of the Chief Executive Officer.
- d) Please email the objective reference of any publication intended to be distributed during the Election Period to zzCaretaker@cgd.vic.gov.au so that the document can be approved. This DOES NOT include operational letters to residents from Council officers that respond to queries, registrations, requests for permits, payments, immunisations, etc. Normal operations of Council continue during an Election Period. However, if you are uncertain, send your publication to the email address above. The Manager Governance will read the proposed publication and check that no election material is present.
- e) The Manager Governance will advise you whether the document is approved for general circulation during the Election Period and what is to be included or changed in the document (if changes are required).
- f) Governance will arrange for a copy (alias) of the document to be saved in a specific election period folder within Objective.

Please do not send documents directly to the CEO. Turnaround time (maximum) for having responses back is two working days. Governance will always ensure that urgent material is prioritised.

Your request to Governance

This could read something like:

This material has been checked and does not contain any electoral or electoral related matter to the best of my knowledge. Could you please arrange to have the material approved and advise me accordingly?

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

POLICY AND STRATEGY

**GOVERNANCE RULES UNDER
THE LOCAL GOVERNMENT ACT 2020**

ATTACHMENT 2

**DRAFT GOVERNANCE
LOCAL LAW NO. 1 OF 2020**

PAGES 9 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

Governance Local Law No. 1 of 2020
Version 001, XX XXXXXX 2020



4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

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4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

TABLE OF CONTENTS

SECTION 1 – INTRODUCTION	5
1.1 Purpose and Authorising Provision	5
SECTION 2 – DEFINITIONS	5
SECTION 2 – THE COMMON SEAL.....	6
2.1 Use of the Common Seal	6
2.2 Authority for Use of the Common Seal	6
2.3 Keeper of the Common Seal	6
2.4 Common Seal Register	6
2.5 Unauthorised Use of the Common Seal	6
SECTION 3 – OFFENCES AND PENALTIES	7
3.1 Offences.....	7
3.2 Penalties	7
SECTION 4 – RESOLUTION FOR THIS LOCAL LAW	8

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4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

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4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

SECTION 1 – INTRODUCTION

1.1 PURPOSE AND AUTHORISING PROVISION

The purpose of this Local Law is to:

- (a) revoke Council's Meeting Procedure Local Law No. 1 of 2019;
- (b) regulate the use and prohibit unauthorised use of the common seal of Greater Dandenong City Council; and
- (c) provides for penalties and offences if:
 - i) any person fails to comply with a direction or order of the Chair of a Council Meeting under the Governance Rules in relation to the conduct of a Meeting and the maintenance of order;
 - ii) any person uses the common seal of Council without authority; and
 - iii) any person fails to comply with any provision in the Governance Rules or this Local Law where they require that something must be done.

This Local Law is made under section 111(1) of the *Local Government Act 1989*.

This Local Law:

- (a) comes into operation on XXXXXXXXXX; and
- (b) operates throughout the whole of the municipal district of Greater Dandenong in accordance with section 121 of the *Local Government Act 1989*.

Upon the coming into operation of this Local Law, Council's Meeting Procedure Local Law No. 1 of 2019, is revoked. This Local Law ceases to operate on XXXXXXXXXXXX unless revoked sooner by Council resolution

SECTION 2 – DEFINITIONS

Unless otherwise specified within this document, the following words and phrases are defined to mean the following in terms of this Local Law.

Act (or "the Act")	The <i>Local Government Act 2020</i> unless otherwise specified.
Authorised Officer	An officer appointed for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of Council.
Chair	The Chairperson of a Meeting and includes an acting, temporary or substitute Chairperson.
Chief Executive Officer (CEO)	The person occupying the office of Chief Executive Officer of Council and includes a person acting as Chief Executive Officer.
Councillor Code of Conduct	A document required under the Act outlining the standards of conduct expected from Councillors in the performance of their duties and functions as Councillors.
Common Seal	The common seal of Council.
Council	The Greater Dandenong City Council.
Councillor	An elected representative (Councillor) of Council.
Council Meeting	A meeting of Council convened in accordance with these Governance Rules and the section XX of the <i>Local Government Act 2020</i> and includes scheduled and unscheduled meetings.

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

In this Local Law, Council Meetings include Delegated Committee Meetings unless otherwise specified.

Delegated Committee	A delegated committee, other than a Community Asset Committee, established by Council under section 63 of the <i>Local Government Act 2020</i> or by two or more Councils under section 64 of the Act.
Delegated Committee Meeting	A meeting of a Delegated Committee convened in accordance with these Governance Rules.
Deputy Mayor	The Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor.
Minutes	The formal record of proceedings and decisions of a meeting.
Municipal District (Municipality)	The area comprising the municipal district of Greater Dandenong.
Municipal Offices	The Civic Offices of the Greater Dandenong City Council.
Penalty Unit	has the meaning set out in section 110 of the <i>Sentencing Act 1991</i> .

SECTION 2 – THE COMMON SEAL

2.1 USE OF THE COMMON SEAL

The common seal of Greater Dandenong City Council must:

- (a) be in a form specified by Council resolution; and
- (b) include the words "Greater Dandenong City Council".

2.2 AUTHORITY FOR USE OF THE COMMON SEAL

The common seal must be affixed to a document only for the purpose of giving effect to a decision which has been:

- (a) made by Council resolution;
- (b) made by resolution of a Delegated Committee to which the power to use the common seal has been delegated; or
- (c) made by the Chief Executive Officer or a Senior Officer to whom power to use the common seal has been delegated.

2.3 KEEPER OF THE COMMON SEAL

For security purposes, the Governance Unit, on behalf of the Chief Executive Officer, must keep the common seal of Council in safe custody.

2.4 COMMON SEAL REGISTER

The use of the common seal must be recorded in a register maintained by the Governance Unit, on behalf of the Chief Executive Officer.

2.5 UNAUTHORISED USE OF THE COMMON SEAL

Any person who uses the common seal or any device resembling the common seal without authority is guilty of an offence.

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

SECTION 3 – OFFENCES AND PENALTIES

3.1 OFFENCES

It is an offence if:

- (a) any person fails to comply with a direction or order of the Chair of a Council Meeting in relation to the conduct of the Meeting and the maintenance of order;
- (b) any person uses the common seal of Council without authority; or
- (c) any person fails to comply with any provision in the Governance Rules or this Local Law where it requires that something must be done.

3.2 PENALTIES

Where Council resolves that a person has, in its opinion, committed an offence or offences against the Governance Rules or this Local Law, an Authorised Officer may serve that person an infringement notice in accordance with the *Infringements Act 2006*, as an alternative to prosecution for the offence.

The penalty fixed for an infringement notice for an offence committed against the Governance Rules or this Local Law is two (2) penalty units (as defined in section 110 (2) of the *Sentencing Act 1991*).

4.3.2 Governance Rules Required under the Local Government Act 2020 (Cont.)

SECTION 4 – RESOLUTION FOR THIS LOCAL LAW

The resolution for this Local Law was made by Greater Dandenong City Council on XXXXXXXXXXXXXXXX and;

The common seal of the Greater Dandenong)
City Council was hereunto affixed in the presence)
of:)

_____ Chief Executive Officer
John Bennie PSM

_____ Cr Jim Memeti
Mayor

DRAFT

4.4 OTHER

4.4.1 Draft Minutes of Multicultural and People Seeking Asylum Advisory Committee Meeting - 7 April 2020

File Id:	A6605955
Responsible Officer:	Director Community Services
Attachments:	Draft Minutes of Meeting on 7 April 2020

Report Summary

At the Council meeting held 23 April 2018, Council resolved in part to *invite Advisory Committees and Reference Groups to submit meeting minutes for Council endorsement*. This resolution was in relation to allowing interested Councillors (and those that attend these Committees and Reference Groups) to speak to the meeting about items discussed at these meetings.

Recommendation Summary

This report recommends that the draft Minutes of the Multicultural and People Seeking Asylum Advisory Committee meeting provided in Attachment 1 to this report be noted by Council.

4.4.1 Draft Minutes of Multicultural and People Seeking Asylum Advisory Committee Meeting - 7 April 2020 (Cont.)

Background

Greater Dandenong Council is represented on a wide range of Committees, Reference Groups and Advisory Groups which frequently reflect the interests of individual Councillors in serving the broader community in their role. A full listing of these appointments is confirmed each November at Council's Statutory Meeting and is available via Council's website.

The resolution of Council made on 23 April 2018 provides for Minutes of meetings held by Advisory Committees and Reference Groups to be submitted to Council for noting and endorsing.

As such, the draft Minutes are provided as Attachment 1 to this report.

Proposal

Community Plan 'Imagine 2030' and Council Plan 2017-2021 – Strategic Objectives, Strategies and Plans

After consultation with the Greater Dandenong community on what kind of future they wanted to see for themselves and the City in 2030, the result was the Greater Dandenong Community Plan 'Imagine 2030'. This report is consistent with the following community visions:

Community Plan 'Imagine 2030'

People

- *Pride* – Best place best people
- *Cultural Diversity* – Model multicultural community
- *Lifecycle and Social Support* – The generations supported

Opportunity

- *Education, Learning and Information* – Knowledge
- *Leadership by the Council* – The leading Council

Council Plan 2017-2021

The Council Plan describes the kind of future the Council is working for, and how Council will do this over four years. This report is consistent with the following goals:

People

- A creative city that respects and embraces diversity

Opportunity

- An open and effective Council

4.4.1 Draft Minutes of Multicultural and People Seeking Asylum Advisory Committee Meeting - 7 April 2020 (Cont.)

Victorian Charter of Human Rights and Responsibilities

The Victorian Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to its contents.

Financial Implications

There are no financial implications associated with this report.

Consultation

Advisory Committees and Reference Groups have been advised of the need to submit minutes of meetings to Council for noting and endorsement.

Recommendation

That Council notes the draft Minutes of meeting 7 April 2020 for the Multicultural and People Seeking Asylum Advisory Committee as provided in Attachment No. 1 to this report.

4.4.1 Draft Minutes of Multicultural and People Seeking Asylum Advisory Committee Meeting - 7 April 2020 (Cont.)

OTHER

**DRAFT MINUTES OF MULTICULTURAL AND PEOPLE SEEKING
ASYLUM ADVISORY COMMITTEE MEETING**

ATTACHMENT 1

**MULTICULTURAL AND PEOPLE
SEEKING ASYLUM ADVISORY
COMMITTEE MEETING ON
7 APRIL 2020**

PAGES 4 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

ORDINARY COUNCIL MEETING - AGENDA

4.4.1 Draft Minutes of Multicultural and People Seeking Asylum Advisory Committee Meeting - 7 April 2020 (Cont.)

Advisory Committee or Reference Group Name: Multicultural and People Seeking Asylum Advisory Committee

Date of Meeting: 7 April 2020

Time of Meeting: 3pm

Meeting Location: Dandenong Civic Centre

Attendees:

Kylie Reid (Chisholm Institute) – Chairperson, Cr Matthew Kirwan (City of Greater Dandenong, [CGD]), Sarita Kulkami (Community Member), Kudzayi Nhatarikwa (Red Cross), Community Development Coordinator (CGD), Binita Maskey (Women’s Association South East Melbourne Australia [WASEMA]), Siv Yoganathan (Life Without Barriers [LWB]), Kadira Pethiyagoda (Community Member), Anita Jensen (WAYSS).

Apologies:

Jacquie McBride (Monash Health), Chris Pierson (South East Community Links [SECL]), Sean Quigley (WAYSS), Cr Jim Memeti (CGD), Nabila Marzouk (Multicultural Muslim Women’s Network), Sri Sammy (Friends of Refugees [FOR]), Minwen Wu (Community Member), Nagamuthu R. Wickramasingham (Community Member), Chaw Po (Burmese Women’s Alliance [BWA]).

Minutes: Community Advocacy Officer (CGD).

Item No.	Item	Action	Action By
1.	Welcome and Apologies Chair welcomed Committee Members and acknowledged Traditional Owners.		
2.	Previous meeting minutes and actions Previous minutes endorsed by Committee.		
3.	Information sharing / COVID-19 impact and responses LWB Moved to remote working model, however centres remain open. Primarily to support people who have lost employment due to COVID-19. Assessments for Status Resolution Support Services (SRSS) reinstatement or new referrals are preferably being undertaken over the phone. Revised eligibility criteria for SRSS remains. Discussions between Department of Home Affairs and LWB being held to raise awareness of the limitations facing people seeking asylum in securing income. WASEMA Collecting information regarding number of elderly people experiencing isolation in the community. Providing telephone number to this cohort to provide support, including food. Eight WASEMA cafes are now virtual, focusing on providing wellbeing tips and advice.		

If the details of the attachment are unclear please contact Governance on 8571 5235.

ORDINARY COUNCIL MEETING - AGENDA

4.4.1 Draft Minutes of Multicultural and People Seeking Asylum Advisory Committee Meeting - 7 April 2020 (Cont.)

<p>RED CROSS COVID-19 response has included delivery of food parcels for people in isolation.</p> <p>Case work support and emergency relief appointments are still taking place, however experiencing high volume of calls.</p> <p>Red Cross is assessing how COVID-19 has impacted clients, including access to health services and food, and experiences of family violence.</p> <p>Kadira Pethiyagoda Concerns regarding online misinformation about COVID-19 (e.g. home remedies) emerging amongst Sri Lankan community.</p> <p>Mutual Assistance Groups – online central point of contact, to enable businesses to volunteer their services to community members. Currently underway in Kensington. Possibility for application in other areas.</p> <p>CGD Council is coordinating the distribution of \$250,000 in food and material aid amongst community organisations. Organisations placing orders with Council and picking up orders from Springvale City Hall.</p> <p>Mayoral letters were also sent to the Prime Minister, and a number of Coalition MPs highlighting Council’s grave concern about COVID-19’s impact on people seeking asylum and asking for greater financial support.</p> <p>WAYSS Services predominantly being providing via phone assessment. Dandenong office is still open, 9am–5pm, Monday–Friday.</p> <p>Experiencing an increase in phone calls. People who do not have a phone can still attend the Dandenong office, where measures are in place to exercise social distancing.</p> <p>Local motels have been supportive, and landlords are continuing to accept clients.</p> <p>CHISHOLM INSTITUTE Majority of students are parents, therefore COVID-19 will have impact on studies. Many students do not have access to devices (e.g. laptops) at home, therefore Chisholm will be adopting a flexible approach.</p> <p>Support services remain open – financial counselling, career counselling and personal counselling.</p> <p>Chisholm providing deferred relief for fees for the three months, to assist students impacted by COVID-19.</p> <p>Employment related workshops are now being provided online.</p>		
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If the details of the attachment are unclear please contact Governance on 8571 5235.

ORDINARY COUNCIL MEETING - AGENDA

4.4.1 Draft Minutes of Multicultural and People Seeking Asylum Advisory Committee Meeting - 7 April 2020 (Cont.)

		Requests to circulate any information.	CGD – Community Advocacy Officer.
4.	<p>Implementation of Part B Action Plan</p> <p>Suggested that draft terms of reference be prepared in relation to 'ACTION 1.3 – Establish a Multicultural Leaders Network as a consultative working group to advise the Multicultural and People Seeking Asylum Advisory Committee and other Council departments on matters relevant to their communities.'</p> <p>Investigate further options in engaging with community organisations in relation to 'ACTION 3.3 – Promote access and utilisation of new Springvale Community Hub/Library precinct by people seeking asylum and people from refugee backgrounds, and by agencies that provide refugee-responsive services/programs.'</p>	<p>Prepare draft terms of reference.</p> <p>Investigate options for an Expression of Interest to be prepared in collaboration with Greater Dandenong Libraries.</p>	<p>CGD – Community Advocacy Officer.</p> <p>CGD – Community Advocacy Officer.</p>
8.	<p>Other Business</p> <p>N/A.</p>		
	Meeting closed at 4.35pm.		

If the details of the attachment are unclear please contact Governance on 8571 5235.

4.4.2 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings - 9, 15 & 22 June 2020

le Id: fA25545
Responsible Officer: Director Corporate Services

Report Summary

As part of Council's ongoing efforts to improve transparency in Council processes, matters discussed at Councillor Briefing Sessions & Pre-Council Meetings (other than those matters designated to be of a confidential nature) are reported on at ordinary Council meetings.

The matters listed in this report were presented to Councillor Briefing Sessions & Pre-Council Meetings in June 2020.

Recommendation Summary

This report recommends that the information contained within it be received and noted.

4.4.2 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings - 9, 15 & 22 June 2020 (Cont.)

Matters Presented for Discussion

Item		Councillor Briefing Session/Pre-Council Meeting
1	<p>General Discussion</p> <p>Councillors and Council officers briefly discussed the following topics:</p> <ul style="list-style-type: none"> a) Transition to recovery post COVID-19. b) Sport and Recreation Victoria community sport infrastructure stimulus funding projects. c) Agenda items for the Council Meeting of 9 June 2020. d) CEO/Councillors Only –Dandenong Market Pty Ltd governance matters. (CONFIDENTIAL - Cr Jim Memeti disclosed a conflict of interest in this item and left the room during its discussion.) 	9 June 2020
2	<p>Urban Forest Strategy</p> <p>Councillors were presented with the opportunities and the challenges of available regulatory controls to protect tree canopy on privately owned land. This information will assist to determine whether these will form part of the Action Plan for Part B (Greening our Neighbourhoods) to the Urban Forest Strategy.</p>	15 June 2020
3	<p>Dandenong Activity Centre Parking and Footpath Occupancy</p> <p>Councillors were updated on a number of items relating to parking in the Dandenong Activity Centre and a response to 2019's "State of Dandenong Activity Centre" Notice of Motion work which resulted in a number of parking and non-parking measures including a 12-month trial of "free" parking on Lonsdale Street.</p>	15 June 2020
4	<p>Public Transport Advocacy Update</p> <p>Councillors were provided with an update on Public Transport and Public Transport Advocacy in Greater Dandenong, including the Greater Dandenong Public Transport Advocacy Statement.</p>	15 June 2020

4.4.2 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings - 9, 15 & 22 June 2020 (Cont.)

5	General Discussion Councillors and Council officers briefly discussed the following topics: a) COVID-19 recovery update. b) Proposed parliamentary inquiry into matters involving iCook Foods. c) Current matters relating to the Minister for Local Government and queries raised by the MAV. d) CEO/Councillors Only –Dandenong Market Pty Ltd governance matters. (CONFIDENTIAL - Cr Jim Memeti disclosed a conflict of interest in this item and left the room during its discussion.)	15 June 2020
6	General Discussion Councillors and Council officers briefly discussed the following topics: a) High level COVID-19 update. b) Events likely to not be held in the current COVID-19 environment. c) Acquisition of land for public open space (CONFIDENTIAL). d) Agenda items for the Council Meeting of 22 June 2020.	22 June 2020

Apologies

- Councillor Sophie Tan submitted an apology for the Pre-Council Meeting of 22 June 2020.

Recommendation

That:

1. **the information contained in this report be received and noted; and**
2. **the information discussed at the above listed Councillor Briefing Session that was declared confidential in items 1(d) & 5(d) & 6(c) by the Chief Executive Officer under sections 77(2)(c) of the *Local Government Act 1989* and section 3(1) of the *Local Government Act 2020* remains confidential until further advisement unless that information forms the subject of a subsequent Council report.**

4.4.2 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings - 9, 15 & 22 June 2020 (Cont.)

Items 1(d) and 5(d) were deemed confidential on the grounds that they contained personal information which, if released, would result in the unreasonable disclosure of information about a person. Item 6(c) was deemed confidential on the ground that it was council business information that would prejudice the Council's position in commercial negotiations if prematurely released.

4.4.3 List of Registered Correspondence to Mayor and Councillors

File Id:	qA283304
Responsible Officer:	Director Corporate Services
Attachments:	Correspondence Received 15 June – 3 July 2020

Report Summary

Subsequent to resolutions made by Council on 11 November 2013 and 25 February 2014 in relation to a listing of incoming correspondence addressed to the Mayor and Councillors, Attachment 1 provides a list of this correspondence for the period 15 June – 3 July 2020.

Recommendation

That the listed items provided in Attachment 1 for the period 15 June – 3 July 2020 be received and noted.

4.4.3 List of Registered Correspondence to Mayor and Councillors (Cont.)

OTHER

**LIST OF REGISTERED CORRESPONDENCE TO
MAYOR AND COUNCILLORS**

ATTACHMENT 1

**CORRESPONDENCE RECEIVED
15 JUNE - 3 JULY 2020**

PAGES 3 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

4.4.3 List of Registered Correspondence to Mayor and Councillors (Cont.)



Correspondences addressed to the Mayor and Councillors received between 15/06/20 & 03/07/20 - for officer action - total = 0

Correspondence Name Correspondence Dated Date Record Created Objective ID User Assigned

Nill

NB: Users assigned may have changed by the time of the Council Meeting. Correct at time of report production only.

ORDINARY COUNCIL MEETING - AGENDA

4.4.3 List of Registered Correspondence to Mayor and Councillors (Cont.)**Correspondences addressed to the Mayor and Councillors received between 15/06/20 & 03/07/20 - for information only - total = 5**

Correspondence Name	Correspondence Dated	Date Record Created	Objective ID	User Assigned
A card of thanks to the Mayor and Councillors from a resident.	11-Jun-20	15-Jun-20	A6642587	Mayor & Councillors EA
A letter of response from the Assistant Minister to the Prime Minister and Cabinet regarding the Mayor's request for support for refugees and people seeking asylum in Australia during the COVID-19 pandemic.	16-Jun-20	22-Jun-20	A6658329	Mayor & Councillors EA
An anonymous demand for an investigation into the tender process for awarding the contract for the Greater Dandenong Gallery of Art project.	18-Jun-20	25-Jun-20	A6671292	Mayor & Councillors EA
A letter of response from the Assistant Minister to the Prime Minister and Cabinet regarding the Mayor's request for a Royal Commission into the gambling industry and online gambling.	18-Jun-20	25-Jun-20	A6671292	Mayor & Councillors EA
A letter from Senator David Van regarding the Federal Government's announcement of the Local Roads and Community Infrastructure Program in May 2020.	26-Jun-20	29-Jun-20	A6680336	Mayor & Councillors EA

NB: Users assigned may have changed by the time of the Council Meeting. Correct at time of report production only.

5 NOTICES OF MOTION

A notice of motion is a notice setting out the text of a motion proposed to be moved at the next relevant meeting. It must be in writing, signed by a Councillor, and be lodged with the Chief Executive Officer in sufficient time for him or her to give each Councillor at least 72 hours notice of such notice.

The guidelines for submitting a notice of motion to a Council meeting are included in the current Meeting Procedure Local Law.

6 REPORTS FROM COUNCILLORS/DELEGATES AND COUNCILLORS' QUESTIONS

At each Ordinary Meeting of Council all Councillors will have the opportunity to speak for exactly four (4) minutes on any meetings, conferences or events they have recently attended.

If a Councillor chooses to speak, the name of the conference/event and the Councillor will be noted in the Minutes for that meeting. If a Councillor requires additional information on the conference/event to be listed in the Minutes, they must submit it in writing to a Member of Governance by 9am the day following the meeting.

Question time is provided to enable Councillors to address questions to the Administration. The guidelines for asking questions at a Council meeting are included in the current Meeting Procedure Local Law.

7 URGENT BUSINESS

No business may be admitted as urgent business unless it:

- a. Relates to or arises out of a matter which has arisen since distribution of the Agenda.
- b. Cannot safely or conveniently be deferred until the next ordinary meeting and unless agreed to by a majority of those Councillors present at the meeting.